

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1803

(SENATE AUTHORS: HOWE)

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OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to elections; providing a process to challenge election day registrants;

1.3 requiring voter registration requirements to be satisfied before counting a ballot

1.4 cast by challenged election day registrant; amending public voter information to

1.5 include changes in voter status; amending Minnesota Statutes 2018, sections

1.6 201.061, subdivisions 4, 7; 201.091, subdivision 4; 203B.121, subdivision 2;

1.7 204C.12, by adding a subdivision.

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

1.9 Section 1. Minnesota Statutes 2018, section 201.061, subdivision 4, is amended to read:

1.10 Subd. 4. **Registration by election judges; procedures.** (a) Registration at the polling

1.11 place on election day shall be conducted by the election judges. Before registering an

1.12 individual to vote at the polling place, the election judge must review:

1.13 (1) any list of absentee election day registrants provided by the county auditor or

1.14 municipal clerk to see if the person has already voted by absentee ballot. If the person's

1.15 name appears on the list, the election judge must not allow the individual to register or to

1.16 vote in the polling place-; and

1.17 (2) any list of individuals ineligible to vote based on information provided to the secretary

1.18 of state under section 201.145. The secretary of state shall prepare a list and distribute it to

1.19 each county auditor for this purpose. If the individual attempting to register appears on the

1.20 list, the election judge must inform the individual of their ineligibility to vote. If the individual

1.21 maintains that they are eligible despite being provided that information, the election judge

1.22 must permit the person to register with a "challenged" status and cast a ballot according to

1.23 the procedure for voters with a challenged status under section 204C.12, subdivision 3a.

(b) The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration application. Registration applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 2. Minnesota Statutes 2018, section 201.061, subdivision 7, is amended to read:

Subd. 7. **Record of attempted registrations.** (a) The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

(b) The election judge responsible for election day registration shall keep a record of the identity of each individual who registers to vote with a challenged status. The record shall be forwarded to the county auditor with the election returns for that precinct. Before the canvass of the election, the county auditor must forward a comprehensive list of all individuals registering with a challenged status, including a copy of each individual's voter registration application and signature on the polling place roster, to the canvassing board.

Sec. 3. Minnesota Statutes 2018, section 201.091, subdivision 4, is amended to read:

Subd. 4. **Public information lists.** (a) The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The list must include registered voters with an inactive status. For each registered voter, the list must include the history of each change in status and the date that the change to that status was made. The list must include the party choice of any voter who voted in the most recent presidential nomination primary. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts.

(b) The county auditor must maintain a list, either as part of the public information list or as a separate public information list, that includes each individual who was removed from the statewide voter registration system and the reason for the removal. If the list is separate from the list in paragraph (a), this list must also include the name, address, year of birth, and voting history of each individual on the list.

(c) The county auditor may adopt reasonable rules governing access to the list lists required by this section. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement.

(d) The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

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

(f) For a voter who is a program participant under the address confidentiality program established in chapter 5B, and upon receipt of a statement signed by the any other voter that withholding the voter's name from the public information list is required for the safety of the voter or the voter's family, the secretary of state and county auditor must withhold from the public information list the name of a registered voter.

Sec. 4. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

Subd. 2. Duties of ballot board; absentee ballots. (a) The members of the ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt

from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;

(2) the voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as a number on the voter's absentee ballot application or voter record. If the number does not match, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope and the voter's eligibility to vote has been verified against the information provided to the secretary of state under section 201.145;

(5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

(6) the voter has not already voted at that election, either in person or, if it is after the close of business on the seventh day before the election, by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a return envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot return envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

Sec. 5. Minnesota Statutes 2018, section 204C.12, is amended by adding a subdivision to read:

Subd. 3a. **Procedure for challenged voters.** (a) This subdivision applies only to ballots cast by voters registering on election day whose registration status is challenged under section 201.061, subdivision 4, clause (2).

(b) Before providing a ballot to a challenged voter, the election judge must write on the back of the ballot the voter's identification number, if available, or other information sufficient to locate the voter's registration along with the notation "challenged." The election judge shall provide the ballot to the voter, who may complete the ballot and deposit it into the ballot box. A ballot containing identifying information about a voter as required under this paragraph is not a defective ballot under section 204C.22, subdivision 13.

(c) When canvassing the returns of an election, the canvassing board must review any ballots marked with the notation "challenged" to determine the voter's eligibility. In reviewing the voter's eligibility, the canvassing board must consider the information provided by the county auditor under section 201.061, subdivision 7, information provided to the secretary

6.1 of state under section 201.145, and any other relevant information or testimony as determined
6.2 by the board.

6.3 (d) If the canvassing board determines that a challenged ballot was cast by a voter who
6.4 was eligible to vote, the votes contained on the ballot must be included in the election results
6.5 certified by the board. If the canvassing board determines that a challenged ballot was cast
6.6 by a voter who was not eligible to vote, the canvassing board:

6.7 (1) must not certify the votes contained on that ballot in its certification of the election
6.8 results;

6.9 (2) must direct the county auditor to notify, in writing, any voter whose ballot was not
6.10 counted of the reason for the board's finding of ineligibility; and

6.11 (3) must forward all information related to the board's finding to the county attorney.

6.12 **Sec. 6. EFFECTIVE DATE.**

6.13 This act is effective the day following final enactment. Information on status changes
6.14 or individuals removed from the statewide voter registration system collected prior to that
6.15 date must not be included on a public information list.