

SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION

S.F. No. 3374

(SENATE AUTHORS: KENT)

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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; permitting eligible individuals who are at least 17 years of  
1.3 age to preregister to vote; providing for automatic voter registration of applicants  
1.4 for a driver's license, instruction permit, or state identification card; requiring the  
1.5 secretary of state to provide election security training; appropriating money for  
1.6 the purposes of providing grants for the purchase or lease of electronic rosters;  
1.7 appropriating money for necessary upgrades to the statewide voter registration  
1.8 system; amending Minnesota Statutes 2016, sections 13.607, by adding a  
1.9 subdivision; 201.022, subdivision 1; 201.054, subdivisions 1, 2; 201.061, by adding  
1.10 a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.161; 204B.27,  
1.11 subdivisions 5, 10.

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

1.13 Section 1. Minnesota Statutes 2016, section 13.607, is amended by adding a subdivision  
1.14 to read:

1.15 Subd. 9. Data derived from driver's license applications. Data on an application for  
1.16 a driver's license, a Minnesota identification card, or a learner's permit transferred to the  
1.17 secretary of state that are provided by a person whom the secretary of state determines is  
1.18 not eligible to vote are governed by section 201.161.

1.19 Sec. 2. Minnesota Statutes 2016, section 201.022, subdivision 1, is amended to read:

1.20 Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide voter  
1.21 registration system to facilitate voter registration and to provide a central database containing  
1.22 voter registration information from around the state. The system must be accessible to the  
1.23 county auditor of each county in the state. The system must also:

1.24 (1) provide for voters to submit their voter registration applications to any county auditor,  
1.25 the secretary of state, or the Department of Public Safety;

2.1 (2) provide for the definition, establishment, and maintenance of a central database for  
2.2 all voter registration information;

2.3 (3) provide for entering data into the statewide registration system;

2.4 (4) provide for electronic transfer of completed voter registration applications from the  
2.5 Department of Public Safety to the secretary of state or the county auditor;

2.6 (5) assign a unique identifier to each legally registered voter in the state;

2.7 (6) provide for the acceptance of the Minnesota driver's license number, Minnesota state  
2.8 identification number, and last four digits of the Social Security number for each voter  
2.9 record;

2.10 (7) coordinate with other agency databases within the state;

2.11 (8) allow county auditors and the secretary of state to add or modify information in the  
2.12 system to provide for accurate and up-to-date records;

2.13 (9) allow county auditors, municipal and school district clerks, and the secretary of state  
2.14 to have electronic access to the statewide registration system for review and search  
2.15 capabilities;

2.16 (10) provide security and protection of all information in the statewide registration  
2.17 system and ensure that unauthorized access is not allowed;

2.18 (11) provide access to municipal clerks to use the system;

2.19 (12) provide a system for each county to identify the precinct to which a voter should  
2.20 be assigned for voting purposes;

2.21 (13) provide daily reports accessible by county auditors on the driver's license numbers,  
2.22 state identification numbers, or last four digits of the Social Security numbers submitted on  
2.23 voter registration applications that have been verified as accurate by the secretary of state;  
2.24 and

2.25 (14) provide reports on the number of absentee ballots transmitted to and returned and  
2.26 cast by voters under section 203B.16.

2.27 The appropriate state or local official shall provide security measures to prevent  
2.28 unauthorized access to the computerized list established under section 201.021, including  
2.29 requiring user access only through multifactor authentication controlled access.

2.30 Sec. 3. Minnesota Statutes 2016, section 201.054, subdivision 1, is amended to read:

2.31 Subdivision 1. **Registration.** (a) An individual may register to vote:

3.1 (1) at any time before the 20th day preceding any election as provided in section 201.061,  
3.2 subdivision 1;

3.3 (2) on the day of an election as provided in section 201.061, subdivision 3; or

3.4 (3) when submitting an absentee ballot, by enclosing a completed registration application  
3.5 as provided in section 203B.04, subdivision 4.

3.6 (b) An individual who is under the age of 18, but who is at least 17 years of age and  
3.7 otherwise eligible, may submit a voter registration application as provided in section 201.061,  
3.8 subdivisions 1 and 1b.

