

1.1 A bill for an act
1.2 relating to elections; consolidating practice of challenges due to guardianship,
1.3 incompetence, felony conviction, and noncitizenship; requiring secretary of state
1.4 to update voter status in the statewide voter registration system; requiring notice
1.5 of a change in voter status; providing for a process to contest a change in voter
1.6 status; establishing a provisional ballot system; making conforming changes;
1.7 amending Minnesota Statutes 2016, sections 13.6905, subdivision 33; 13.841,
1.8 subdivision 3; 13.851, subdivision 10; 200.02, by adding a subdivision; 201.091,
1.9 subdivision 4; 204C.10; 204C.12, subdivisions 1, 3; 204C.14, subdivision 1;
1.10 241.065, subdivision 2; proposing coding for new law in Minnesota Statutes,
1.11 chapters 201; 204C; repealing Minnesota Statutes 2016, sections 201.15; 201.155;
1.12 201.157; 201.158.

1.13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.14 Section 1. Minnesota Statutes 2016, section 13.6905, subdivision 33, is amended to read:

1.15 Subd. 33. **Citizenship data; voter registration.** The use of citizenship data reported to
1.16 the secretary of state is governed by section ~~201.158~~ 201.145.

1.17 Sec. 2. Minnesota Statutes 2016, section 13.841, subdivision 3, is amended to read:

1.18 Subd. 3. **Felony conviction data; voter registration.** Felony conviction data reported
1.19 to the secretary of state is governed by section ~~201.155~~ 201.145.

1.20 Sec. 3. Minnesota Statutes 2016, section 13.851, subdivision 10, is amended to read:

1.21 Subd. 10. **Felony offender data; voter registration.** The use of felony offender data
1.22 made available to the secretary of state is governed by section ~~201.157~~ 201.145.

2.1 Sec. 4. Minnesota Statutes 2016, section 200.02, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 29. **Personal knowledge.** "Personal knowledge" means knowledge that arises out
2.4 of a person's private, individual connection to particular facts.

2.5 Sec. 5. Minnesota Statutes 2016, section 201.091, subdivision 4, is amended to read:

2.6 Subd. 4. **Public information lists.** The county auditor shall make available for inspection
2.7 a public information list which must contain the name, address, year of birth, and voting
2.8 history of each registered voter in the county. The list must include the party choice of any
2.9 voter who voted in the most recent presidential nomination primary. The list must indicate
2.10 each voter whose status is challenged in the statewide voter registration system at the time
2.11 the list was prepared and the reason for the challenge. The telephone number must be
2.12 included on the list if provided by the voter. The public information list may also include
2.13 information on voting districts. The county auditor may adopt reasonable rules governing
2.14 access to the list. No individual inspecting the public information list shall tamper with or
2.15 alter it in any manner. No individual who inspects the public information list or who acquires
2.16 a list of registered voters prepared from the public information list may use any information
2.17 contained in the list for purposes unrelated to elections, political activities, or law
2.18 enforcement. The secretary of state may provide copies of the public information lists and
2.19 other information from the statewide registration system for uses related to elections, political
2.20 activities, or in response to a law enforcement inquiry from a public official concerning a
2.21 failure to comply with any criminal statute or any state or local tax statute.

2.22 Before inspecting the public information list or obtaining a list of voters or other
2.23 information from the list, the individual shall provide identification to the public official
2.24 having custody of the public information list and shall state in writing that any information
2.25 obtained from the list will not be used for purposes unrelated to elections, political activities,
2.26 or law enforcement. Requests to examine or obtain information from the public information
2.27 lists or the statewide registration system must be made and processed in the manner provided
2.28 in the rules of the secretary of state.

2.29 Upon receipt of a statement signed by the voter that withholding the voter's name from
2.30 the public information list is required for the safety of the voter or the voter's family, the
2.31 secretary of state and county auditor must withhold from the public information list the
2.32 name of a registered voter.

3.1 Sec. 6. [201.145] REPORTS ON GUARDIANSHIPS, LEGAL INCOMPETENCE,
 3.2 FELONY CONVICTIONS, AND CITIZENSHIP; STATUS CHANGES.

