

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 913

01/26/2023 Authored by Bahner, Freiberg, Greenman, Klevorn, Hollins and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to elections; providing a system of automatic voter registration; amending
1.3 Minnesota Statutes 2022, sections 13.607, by adding a subdivision; 201.161;
1.4 201.162.

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

1.6 Section 1. Minnesota Statutes 2022, section 13.607, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 9. Ineligible voter data. Any data transferred to the secretary of state regarding
1.9 applicants who are determined ineligible to register to vote is governed by section 201.161.

1.10 Sec. 2. Minnesota Statutes 2022, section 201.161, is amended to read:

1.11 201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS
1.12 AUTOMATIC VOTER REGISTRATION.

1.13 Subdivision 1. Automatic registration. (a) Except as otherwise provided in this section,
1.14 an individual must be registered to vote if the individual is eligible to vote under section
1.15 201.014 and properly completes and submits one of the following applications, if the
1.16 application includes documentation or verification of United States citizenship or records
1.17 reflect that the applicant provided proof of citizenship during a previous agency transaction:

1.18 (1) an application for a new or renewed Minnesota driver's license, instruction permit,
1.19 or identification card;

1.20 (2) an initial or renewal application for medical assistance under chapter 256B or
1.21 MinnesotaCare under chapter 256L; or

2.1 (3) an application for benefits or services to a state agency participating under subdivision
 2.2 5.

2.3 (b) If a registered voter supplies a different name or address as part of an application
 2.4 under this subdivision from the name and address in the voter registration record, the
 2.5 registrant's voter registration record shall be updated to reflect the name or address
 2.6 information provided.

2.7 Subd. 2. **Option to decline.** (a) After an individual submits an application qualifying
 2.8 for registration under this section, the individual must be promptly provided, by mail, a
 2.9 notice that provides an opportunity to decline the registration. The secretary of state may
 2.10 prescribe the form and content of this notice. An individual must not be registered if the
 2.11 individual declines to be registered within 20 days of submitting the application. An otherwise
 2.12 eligible individual who declines to register must be offered a new registration opportunity
 2.13 with each qualifying application submitted under subdivision 1.

2.14 (b) After an individual submits an application qualifying for a registration update under
 2.15 subdivision 1, paragraph (b), the individual must be promptly provided, by mail, a notice
 2.16 that provides an opportunity to decline the change of registration information. The secretary
 2.17 of state may prescribe the form and content of this notice. If the registrant returns the notice
 2.18 within 20 days and declines the change of information, the appropriate county auditors,
 2.19 including the county auditor of the registrant's original county of residence, shall immediately
 2.20 correct the registrant's previously updated information and restore the registrant's previous
 2.21 registration information.

2.22 Subd. 3. **Department of Public Safety.** (a) The ~~Department~~ commissioner of public
 2.23 safety ~~shall, in consultation with the secretary of state, must change its the~~ applications for
 2.24 an original, duplicate, or change of address driver's license, instruction permit, or
 2.25 identification card so that ~~the forms may also serve as voter registration applications.~~ The
 2.26 forms ~~must contain spaces for all information collected by voter registration applications~~
 2.27 ~~prescribed by the secretary of state.~~ Applicants for driver's licenses or identification cards
 2.28 ~~must be asked if they want to register to vote at the same time and that information must~~
 2.29 ~~be transmitted at least weekly~~ any forms where applicants may provide documentation of
 2.30 United States citizenship contain spaces for all information required to register to vote, as
 2.31 prescribed by the secretary of state. Unless the applicant has provided an address other than
 2.32 the applicant's address of residence under section 171.12, subdivision 7, paragraph (d), the
 2.33 commissioner must transmit the information promptly by electronic means to the secretary
 2.34 of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the
 2.35 computerized driver's license record containing the voter's name, address, date of birth,

3.1 citizenship, driver's license number or state identification number, county, town, and city
 3.2 or town must be made available for access by the secretary of state and interaction with the
 3.3 statewide voter registration system. At least monthly, the commissioner must submit data
 3.4 to the secretary of state identifying the total number of individuals that completed qualifying
 3.5 transactions under this section and the total number of individuals whose records were
 3.6 ultimately transferred for registration. The secretary of state must publish a monthly report
 3.7 of this data.