3.9 Sec. 4. Minnesota Statutes 2016, section 201.054, subdivision 2, is amended to read:

3.10 Subd. 2. **Prohibitions; penalty.** No individual shall intentionally:

3.11 (1) cause or attempt to cause the individual's name to be registered in any precinct if the  
3.12 individual is not eligible to vote, except as permitted by section 201.061, subdivision 1b;

3.13 (2) cause or attempt to cause the individual's name to be registered for the purpose of  
3.14 voting in more than one precinct;

3.15 (3) misrepresent the individual's identity when attempting to register to vote; or

3.16 (4) aid, abet, counsel, or procure any other individual to violate this subdivision.

3.17 A violation of this subdivision is a felony.

3.18 Sec. 5. Minnesota Statutes 2016, section 201.061, is amended by adding a subdivision to  
3.19 read:

3.20 Subd. 1b. **Preregistration.** An individual who is under the age of 18, but who is at least  
3.21 17 years of age and meets all requirements for eligibility in section 201.014, except for age,  
3.22 may submit a voter registration application at the address in which the voter maintains  
3.23 residence pursuant to subdivision 1. Nothing in this section shall be construed to entitle an  
3.24 individual to appear on a polling place roster or cast a ballot at an election if the individual  
3.25 does not meet all eligibility requirements for voting, including age.

3.26 Sec. 6. Minnesota Statutes 2016, section 201.071, subdivision 1, is amended to read:

3.27 Subdivision 1. **Form.** Both paper and electronic voter registration applications must  
3.28 contain the same information unless otherwise provided by law. A voter registration  
3.29 application must contain spaces for the following required information: voter's first name,  
3.30 middle name, and last name; voter's previous name, if any; voter's current address; voter's

4.1 previous address, if any; voter's date of birth; voter's municipality and county of residence;  
4.2 voter's telephone number, if provided by the voter; date of registration; current and valid  
4.3 Minnesota driver's license number or Minnesota state identification number, or if the voter  
4.4 has no current and valid Minnesota driver's license or Minnesota state identification, the  
4.5 last four digits of the voter's Social Security number; and voter's signature. The paper  
4.6 registration application may include the voter's e-mail address, if provided by the voter. The  
4.7 electronic voter registration application must include the voter's e-mail address. The  
4.8 registration application may include the voter's interest in serving as an election judge, if  
4.9 indicated by the voter. The application must also contain the following certification of voter  
4.10 eligibility:

4.11 "I certify that I:

4.12 (1) ~~will be at least 18 years old on election day~~ am at least 17 years old and understand  
4.13 that I must be at least 18 years old to be eligible to vote;

4.14 (2) am a citizen of the United States;

4.15 (3) will have resided in Minnesota for 20 days immediately preceding election day;

4.16 (4) maintain residence at the address given on the registration form;

4.17 (5) am not under court-ordered guardianship in which the court order revokes my right  
4.18 to vote;

4.19 (6) have not been found by a court to be legally incompetent to vote;

4.20 (7) have the right to vote because, if I have been convicted of a felony, my felony sentence  
4.21 has expired (been completed) or I have been discharged from my sentence; and

4.22 (8) have read and understand the following statement: that giving false information is a  
4.23 felony punishable by not more than five years imprisonment or a fine of not more than  
4.24 \$10,000, or both."

4.25 The certification must include boxes for the voter to respond to the following questions:

4.26 "(1) Are you a citizen of the United States?" and

4.27 "(2) ~~Will you be 18 years old on or before election day~~ Are you at least 17 years old and  
4.28 will you be at least 18 years old on or before the day of the election in which you intend to  
4.29 vote?"

4.30 And the instruction:

4.31 "If you checked 'no' to either of these questions, do not complete this form."

5.1 The form of the voter registration application and the certification of voter eligibility  
5.2 must be as provided in this subdivision and approved by the secretary of state. Voter  
5.3 registration forms authorized by the National Voter Registration Act must also be accepted  
5.4 as valid. The federal postcard application form must also be accepted as valid if it is not  
5.5 deficient and the voter is eligible to register in Minnesota.