3.3 Subdivision 1. Report requirements. Reports required under this section must be made
 3.4 to the secretary of state at least monthly. Reports must be submitted by electronic means.
 3.5 The entity required to make the report must include a complete list of each individual under
 3.6 the reporting entity jurisdiction and must not provide only the changes since the last report.

3.7 Subd. 2. State court administrator report. (a) The state court administrator must report
 3.8 on individuals 17 years of age or older who are under a guardianship in which the court
 3.9 order revokes the ward's right to vote or where the court has found the individual to be
 3.10 legally incompetent to vote.

3.11 (b) The state court administrator must report on individuals transferred to the jurisdiction
 3.12 of the court who meet a condition specified in paragraph (a).

3.13 (c) Each report required under this subdivision must include the following information
 3.14 for each individual in the report: name, address, date of birth, and, if available, last four
 3.15 digits of the Social Security number and driver's license or state identification card number.

3.16 (d) No later than seven calendar days after receiving a report under this subdivision, the
 3.17 secretary of state must determine if a person identified under paragraphs (a) and (b) is
 3.18 registered to vote and does not already have a challenged status due to guardianship or
 3.19 incompetence. For each individual identified without a challenged status, the secretary of
 3.20 state must promptly change that voter's status to challenged in the statewide voter registration
 3.21 system and list the reason for the challenge.

3.22 Subd. 3. Commissioner of corrections report; state court administrator report. (a)
 3.23 The state court administrator must report on individuals who have been convicted of a
 3.24 felony.

3.25 (b) The commissioner of corrections must report on individuals 17 years of age or older
 3.26 who are currently:

3.27 (1) serving felony sentences under the commissioner's jurisdiction; or

3.28 (2) on probation for felony offenses that in the loss of civil rights, as indicated by the
 3.29 statewide supervision system established under section 241.065.

3.30 (c) Each report under this subdivision must include the following information for each
 3.31 individual: name, address or last know residential address that is not a correctional facility,
 3.32 and date of birth. If available, each report must also include the individual's: corrections'
 3.33 state identification number, last four digits of the Social Security number, driver's license

4.1 or state identification card number, date of sentence, effective date of the sentence, county
4.2 in which the conviction occurred, and date of discharge.

4.3 (d) No later than seven calendar days after receiving a report under this subdivision, the
4.4 secretary of state must determine if a person identified under paragraphs (a) and (b) is
4.5 registered to vote and does not already have a challenged status due to a felony conviction.
4.6 For each individual identified without a challenged status, the secretary of state must promptly
4.7 change that voter's status to challenged in the statewide voter registration system and list
4.8 the reason for the challenge.

4.9 (e) The secretary of state must identify an individual who registered to vote or voted
4.10 while serving a felony sentence under the commissioner's jurisdiction or while on probation
4.11 for a felony offense that resulted in the loss of civil rights during a period when the
4.12 individual's civil rights were revoked. The secretary of state must immediately send notice
4.13 to the county attorney in the county where the individual resides. The notice must include
4.14 the name of the individual and any other identifying information as well as the evidence
4.15 that shows the individual registered to vote or voted during the period when the individual's
4.16 civil rights were revoked.

4.17 Subd. 4. **Reports; restoration of right to vote.** (a) The state court administrator must
4.18 report on each individual whose guardianship was modified to restore the ward's right to
4.19 vote or whose guardianship was terminated by order of the court under section 524.5-317
4.20 after being ineligible to vote for any of the reasons specified in subdivision 2, paragraph
4.21 (a).

4.22 (b) The state court administrator must report on individuals previously convicted of a
4.23 felony whose civil rights have been restored.

4.24 (c) The commissioner of corrections must report on individuals who were serving a
4.25 felony sentence under the commissioner's jurisdiction or who were on probation for a felony
4.26 offense that resulted in the loss of civil rights but who have been discharged from the
4.27 sentence.

4.28 (d) Each report under this subdivision must include the following information for each
4.29 individual: name, address, date of birth, and, if available, the last four digits of the Social
4.30 Security number. For reports required by paragraphs (b) and (c), each report must also
4.31 include the individual's, if available: corrections' state identification number, driver's license
4.32 or state identification card number, date of sentence, effective date of the sentence, county
4.33 in which the conviction occurred, and date of discharge.

