

1.1 A bill for an act

1.2 relating to elections; changing authorized proofs of residence; eliminating
1.3 provision permitting vouching for certain voters on election day; providing
1.4 for provisional ballots; amending Minnesota Statutes 2008, section 201.061,
1.5 subdivisions 3, 5; proposing coding for new law in Minnesota Statutes, chapter
1.6 201.

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

1.8 Section 1. Minnesota Statutes 2008, section 201.061, subdivision 3, is amended to read:

1.9 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may
1.10 register on election day by appearing in person at the polling place for the precinct in
1.11 which the individual maintains residence, by completing a registration application, making
1.12 an oath in the form prescribed by the secretary of state and providing proof of residence.
1.13 An individual may prove residence for purposes of registering by:

1.14 (1) presenting a driver's license or Minnesota identification card issued pursuant
1.15 to section 171.07;

1.16 (2) presenting any document approved by the secretary of state as proper
1.17 identification; or

1.18 (3) ~~presenting one of the following:~~

1.19 ~~(i) a current valid student identification card from a postsecondary educational~~
1.20 ~~institution in Minnesota, if a list of students from that institution has been prepared under~~
1.21 ~~section 135A.17 and certified to the county auditor in the manner provided in rules of~~
1.22 ~~the secretary of state; or~~

1.23 ~~(ii) a current student fee statement that contains the student's valid address in the~~
1.24 ~~precinct together with a picture identification card; or~~

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2.1 ~~(4) having a voter who is registered to vote in the precinct, or who is an employee~~
2.2 ~~employed by and working in a residential facility in the precinct and vouching for a~~
2.3 ~~resident in the facility, sign an oath in the presence of the election judge vouching that~~
2.4 ~~the voter or employee personally knows that the individual is a resident of the precinct.~~
2.5 ~~A voter who has been vouched for on election day may not sign a proof of residence oath~~
2.6 ~~vouching for any other individual on that election day. A voter who is registered to vote in~~
2.7 ~~the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation~~
2.8 ~~does not apply to an employee of a residential facility described in this clause. The~~
2.9 ~~secretary of state shall provide a form for election judges to use in recording the number~~
2.10 ~~of individuals for whom a voter signs proof-of-residence oaths on election day. The~~
2.11 ~~form must include space for the maximum number of individuals for whom a voter may~~
2.12 ~~sign proof-of-residence oaths. For each proof-of-residence oath, the form must include~~
2.13 ~~a statement that the voter is registered to vote in the precinct, personally knows that the~~
2.14 ~~individual is a resident of the precinct, and is making the statement on oath. The form must~~
2.15 ~~include a space for the voter's printed name, signature, telephone number, and address.~~

2.16 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
2.17 attached to the voter registration application.

2.18 (b) The operator of a residential facility shall prepare a list of the names of its
2.19 employees currently working in the residential facility and the address of the residential
2.20 facility. The operator shall certify the list and provide it to the appropriate county auditor
2.21 no less than 20 days before each election for use in election day registration.

2.22 (c) "Residential facility" means transitional housing as defined in section 256E.33,
2.23 subdivision 1; a supervised living facility licensed by the commissioner of health under
2.24 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
2.25 5; a residence registered with the commissioner of health as a housing with services
2.26 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
2.27 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
2.28 licensed by the commissioner of human services to provide a residential program as
2.29 defined in section 245A.02, subdivision 14; a residential facility for persons with a
2.30 developmental disability licensed by the commissioner of human services under section
2.31 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter
2.32 for battered women as defined in section 611A.37, subdivision 4; or a supervised
2.33 publicly or privately operated shelter or dwelling designed to provide temporary living
2.34 accommodations for the homeless.

2.35 (d) For tribal band members, an individual may prove residence for purposes of
2.36 registering by:

3.1 (1) presenting an identification card issued by the tribal government of a tribe
3.2 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
3.3 contains the name, address, signature, and picture of the individual; or

3.4 (2) presenting an identification card issued by the tribal government of a tribe
3.5 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
3.6 contains the name, signature, and picture of the individual and also presenting one of the
3.7 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

3.8 (e) A county, school district, or municipality may require that an election judge
3.9 responsible for election day registration initial each completed registration application.

3.10 Sec. 2. Minnesota Statutes 2008, section 201.061, subdivision 5, is amended to read:

3.11 Subd. 5. **Unregistered voters; penalty.** Except for provisional ballots authorized
3.12 by section 201.062, no election judge in any precinct in which registration is required may
3.13 receive the vote at any election of any individual whose name is not registered in a manner
3.14 specified in section 201.054, subdivision 1 or not recorded under section 203B.19. A
3.15 violation of this subdivision is a felony.

3.16 Sec. 3. **[201.062] UNREGISTERED VOTERS; PROVISIONAL BALLOTS.**

3.17 (a) A person who claims to be a resident of a precinct but whose name does not
3.18 appear on the list of registered voters and who does not have any of the proofs of residence
3.19 authorized in section 201.061, subdivision 3, must be offered the opportunity to vote using
3.20 a provisional ballot. Provisional ballots must be accumulated in a separate container at
3.21 each precinct. A provisional ballot must not be counted in any election unless, within ten
3.22 days following the election, the person who cast the ballot provides to the county auditor
3.23 responsible for that precinct proof that the person is a resident of the precinct using a form
3.24 of proof authorized under section 201.061, subdivision 3.

3.25 (b) The secretary of state shall adopt rules governing the administration of this
3.26 section, including procedures to be followed by election officials in:

3.27 (1) informing persons at precincts on election day about the availability of
3.28 provisional ballots and how to provide verification to the county auditor so that the ballot
3.29 will be counted;

3.30 (2) verifying that a person who cast a provisional ballot was at the time of the
3.31 election a resident of the precinct in which the ballot was cast; and

3.32 (3) counting and preserving verified provisional ballots.