

Minnesota's Voter Eligibility and Identification Requirements

What are the eligibility requirements to vote in Minnesota?

A person may vote in Minnesota on election day if the person:

- is at least 18 years old on election day;
- is a citizen of the United States;
- will have resided in Minnesota for at least 20 days immediately preceding election day;
- is not under a court-ordered guardianship in which the right to vote has been revoked; and
- is not considered legally incompetent to vote, as determined by a court.

A person who has been convicted of a felony may vote only if the felony sentence has expired or has been discharged by a court.

What identification is required to cast a ballot on election day in Minnesota?

Voters who have **previously registered to vote in Minnesota**, either by mail or by registering at the polling place on a previous election day, are required to state their name to the appropriate election judge and sign a polling place roster. The election judge may ask voters to confirm their address and/or date of birth.

By signing the polling place roster, voters confirm their eligibility to vote and their understanding of the penalty for providing false information. The eligibility requirements and penalties for false information are written on each roster page.

Voters who have **not previously registered to vote using their current Minnesota address** may register at the polling place on election day. To register, voters must complete an application, make an oath, and prove their residence. To prove residence, a voter must present *one* of the following:

- A valid Minnesota driver's license, learner's permit, Minnesota identification card, or a receipt for one of these documents, provided that the document presented contains a valid current address in the precinct
- A valid registration in the precinct under a different name or address
- A notice of late registration sent to the voter from the county auditor or municipal clerk
- A tribal identification card issued by the government of a tribe recognized by the Bureau of Indian Affairs that contains the name, address, signature, and picture of the voter

- A Minnesota driver's license, identification card, U.S. passport, U.S. military identification card, tribal identification card that contains the voter's signature, or Minnesota postsecondary institution identification card, along with a bill that contains the voter's current address in the precinct, dated within 30 days before or after the election. The following types of bills meet this requirement: electric, gas, water, solid waste, sewer, telephone, television, and Internet. Instead of a utility bill, a voter may present a rent statement from the voter's landlord if it contains itemized utility expenses, or a student fee statement that contains the student voter's valid address in the precinct.
- Another voter who is registered to vote in the precinct, or who is employed by a residential facility in the precinct and vouching for a resident in the facility, who knows that the registering voter is a resident of the precinct and who will vouch for that fact
- A current student identification card with a photo, if the college or university has provided a student housing list to the appropriate election officials. Historically, student housing lists have been provided by most major public and private four-year colleges and universities in the state.

Does the recent U.S. Supreme Court decision permitting Indiana to require photo identification to vote affect Minnesota's requirements?

The United States Supreme Court recently addressed voter identification requirements in *Crawford v. Marion County Election Board*, 128 S.Ct. 1610 (2008). The case arose after Indiana passed a law requiring voters to show photo identification at the polls. Those opposed to the law argued that it imposed an unconstitutional undue burden and disenfranchised some voters.

In considering the challenge, the Court balanced the interests asserted by the state to justify the law with the potential burdens that may be imposed on voters as a result of the law. The Supreme Court upheld the new requirements as constitutional, finding Indiana had several legitimate interests relevant to protecting the integrity and reliability of elections, and that these interests outweighed the potential burden on voters created by the new requirements. These interests included: (1) deterring and detecting voter fraud; (2) improving antiquated election procedures; (3) preventing fraud made possible by the names of deceased people and nonresidents that are still on voter rolls; and (4) protecting public confidence in elections.

The Court's decision in *Crawford* does not mandate that all states enact a law requiring photo identification at the polls and does not impact the requirements for voting in Minnesota. Minnesota law does not require a voter to present photo identification in order to vote. However, if the Minnesota Legislature were to enact a photo identification requirement in the future, courts would look to the *Crawford* decision as precedent if the law were challenged on constitutional grounds.

For more information on elections: Contact legislative analyst Matt Gehring at 651-296-5052, or visit the elections portion of our website, www.house.mn/hrd/issinfo/elect.htm.

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