5.1 (e) No later than seven calendar days after receiving a report under this subdivision, the
 5.2 secretary of state must determine if a person is registered to vote and has a status challenge
 5.3 due to a felony conviction, guardianship, or incompetence. For each individual identified
 5.4 with a challenged status, the secretary of state must promptly remove the status challenge.

5.5 Subd. 5. **Commissioner of public safety report.** (a) The commissioner of public safety
 5.6 must report on individuals identified by department data as noncitizens.

5.7 (b) The report under this section must include the following information for each
 5.8 individual: name, address, date of birth, driver's license or state identification card number,
 5.9 and, if available, last four digits of the Social Security number.

5.10 (c) No later than seven calendar days after receiving a report under this subdivision, the
 5.11 secretary of state must determine if a person identified under paragraph (a) is registered to
 5.12 vote and does not already have a challenged status due to noncitizenship. For each individual
 5.13 identified without a challenged status, the secretary of state must promptly change that
 5.14 voter's status to "challenged" in the statewide voter registration system and list the reason
 5.15 for the challenge.

5.16 (d) The secretary of state must also immediately send notice to the county attorney in
 5.17 the county where the individual resides of any individual identified pursuant to this
 5.18 subdivision. The notice must include the name of the individual and any other identifying
 5.19 information as well as the evidence that shows the individual registered to vote or voted
 5.20 and is not a citizen.

5.21 Subd. 6. **Notice of challenge.** No later than seven days after changing the status of a
 5.22 registrant in the statewide voter registration system, the secretary of state must mail a notice
 5.23 to the registrant. The notice must include, at a minimum, the following information:

5.24 (1) a statement that the voter's status was challenged or that a challenge was removed;

5.25 (2) the reason for the change;

5.26 (3) a copy of the information provided by the entity that was the basis for the change in
 5.27 status; and

5.28 (4) a description of the process to contest the change in status, as provided in section
 5.29 201.146.

5.30 Sec. 7. **[201.146] CONTESTING A CHALLENGE.**

5.31 (a) An individual whose status was challenged in the statewide voter registration system
 5.32 pursuant to section 201.145 has the right to contest the challenge as provided in this section.

6.1 (b) To contest the challenge, the individual must file a contest petition with the named
6.2 entity. The petition must state the basis for the contest and provide any supporting
6.3 documentation. The individual may request a review meeting as part of the petition. The
6.4 petition must be in a form prescribed by the secretary of state.

6.5 (c) No later than seven days after receiving the contest petition, the named entity must
6.6 review the contest petition and any supporting documentation, as well as the data provided
6.7 to the secretary of state. If the individual requested a review meeting, the named entity must
6.8 schedule a meeting with the individual within 14 days after receiving the contest petition.

6.9 (d) After reviewing the required data, and after the review meeting if one occurred, the
6.10 named entity must determine whether the data is accurate or should be changed. If the named
6.11 entity determines that no change to the data is required, the named entity must notify the
6.12 individual. If the named entity determines that the data must be changed, the named entity
6.13 must promptly notify the individual and the secretary of state. Upon receiving the changed
6.14 data from the named entity, the secretary of state must promptly remove the challenged
6.15 status. If an individual disagrees with the decision of the named entity, the individual may
6.16 appeal to the district court.

6.17 (e) For purposes of this section, "named entity" means the entity listed in the notice as
6.18 required by section 201.145, subdivision 6.

6.19 Sec. 8. Minnesota Statutes 2016, section 204C.10, is amended to read:

6.20 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

6.21 (a) An individual seeking to vote shall sign a polling place roster or voter signature
6.22 certificate which states that the individual is at least 18 years of age, a citizen of the United
6.23 States, has resided in Minnesota for 20 days immediately preceding the election, maintains
6.24 residence at the address shown, is not under a guardianship in which the court order revokes
6.25 the individual's right to vote, has not been found by a court of law to be legally incompetent
6.26 to vote or has the right to vote because, if the individual was convicted of a felony, the
6.27 felony sentence has expired or been completed or the individual has been discharged from
6.28 the sentence, is registered and has not already voted in the election. The roster must also
6.29 state: "I understand that deliberately providing false information is a felony punishable by
6.30 not more than five years imprisonment and a fine of not more than \$10,000, or both."