3.8 (b) An applicant's information must not be transmitted to the secretary of state unless
 3.9 the applicant provides documentation of United States citizenship or records maintained by
 3.10 the Department of Public Safety indicate that the applicant provided documentation
 3.11 demonstrating United States citizenship as part of a previous license or identification card
 3.12 transaction. If the applicant does not provide or has not previously provided documentation
 3.13 of United States citizenship, the commissioner must provide information during the
 3.14 transaction regarding voter registration and eligibility criteria. If the applicant provides
 3.15 documentation during the transaction indicating that the applicant is not a United States
 3.16 citizen, no opportunity to register to vote shall be given.

3.17 (c) No applicant may be registered to vote under this subdivision until the commissioner
 3.18 of public safety has certified that the department's systems have been tested and can
 3.19 accurately provide the required data, and the secretary of state has certified that the system
 3.20 for automatic registration of those applicants has been tested and is capable of properly
 3.21 determining whether an applicant is eligible to vote. The department's systems must be
 3.22 tested and accurately provide the necessary data no later than December 1, 2023.

3.23 (d) For purposes of this section, "driver's license" includes any instruction permit,
 3.24 provisional license, limited license, restricted license, or operator's permit issuable by the
 3.25 commissioner of public safety under chapter 171.

3.26 Subd. 4. Department of Human Services. (a) Subject to compliance with all applicable
 3.27 federal laws and regulations, the commissioner of human services, in consultation with the
 3.28 secretary of state, must ensure the applications described in subdivision 1, paragraph (a),
 3.29 clause (2), also serve as voter registration applications for any individual whose name
 3.30 appears on the application and who has presented documentary proof of United States
 3.31 citizenship. The applications must contain spaces for all information required to register to
 3.32 vote, as prescribed by the secretary of state. The commissioner must transmit information
 3.33 promptly by electronic means to the secretary of state for an individual whose United States
 3.34 citizenship has been verified. At least monthly, the commissioner must submit data to the
 3.35 secretary of state identifying the total number of individuals who completed qualifying

4.1 transactions under this section and the total number of individuals whose records were
4.2 ultimately transferred for registration.

4.3 (b) No applicant may be registered to vote under this subdivision until (1) the
4.4 commissioner of human services has certified that the department's systems have been tested
4.5 and can accurately provide the required data and (2) the secretary of state has certified that
4.6 the system for automatic registration of those applicants has been tested and is capable of
4.7 properly determining whether an applicant is eligible to vote. The department's systems
4.8 must be tested and accurately provide the necessary data no later than December 1, 2023.
4.9 Registration under this section may begin on the fifth business day following the certification.

4.10 Subd. 5. **Other agencies and units of government.** (a) The commissioner of management
4.11 and budget shall make a decision, in consultation with the secretary of state, as to whether
4.12 any other state agency must implement automatic voter registration. A state agency must
4.13 be considered if the agency collects, processes, or stores the following information as part
4.14 of providing assistance or services: name, residential address, date of birth, citizenship
4.15 verification, and signature. A qualifying agency must submit a report to the commissioner
4.16 of management and budget and secretary of state no later than December 1, 2024, describing
4.17 steps needed to implement automatic voter registration, barriers to implementation and ways
4.18 to mitigate them, and applicable federal and state privacy protections for voter registration
4.19 information. The final decision must be made by June 1, 2025, and is at the commissioner's
4.20 sole discretion.

4.21 (b) Agencies may not begin verifying citizenship as part of an agency transaction for
4.22 the sole purpose of providing automatic voter registration.

4.23 (c) Once an agency has implemented automatic voter registration, it shall continue to
4.24 provide automatic voter registration unless legislation is enacted that directs the agency to
4.25 do otherwise.

4.26 (d) No applicant may be registered to vote under this subdivision until the agency's
4.27 commissioner, or the administrative head of the local or Tribal government, has certified
4.28 that the necessary systems have been tested and can accurately provide the required data,
4.29 and the secretary of state has certified that the system for automatic registration of those
4.30 applicants has been tested and is capable of properly determining whether an applicant is
4.31 eligible to vote.