5.6 An individual may use a voter registration application to apply to register to vote in  
5.7 Minnesota or to change information on an existing registration.

5.8 Sec. 7. Minnesota Statutes 2016, section 201.091, subdivision 4, is amended to read:

5.9 Subd. 4. **Public information lists.** The county auditor shall make available for inspection  
5.10 a public information list which must contain the name, address, year of birth, and voting  
5.11 history of each registered voter in the county. Data on applicants submitted pursuant to  
5.12 section 201.061, subdivision 1b, are not part of the public information list until the voter is  
5.13 registered or has voting history. The list must include the party choice of any voter who  
5.14 voted in the most recent presidential nomination primary. The telephone number must be  
5.15 included on the list if provided by the voter. The public information list may also include  
5.16 information on voting districts. The county auditor may adopt reasonable rules governing  
5.17 access to the list. No individual inspecting the public information list shall tamper with or  
5.18 alter it in any manner. No individual who inspects the public information list or who acquires  
5.19 a list of registered voters prepared from the public information list may use any information  
5.20 contained in the list for purposes unrelated to elections, political activities, or law  
5.21 enforcement. The secretary of state may provide copies of the public information lists and  
5.22 other information from the statewide registration system for uses related to elections, political  
5.23 activities, or in response to a law enforcement inquiry from a public official concerning a  
5.24 failure to comply with any criminal statute or any state or local tax statute.

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

5.32 Upon receipt of a statement signed by the voter that withholding the voter's name from  
5.33 the public information list is required for the safety of the voter or the voter's family, the

6.1 secretary of state and county auditor must withhold from the public information list the  
6.2 name of a registered voter.

6.3 Sec. 8. Minnesota Statutes 2016, section 201.161, is amended to read:

6.4 **201.161 AUTOMATIC REGISTRATION OF DRIVER'S LICENSE,**  
6.5 **INSTRUCTION PERMIT, AND IDENTIFICATION CARD APPLICATIONS**  
6.6 **APPLICANTS.**

6.7 Subdivision 1. Automatic registration. An individual who properly completes an  
6.8 application for a new or renewed Minnesota driver's license, instruction permit, or  
6.9 identification card, and who is eligible to vote under section 201.014, must be registered to  
6.10 vote as provided in this section, unless the applicant declines to be registered.

6.11 Subd. 2. Applications. The Department commissioner of public safety, in consultation  
6.12 with the secretary of state, shall change its the applications for an original, duplicate, or  
6.13 change of address driver's license, instruction permit, or identification card so that the forms  
6.14 may also serve as voter registration applications. The forms must contain spaces for all  
6.15 information collected by voter registration applications prescribed by the secretary of state:  
6.16 Applicants for driver's licenses or identification cards must be asked if they want to register  
6.17 to vote at the same time and that and a box for the applicant to decline to be registered to  
6.18 vote. Unless the applicant has declined to be registered to vote or has provided an address  
6.19 other than the applicant's address of residence under section 171.12, subdivision 7, paragraph  
6.20 (d), the commissioner shall transmit the information must be transmitted at least weekly  
6.21 daily by electronic means to the secretary of state. Pursuant to the Help America Vote Act  
6.22 of 2002, Public Law 107-252, the computerized driver's license record containing the voter's  
6.23 name, address, date of birth, citizenship, driver's license number or state identification  
6.24 number, county, town, and city or town must be made available for access by the secretary  
6.25 of state and interaction with the statewide voter registration system.

6.26 Subd. 3. Registration. (a) The secretary of state shall determine whether the applicant  
6.27 is currently registered in the statewide voter registration system. For each currently registered  
6.28 voter whose registration is not changed, the secretary of state shall update the voter's  
6.29 registration date in the statewide voter registration system. For each currently registered  
6.30 voter whose registration is changed, the secretary of state shall transmit the registration  
6.31 daily by electronic means to the county auditor of the county where the voter resides.