6.31 (b) At the presidential nomination primary, the polling place roster must also state: "I
6.32 am in general agreement with the principles of the party for whose candidate I intend to
6.33 vote, and I understand that my choice of a party's ballot will be public information." This

7.1 statement must appear separately from the statements required in paragraph (a). The felony
7.2 penalty provided for in paragraph (a) does not apply to this paragraph.

7.3 (c) ~~A judge may,~~ Before the applicant signs the roster or voter signature certificate, an
7.4 election judge must confirm the applicant's name, address, and date of birth. A voter whose
7.5 registration status is listed as challenged must not be allowed to sign the polling place roster
7.6 or sign a voter signature certificate unless the challenge is resolved as provided in section
7.7 204C.12. A voter with a challenged status must be allowed to cast a provisional ballot as
7.8 provided in section 204C.135.

7.9 (d) After the applicant signs the roster or voter signature certificate, the judge shall give
7.10 the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in
7.11 charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to
7.12 the voter the ballot. The voters' receipts must be maintained during the time for notice of
7.13 filing an election contest.

7.14 Sec. 9. Minnesota Statutes 2016, section 204C.12, subdivision 1, is amended to read:

7.15 Subdivision 1. **Manner of challenging.** An election judge shall, and an authorized
7.16 challenger or other voter may, challenge an individual ~~whom the person knows or reasonably~~
7.17 ~~believes~~ based on personal knowledge that the individual is not an eligible voter.

7.18 Sec. 10. Minnesota Statutes 2016, section 204C.12, subdivision 3, is amended to read:

7.19 Subd. 3. **Determination of residence.** In determining the legal residence of a an
7.20 individual challenged individual pursuant to this section or section 201.12 or 201.121, the
7.21 election judges shall be governed by the principles contained in section 200.031. If the
7.22 challenged individual's answers to the questions show ineligibility to vote in that precinct,
7.23 the individual shall not be allowed to vote. If the individual has marked ballots but not yet
7.24 deposited them in the ballot boxes before the election judges determine ineligibility to vote
7.25 in that precinct, the marked ballots shall be placed unopened with the spoiled ballots. If the
7.26 answers to the questions fail to show that the individual is not eligible to vote in that precinct
7.27 and the challenge is not withdrawn, the election judges shall verbally administer the oath
7.28 on the voter certificate to the individual. After taking the oath and completing and signing
7.29 the voter certificate, the challenged individual shall be allowed to vote. If the answers to
7.30 the questions show that the individual is not eligible to vote in that precinct and the challenge
7.31 is not withdrawn, the individual must not be allowed to sign the polling place roster or voter
7.32 signature certificate, but must be allowed to cast a provisional ballot as provided in section
7.33 204C.135.

8.1 Sec. 11. **[204C.135] PROVISIONAL BALLOTS.**

8.2 Subdivision 1. Casting provisional ballots. (a) A voter whose registration status is
8.3 listed as challenged on the polling place roster, and the challenge is not resolved as provided
8.4 in section 204C.12, is entitled to cast a provisional ballot.

8.5 (b) A voter seeking to cast a provisional ballot must sign a provisional ballot roster or
8.6 a provisional voter signature certificate, and complete a provisional ballot envelope. The
8.7 envelope must contain a space for the voter to list the voter's name, address of residence,
8.8 date of birth, voter identification number, and any other information prescribed by the
8.9 secretary of state. The voter must also swear or affirm, in writing, that the voter is eligible
8.10 to vote, has not voted previously in the same election, and meets the criteria for registering
8.11 to vote in the precinct in which the voter appears.

8.12 (c) Once the voter has completed the provisional ballot envelope, the voter must be
8.13 allowed to cast a provisional ballot. The provisional ballot must be in the same form as the
8.14 official ballot available in the precinct on election day. A completed provisional ballot shall
8.15 be sealed in a secrecy envelope. The secrecy envelope shall be sealed inside the voter's
8.16 provisional ballot envelope and deposited by the voter in a secure, sealed provisional ballot
8.17 box. Completed provisional ballots may not be combined with other voted ballots in the
8.18 polling place.

