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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 28

- 01/04/2023 Authored by Frazier, Agbaje, Hassan, Vang, Lee, F., and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy
- 01/17/2023 Adoption of Report: Re-referred to the Committee on Public Safety Finance and Policy
- 01/25/2023 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law
- 01/26/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 01/30/2023 Adoption of Report: Placed on the General Register
Read for the Second Time
- 02/02/2023 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to elections; restoring the right to vote to individuals convicted of a felony

1.3 upon completion of any term of incarceration imposed and executed by a court

1.4 for the offense; appropriating money; amending Minnesota Statutes 2022, sections

1.5 201.014, by adding a subdivision; 201.071, subdivision 1; 204C.08, subdivision

1.6 1d; 204C.10; 609.165, subdivision 1; proposing coding for new law in Minnesota

1.7 Statutes, chapters 201; 243.

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

1.9 Section 1. Minnesota Statutes 2022, section 201.014, is amended by adding a subdivision

1.10 to read:

1.11 Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual who is

1.12 ineligible to vote because of a felony conviction has the civil right to vote restored during

1.13 any period when the individual is not incarcerated for the offense. If the individual is later

1.14 incarcerated for the offense, the individual's civil right to vote is lost only during that period

1.15 of incarceration.

1.16 Sec. 2. Minnesota Statutes 2022, section 201.071, subdivision 1, is amended to read:

1.17 Subdivision 1. **Form.** Both paper and electronic voter registration applications must

1.18 contain the same information unless otherwise provided by law. A voter registration

1.19 application must contain spaces for the following required information: voter's first name,

1.20 middle name, and last name; voter's previous name, if any; voter's current address; voter's

1.21 previous address, if any; voter's date of birth; voter's municipality and county of residence;

1.22 voter's telephone number, if provided by the voter; date of registration; current and valid

1.23 Minnesota driver's license number or Minnesota state identification number, or if the voter

1.24 has no current and valid Minnesota driver's license or Minnesota state identification, the

2.1 last four digits of the voter's Social Security number; and voter's signature. The paper
2.2 registration application may include the voter's email address, if provided by the voter. The
2.3 electronic voter registration application must include the voter's email address. The
2.4 registration application may include the voter's interest in serving as an election judge, if
2.5 indicated by the voter. The application must also contain the following certification of voter
2.6 eligibility:

2.7 "I certify that I:

2.8 (1) will be at least 18 years old on election day;

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

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

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

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

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

2.15 (7) ~~have the right to vote because, if I have been convicted of a felony, my felony sentence~~
2.16 ~~has expired (been completed) or I have been discharged from my sentence~~ am not currently
2.17 incarcerated for a conviction of a felony offense; and

2.18 (8) have read and understand the following statement: that giving false information is a
2.19 felony punishable by not more than five years imprisonment or a fine of not more than
2.20 \$10,000, or both."

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

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

2.23 "(2) Will you be 18 years old on or before election day?"

2.24 And the instruction:

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

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

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

3.3 Sec. 3. [201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT
3.4 VOTING RIGHTS.

3.5 The secretary of state shall develop accurate and complete information in a single
3.6 publication about the voting rights of people who have been charged with or convicted of
3.7 a crime. This publication must be made available electronically to the state court administrator
3.8 for distribution to judges, court personnel, probation officers, and the commissioner of
3.9 corrections for distribution to corrections officials, parole and supervised release agents,
3.10 and the public.

3.11 Sec. 4. Minnesota Statutes 2022, section 204C.08, subdivision 1d, is amended to read:

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

3.17 "VOTER'S BILL OF RIGHTS

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

3.19 (1) You have the right to be absent from work for the purpose of voting in a state, federal,
3.20 or regularly scheduled election without reduction to your pay, personal leave, or vacation
3.21 time on election day for the time necessary to appear at your polling place, cast a ballot,
3.22 and return to work.

3.23 (2) If you are in line at your polling place any time before 8:00 p.m., you have the right
3.24 to vote.

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

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

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

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

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

4.3 (8) ~~If you have been convicted of a felony but your felony sentence has expired (been~~
4.4 ~~completed) or you have been discharged from your sentence,~~ You have the right to vote if
4.5 you are not currently incarcerated for conviction of a felony offense.