6.32 (b) If the applicant is not currently registered in the statewide voter registration system,  
6.33 the secretary of state shall determine whether the applicant is 18 years of age or older and  
6.34 a citizen of the United States and compare the voter registration information received under

7.1 section 201.145 to determine whether the applicant is eligible to vote. If an applicant is less  
7.2 than 18 years of age, the secretary of state shall wait until the applicant has turned 18 years  
7.3 of age to determine whether the applicant is eligible to vote. For each applicant the secretary  
7.4 of state determines is an eligible voter, the secretary of state shall transmit the registration  
7.5 daily by electronic means to the county auditor of the county where the voter resides.

7.6 (c) Any data on applicants who the secretary determines are not eligible to vote are  
7.7 private data on individuals, as defined in section 13.02, subdivision 12.

7.8 Subd. 4. **Notice.** Upon receipt of the registration, the county auditor shall mail to the  
7.9 voter the notice of registration required by section 201.121, subdivision 2.

7.10 Subd. 5. **Effective date.** (a) An application for registration that is dated during the 20  
7.11 days before an election in any jurisdiction within which the voter resides is not effective  
7.12 until the day after the election.

7.13 (b) An applicant for a Minnesota driver's license, instruction permit, or identification  
7.14 card must not be registered to vote until the commissioner of public safety has certified that  
7.15 the department's systems have been tested and can accurately provide the necessary data,  
7.16 and the secretary of state has certified that the system for automatic registration of those  
7.17 applicants has been tested and is capable of properly determining whether an applicant is  
7.18 eligible to vote.

7.19 (c) The secretary of state must absorb any costs associated with implementation of this  
7.20 section using existing appropriations provided to the secretary by law.

7.21 Sec. 9. Minnesota Statutes 2016, section 204B.27, subdivision 5, is amended to read:

7.22 Subd. 5. **Conferences for county auditors.** Before each state primary the secretary of  
7.23 state shall conduct conferences with county auditors to instruct them on the administration  
7.24 of election laws, election security and cybersecurity best practices, and the training of local  
7.25 election officials and election judges.

7.26 Sec. 10. Minnesota Statutes 2016, section 204B.27, subdivision 10, is amended to read:

7.27 Subd. 10. **Training for county auditors; training materials.** The secretary of state  
7.28 shall develop a training program in election administration for county auditors and shall  
7.29 certify each county auditor who successfully completes the training program. The secretary  
7.30 of state shall provide each county auditor with materials for use in training local election  
7.31 officials and election judges. The training program and materials for use in training local  
7.32 election officials must include training on election security and cybersecurity best practices.

8.1       Sec. 11. **TRANSITION TO NEW APPLICATION FORMS.**

8.2       After the effective date of this act, an election official may use existing voter registration  
8.3 forms that do not comply with the requirements in this act for applicants who are 18 years  
8.4 of age or older at the time of registration. Applicants who are 17 years of age at the time of  
8.5 registration must use an application form that meets the requirements of this act. Beginning  
8.6 on the effective date of this act, an election official must not print or copy voter registration  
8.7 applications that do not meet the requirements of this act.

8.8       Sec. 12. **APPROPRIATION; ELECTRONIC ROSTER GRANTS.**

8.9       \$..... in fiscal year 2019 is appropriated from the general fund to the voting equipment  
8.10 grant account in the special revenue fund. The funds appropriated to the account under this  
8.11 section must only be used to provide grants to political subdivisions for the purchase or  
8.12 lease of electronic roster systems meeting the technology requirements of Minnesota Statutes,  
8.13 section 201.225, subdivision 2. The grants must otherwise be awarded according to the  
8.14 procedures established in Minnesota Statutes, section 206.95.

8.15       Sec. 13. **APPROPRIATION; STATEWIDE VOTER REGISTRATION SYSTEM.**

8.16       (a) \$87,000 in fiscal year 2019 is appropriated from the general fund to the secretary of  
8.17 state for security upgrades to the statewide voter registration system. The upgrades must  
8.18 include a response to the analysis of vulnerabilities and associated recommendations provided  
8.19 to the secretary by the United States Department of Homeland Security. This is a onetime  
8.20 appropriation.

8.21       (b) \$1,400,000 is appropriated from the general fund to the secretary of state for the  
8.22 purpose of modernizing, securing, and updating the statewide voter registration system.  
8.23 This is a onetime appropriation and is available until June 30, 2022.