4.32 Subd. 6. **Registration.** (a) The secretary of state must determine whether an applicant
4.33 whose information is submitted under this section is currently registered in the statewide
4.34 voter registration system. For each currently registered voter for whom the information

5.1 transmitted pursuant to subdivision 2 contains the same name and address as the information
5.2 contained in the statewide voter registration system, the secretary of state must transmit the
5.3 registrations by electronic means to the county auditor of the county where the voter resides.
5.4 The county auditor must then update the voter's registration date in the statewide voter
5.5 registration system. For whom the information transmitted pursuant to subdivision 2 contains
5.6 a name or address different from the information contained in the statewide voter registration
5.7 system, the secretary of state must promptly transmit the registration by electronic means
5.8 to the county auditor of the county where the voter resides and, if applicable, the county
5.9 auditor of the county of the voter's previous residence.

5.10 (b) If the applicant is not currently registered in the statewide voter registration system,
5.11 the secretary of state must transmit the registrations by electronic means to the county auditor
5.12 of the county where the voter resides. The county auditor must then also compare the voter
5.13 registration information received under section 201.145 to determine whether the applicant
5.14 is eligible to vote.

5.15 (c) Any data regarding applicants whom the secretary or the county auditor determines
5.16 are not eligible to vote are considered private data on individuals, as defined in section
5.17 13.02, subdivision 12.

5.18 (d) The county auditor must inactivate the voter's record in the statewide voter registration
5.19 system upon receipt of a written request, signed by the voter, that the registration be removed.

5.20 Subd. 7. **Notice.** Upon receipt of the registration information, the county auditor must
5.21 provide to the voter the appropriate notice of registration or registration update required by
5.22 subdivision 2. A notice mailed under this subdivision must include information on declining
5.23 the registration or registration update within the period authorized by subdivision 2. The
5.24 secretary of state may adopt rules prescribing the notices required by this subdivision.

5.25 Subd. 8. **Prosecution of registration violations; voluntary action required.** For
5.26 purposes of section 201.054, subdivision 2, the transfer of an individual's record under this
5.27 section does not constitute an attempt to register to vote. If a person who is not entitled to
5.28 vote becomes registered to vote pursuant to this section and votes or attempts to vote in an
5.29 election held after the effective date of the person's registration, that person is presumed to
5.30 have a defense. This subdivision shall not apply to a person who knowingly and willfully
5.31 makes a false statement to effectuate voter registration or who intentionally takes voluntary
5.32 action to register to vote or vote knowing that the person is not entitled to vote.

5.33 Subd. 9. **Effective date of registration.** Unless the applicant declines registration, the
5.34 effective date of the registration is 20 days after the date of qualifying application under

6.1 subdivision 1. This subdivision does not limit the ability of a person to register to vote on
6.2 election day as provided in section 201.061, subdivision 3. Any person who submits a
6.3 qualifying application under subdivision 1 that is dated during the 20 days before an election
6.4 shall be provided, at the time of application, with a notice advising the applicant of the
6.5 procedures to register to vote on election day.

6.6 Sec. 3. Minnesota Statutes 2022, section 201.162, is amended to read:

6.7 **201.162 DUTIES OF STATE AGENCIES.**

6.8 The commissioner or chief administrative officer of each state agency or
6.9 community-based public agency or nonprofit corporation that contracts with the state agency
6.10 to carry out obligations of the state agency shall provide voter registration services for
6.11 employees and the public, including as applicable, automatic voter registration or information
6.12 on voter eligibility and registration procedures as required under section 201.161. A person
6.13 may complete a voter registration application or apply to change a voter registration name
6.14 or address if the person has the proper qualifications on the date of application. Nonpartisan
6.15 voter registration assistance, including routinely asking members of the public served by
6.16 the agency whether they would like to register to vote and, if necessary, assisting them in
6.17 preparing the registration forms must be part of the job of appropriate agency employees.

6.18 Sec. 4. **EFFECTIVE DATE.**

6.19 This act is effective July 1, 2023.