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

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

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

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

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

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

4.17 Sec. 5. Minnesota Statutes 2022, section 204C.10, is amended to read:

4.18 **204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;**
4.19 **VOTER RECEIPT.**

4.20 (a) An individual seeking to vote shall sign a polling place roster or voter signature
4.21 certificate which states that the individual:

4.22 (1) is at least 18 years of age;

4.23 (2) a citizen of the United States;

4.24 (3) has resided in Minnesota for 20 days immediately preceding the election;

4.25 (4) maintains residence at the address shown;

4.26 (5) is not under a guardianship in which the court order revokes the individual's right to
4.27 vote;

4.28 (6) has not been found by a court of law to be legally incompetent to vote;

5.1 (7) has the right to vote because, if the individual was convicted of a felony, ~~the felony~~
5.2 ~~sentence has expired or been completed or the individual has been discharged from the~~
5.3 ~~sentence,~~ is not currently incarcerated for that conviction;

5.4 (8) is registered; and

5.5 (9) has not already voted in the election.

5.6 The roster must also state: "I understand that deliberately providing false information
5.7 is a felony punishable by not more than five years imprisonment and a fine of not more than
5.8 \$10,000, or both."

5.9 (b) At the presidential nomination primary, the polling place roster must also state: "I
5.10 am in general agreement with the principles of the party for whose candidate I intend to
5.11 vote." This statement must appear separately from the statements required in paragraph (a).
5.12 The felony penalty provided for in paragraph (a) does not apply to this paragraph.

5.13 (c) A judge may, before the applicant signs the roster or voter signature certificate,
5.14 confirm the applicant's name, address, and date of birth.

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

5.20 (e) Whenever a challenged status appears on the polling place roster, an election judge
5.21 must ensure that the challenge is concealed or hidden from the view of any voter other than
5.22 the voter whose status is challenged.

5.23 **Sec. 6. [243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

5.24 Subdivision 1. Correctional facilities; designation of official. The chief executive
5.25 officer of each state and local correctional facility shall designate an official within the
5.26 facility to provide the notice and application required under this section to a person to whom
5.27 the civil right to vote is restored by reason of the person's release from actual incarceration.
5.28 The official shall maintain an adequate supply of voter registration applications and
5.29 informational materials for this purpose.

5.30 Subd. 2. Notice requirement. A notice of restoration of the civil right to vote and a
5.31 voter registration application must be provided as follows:

6.1 (1) the chief executive officer of each state and local correctional facility shall provide
6.2 the notice and application to a person being released from the facility following incarceration
6.3 for a felony-level offense; and

6.4 (2) a probation officer or supervised release agent shall provide the notice and application
6.5 to all individuals under correctional supervision for a felony-level offense.

6.6 Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially
6.7 as follows:

6.8 **"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.**

6.9 Your receipt of this notice today means that your right to vote in Minnesota has been
6.10 restored. Before you can vote on election day, you still need to register to vote. To register,
6.11 you may complete a voter registration application online or complete a paper application
6.12 and return it to the Office of the Secretary of State or to your county auditor. You may also
6.13 register to vote in your polling place on election day. You will not be permitted to cast a
6.14 ballot until you register to vote. The first time you appear at your polling place to cast a
6.15 ballot, you may be required to provide proof of your current residence."

6.16 Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by
6.17 this section does not prevent the restoration of the person's civil right to vote.

6.18 Sec. 7. Minnesota Statutes 2022, section 609.165, subdivision 1, is amended to read:

6.19 Subdivision 1. **Restoration.** When a person has been deprived of civil rights by reason
6.20 of conviction of a crime and is thereafter discharged, such discharge shall restore the person
6.21 to all civil rights and to full citizenship, ~~with full right to vote and hold office,~~ the same as
6.22 if such conviction had not taken place, and the order of discharge shall so provide.

6.23 Sec. 8. **APPROPRIATION; SECRETARY OF STATE.**

6.24 \$14,000 in fiscal year 2023 is appropriated from the general fund to the secretary of
6.25 state to implement the provisions of this act. This is a onetime appropriation.

6.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.27 Sec. 9. **EFFECTIVE DATE.**

6.28 Except as otherwise provided, this act is effective July 1, 2023, and applies to the right
6.29 to vote at elections conducted on or after that date.