

A bill for an act

relating to elections; restoring the civil rights of an individual upon release from incarceration; requiring notice; amending Minnesota Statutes 2008, sections 201.014, subdivision 2, by adding a subdivision; 201.091, by adding a subdivision; 201.155; 203B.02, subdivision 1; 204C.08, subdivision 1a; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 630; 631.

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

Section 1. Minnesota Statutes 2008, section 201.014, subdivision 2, is amended to read:

Subd. 2. **Not eligible.** The following individuals are not eligible to vote. ~~Any individual:~~

(a) an individual convicted of treason or any felony whose civil rights have not been restored;

(b) an individual under a guardianship in which the court order revokes the ward's right to vote; or

(c) an individual found by a court of law to be legally incompetent.

Sec. 2. Minnesota Statutes 2008, section 201.014, is amended by adding a subdivision to read:

Subd. 2a. **Felony conviction; restoration of civil rights.** For purposes of this section, an individual convicted of a felony is restored to civil rights at the time either of the following events occur:

(1) the individual is discharged from a correctional facility; or

(2) the individual is placed on probation, parole, conditional release, or supervised release.

H.F. No. 881, as introduced - 86th Legislative Session (2009-2010) [09-1812]

Sec. 3. Minnesota Statutes 2008, section 201.091, is amended by adding a subdivision to read:

Subd. 8a. **Correctional facilities.** The chief executive officer of each correctional facility licensed under chapter 241 shall designate an official within the facility to answer questions about and accept voter registration applications from inmates who have been restored to civil rights according to the provisions of section 201.014, subdivision 2a. The official must maintain an adequate supply of voter registration applications and informational materials for this purpose. Upon receipt, the designated official shall immediately transmit a completed voter registration application to the secretary of state.

Sec. 4. Minnesota Statutes 2008, section 201.155, is amended to read:

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 monthly by electronic means to the secretary of state the name, address, date of birth, 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 and sentenced to a period of incarceration. 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.

Sec. 5. Minnesota Statutes 2008, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. **Unable to go to polling place.** (a) Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct; illness, including isolation or quarantine under sections 144.419 to 144.4196 or United States Code, title 42, sections 264 to 272; disability; religious discipline; observance of a religious holiday; detention in a correctional facility, so long as the voter maintains the right to vote; or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

(b) If the governor has declared an emergency and filed the declaration with the secretary of state under section 12.31, and the declaration states that the emergency has made it difficult for voters to go to the polling place on election day, any voter in a

precinct covered by the declaration may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 6. Minnesota Statutes 2008, section 204C.08, subdivision 1a, is amended to read:

Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting during the morning of election day.

(2) If you are in line at your polling place any time between 7:00 a.m. and 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

~~(8) If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote.~~ You have the right to vote even if you have been convicted of a felony as long as you are not incarcerated in a correctional facility on election day.

(9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.

(10) You have the right to vote without anyone in the polling place trying to influence your vote.

(11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

Sec. 7. **[243.205] DISCHARGE; NOTICE OF RESTORATION OF RIGHT TO VOTE.**

Subdivision 1. Notice requirement. (a) A notice of restoration of civil rights must be provided as follows:

(1) the chief executive officer of a correctional facility licensed under chapter 241 must provide the notice required by this section when, following a period of incarceration for a felony offense, an inmate is discharged from the correctional facility and is no longer under the custody of the commissioner of corrections; and

(2) a probation or parole officer must provide the notice required by this section when an individual is placed on probation, parole, conditional release, or supervised release.

(b) The notice statement and a voter registration application must be provided at the time of an inmate's discharge from a correctional facility or, if an individual is not sentenced to a period of incarceration, at the time the individual is placed on parole, probation, conditional release, or supervised release.

Subd. 2. Form of notice. The notice required by subdivision 1 must appear substantially as follows:

**"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING
YOUR RIGHT TO VOTE.**

Your [final discharge or placement on release/probation/parole] today means that your civil rights have been automatically restored. This includes a restoration of your right to vote in Minnesota. Before you can vote on election day, you still need to register to vote. To register, complete the attached voter registration application and return it to [name of designated official in correctional facility required by section 201.091, subdivision 8a, or name of probation or parole officer] before you leave today, or you can fill it out later and return it to the Office of the Minnesota Secretary of State. You can also register to vote in your polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you will be required to provide proof of your current residence."

Subd. 3. Failure to provide notice. A failure to provide proper notice and a voter registration application as required by this section does not prevent the restoration of an inmate's civil rights upon discharge or release as provided in section 201.014, subdivision 2a.

Sec. 8. Minnesota Statutes 2008, section 609.165, subdivision 1, is amended to read:

Subdivision 1. **Restoration.** When a person has been deprived of civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore the person to all civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide. The order of discharge shall contain the notice of restoration statement as required by section 243.205.

Sec. 9. **[630.125] DEFENDANT; NOTICE OF LOSS OF CIVIL RIGHTS UPON CONVICTION.**

At the time of arraignment, prior to the court's acceptance of a plea from the defendant, the court must notify the defendant that a guilty plea or conviction following trial will result in a loss of the defendant's civil rights, including the right to vote, only if and for as long as the person is incarcerated in a correctional facility.

Sec. 10. **[631.405] NOTICE OF LOSS OF CIVIL RIGHTS.**

Prior to imposition of a sentence upon conviction of a felony, the court shall notify the defendant that the sentence will result in a loss of the defendant's civil rights, including the right to vote, for as long as the defendant is incarcerated in a correctional facility. The court must also notify the defendant that the defendant's civil rights will be automatically restored upon discharge from the correctional facility, or placement on parole, probation, supervised release, or conditional release from the facility.

Sec. 11. **DUTIES OF SECRETARY OF STATE.**

(a) The secretary of state shall develop and implement a program to educate attorneys, judges, election officials, correction officials, parole and probation officers, and members of the public about the requirements of this act. The program must ensure that:

(1) judges are informed of their obligation to notify criminal defendants of the potential loss and restoration of their voting rights;

(2) the Department of Corrections and officials within each correctional facility are prepared to assist an inmate who is restored to civil rights in completing a voter registration application, providing additional informational materials as necessary, and transmitting a completed application to the secretary of state;

(3) probation and parole officers are informed of the changes in the law and are prepared to notify persons under conditional release, supervised release, probation, or parole supervision of their voting rights; and

6.1 (4) accurate and complete information about the voting rights of people who have
6.2 been charged with or convicted of a crime is made available, in a single publication, to
6.3 government officials and members of the public.

6.4 (b) The secretary of state shall modify the voter registration application as necessary
6.5 to make clear that individuals lose their eligibility to vote only while they are serving a
6.6 felony sentence in a correctional facility.

6.7 (c) The secretary of state may adopt rules as necessary to implement the requirements
6.8 of this act.

6.9 Sec. 12. **EFFECTIVE DATE.**

6.10 Sections 1 to 11 are effective August 1, 2009, and apply to all persons discharged
6.11 from a correctional facility and to all persons placed or currently on parole, probation,
6.12 conditional release, or supervised release on or after that date.