8.19 (d) The form of the secrecy and provisional ballot envelopes shall be prescribed by the
8.20 secretary of state. The provisional ballot envelope must be a color other than that provided
8.21 for absentee ballot envelopes and must be prominently labeled "Provisional Ballot Envelope."

8.22 (e) Provisional ballots and related documentation shall be delivered to and securely
8.23 maintained by the county auditor or municipal clerk in the same manner as required for
8.24 other election materials under sections 204C.27 and 204C.28.

8.25 Subd. 2. Counting provisional ballots. (a) No later than seven calendar days following
8.26 the election, a voter who casts a provisional ballot in the polling place may personally appear
8.27 before the county auditor or municipal clerk to prove that the voter's provisional ballot
8.28 should be counted. The county auditor or municipal clerk must count a provisional ballot
8.29 in the final certified results from the precinct if:

8.30 (1) the statewide voter registration system indicates that the voter is eligible to vote or,
8.31 if challenged, the voter presents evidence of the voter's eligibility to vote; and

8.32 (2) the voter presents proof of residence in the precinct in the manner permitted by
8.33 section 201.061, subdivision 3.

9.1 (b) If a voter does not appear before the county auditor or municipal clerk within seven
 9.2 calendar days following the election or otherwise does not satisfy the requirements of
 9.3 paragraph (a), or if the data listed on the items of identification presented by the voter does
 9.4 not match the data submitted by the voter on the provisional ballot envelope, the voter's
 9.5 provisional ballot must not be counted.

9.6 (c) The county auditor or municipal clerk must notify, in writing, any provisional voter
 9.7 who does not appear within seven calendar days of the election that the voter's provisional
 9.8 ballot was not counted because of the voter's failure to appear before the county auditor or
 9.9 municipal clerk within the time permitted by law to determine whether the provisional ballot
 9.10 should be counted.

9.11 Subd. 3. **Provisional ballots; reconciliation.** Prior to counting any provisional ballots
 9.12 in the final vote totals from a precinct, the county auditor must verify that the number of
 9.13 signatures appearing on the provisional ballot roster from that precinct is equal to or greater
 9.14 than the number of accepted provisional ballots submitted by voters in the precinct on
 9.15 election day. Any discrepancy must be resolved before the provisional ballots from the
 9.16 precinct may be counted. Excess provisional ballots to be counted must be randomly
 9.17 withdrawn in the manner required by section 204C.20, subdivision 2, after the period for a
 9.18 voter to appear to prove residence and identity has expired and the ballots to be counted
 9.19 have been separated from the provisional ballot envelopes.

9.20 Sec. 12. Minnesota Statutes 2016, section 204C.14, subdivision 1, is amended to read:

9.21 Subdivision 1. **Violations; penalty.** (a) No individual shall intentionally:

9.22 ~~(a)~~ (1) misrepresent the individual's identity in applying for a ballot, depositing a ballot
 9.23 in a ballot box, requesting a provisional ballot or requesting that a provisional ballot be
 9.24 counted, or attempting to vote by means of a voting machine or electronic voting system;

9.25 ~~(b)~~ (2) vote more than once at the same election;

9.26 ~~(c)~~ (3) put a ballot in a ballot box for any illegal purpose;

9.27 ~~(d)~~ (4) give more than one ballot of the same kind to an election judge to be placed in a
 9.28 ballot box;

9.29 ~~(e)~~ (5) aid, abet, counsel or procure another to go into any precinct for the purpose of
 9.30 voting in that precinct, knowing that the other individual is not eligible to vote in that
 9.31 precinct; or

9.32 ~~(f)~~ (6) aid, abet, counsel or procure another to do any act in violation of this section.

10.1 (b) A violation of this section is a felony.

10.2 Sec. 13. Minnesota Statutes 2016, section 241.065, subdivision 2, is amended to read:

10.3 Subd. 2. **Establishment.** The Department of Corrections shall administer and maintain
10.4 a computerized data system for the purpose of assisting criminal justice agencies in
10.5 monitoring and enforcing the conditions of conditional release imposed on criminal offenders
10.6 by a sentencing court or the commissioner of corrections. The adult data and juvenile data
10.7 as defined in section 260B.171 in the statewide supervision system are private data as defined
10.8 in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined
10.9 in section 13.02, subdivision 3a, to the Minnesota sex offender program as provided in
10.10 section 246B.04, subdivision 3, to public defenders as provided in section 611.272, to all
10.11 trial courts and appellate courts, and to criminal justice agencies in other states in the conduct
10.12 of their official duties. Adult data in the statewide supervision system are accessible to the
10.13 secretary of state for the purposes described in section ~~201.157~~ 201.145.

10.14 Sec. 14. **REPEALER.**

10.15 Minnesota Statutes 2016, sections 201.15; 201.155; 201.157; and 201.158, are repealed.

201.15 DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.

Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report regularly by electronic means to the secretary of state the name, address, date of birth, and, if available, driver's license or state identification card number of each individual 18 years of age or over, who since the last report:

(1) was placed under a guardianship in which the court order revokes the ward's right to vote; or

(2) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (1) or (2). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Subd. 2. **Guardianship termination or modification.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report regularly by electronic means to the secretary of state the name, address, date of birth, and, if available, driver's license or state identification card number of each individual whose guardianship was modified to restore the ward's right to vote or whose guardianship was terminated by order of the court under section 524.5-317 after being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the voter's record in the statewide registration system to "active."

201.155 REPORT ON FELONY CONVICTIONS.

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report regularly by electronic means to the secretary of state the name, address, date of birth, and, if available, driver's license or state identification card number, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.

201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.

(a) The commissioner of corrections shall make electronic data available to the secretary of state on individuals 18 years of age or older who are currently:

(1) serving felony sentences under the commissioner's jurisdiction; or

(2) on probation for felony offenses that would result in the loss of civil rights, as indicated by the statewide supervision system established under section 241.065.

The data must include the name, date of birth, last known residential address that is not a correctional facility, and, if available, corrections' state identification number, and the driver's license or state identification card number, and, if an individual has completed the sentence, the date of discharge.

(b) The secretary of state must determine if any data newly indicates that:

(1) an individual with an active voter registration in the statewide voter registration system is currently serving a felony sentence under the commissioner's jurisdiction or is on probation for a felony offense that would result in the loss of civil rights and the individual's voter record does not already have a challenged status due to a felony conviction;

(2) an individual with an active voter registration in the statewide voter registration system who is currently serving a felony sentence under the commissioner's jurisdiction or who is on probation for a felony offense that would result in the loss of civil rights appears to have registered to vote or to have voted during a period when the individual's civil rights were revoked; and

(3) an individual with a voter record that has a challenged status due to a felony conviction who was serving a felony sentence under the commissioner's jurisdiction or who has been on probation for a felony offense that would result in the loss of civil rights has been discharged from a sentence.

APPENDIX

Repealed Minnesota Statutes: 17-3163

The secretary of state shall prepare a list of the registrants included under clause (1), (2), or (3) for each county auditor. For individuals under clause (1), the county auditor shall challenge the individual's record in the statewide voter registration system. The county auditor must provide information to the county attorney about individuals under clause (2) for the county attorney's investigation. For individuals under clause (3), the county auditor must determine if the challenge status should be removed from the voter record for the individual, and if so, must remove the challenge.

The secretary of state must make the required determinations and provide the required lists to the county auditors at least monthly.

For each state general election that occurs prior to the statewide voter registration system being programmed to generate lists as required by this section, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the election and again between six and ten weeks after the election. In the year following that state election, the secretary of state must make this determination and provide lists to the county auditors again as part of the annual list maintenance.

201.158 USE OF DEPARTMENT OF PUBLIC SAFETY DATA.

As required by the Help America Vote Act of 2002, Public Law 107-252, the commissioner of public safety shall make electronic data on citizenship available to the secretary of state. The secretary of state must determine whether the data newly indicates that any individuals who have active records in the statewide voter registration system are not citizens. The secretary of state shall prepare a list of those voters for each county auditor at least monthly. The county auditor shall change the status of those registrants in the statewide voter registration system to reflect that they are challenged based upon their citizenship and must notify the county attorney.