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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2937

03/19/2012 Authored by Norton, Simon, Winkler, Laine, Brynaert and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections

1.1 A bill for an act
1.2 relating to elections; requiring the use of photographs in the polling place roster;
1.3 appropriating money; amending Minnesota Statutes 2010, sections 171.07,
1.4 subdivision 1a; 201.022, subdivision 1, by adding a subdivision; 201.091,
1.5 subdivision 9; 201.121, subdivision 1; 201.161; 201.221, subdivision 3; 204C.10.

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

1.7 Section 1. Minnesota Statutes 2010, section 171.07, subdivision 1a, is amended to read:

1.8 Subd. 1a. **Filing photograph or image; data classification.** The department shall
1.9 file, or contract to file, all photographs or electronically produced images obtained in the
1.10 process of issuing drivers' licenses or Minnesota identification cards. The photographs or
1.11 electronically produced images shall be private data pursuant to section 13.02, subdivision
1.12 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required
1.13 to provide copies of photographs or electronically produced images to data subjects.

1.14 The use of the files is restricted:

- 1.15 (1) to the issuance and control of drivers' licenses;
- 1.16 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
1.17 investigation and prosecution of crimes, service of process, enforcement of no contact
1.18 orders, location of missing persons, investigation and preparation of cases for criminal,
1.19 juvenile, and traffic court, and supervision of offenders;
- 1.20 (3) to public defenders, as defined in section 611.272, for the investigation and
1.21 preparation of cases for criminal, juvenile, and traffic courts; ~~and~~
- 1.22 (4) to child support enforcement purposes under section 256.978; and
- 1.23 (5) to the secretary of state and other elections officials designated by the secretary
1.24 of state for the purposes required by sections 201.221, subdivision 3, and 204C.10.

2.1 Sec. 2. Minnesota Statutes 2010, section 201.022, subdivision 1, is amended to read:

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

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

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

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

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

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

2.14 (6) provide for the acceptance of the Minnesota driver's license number, Minnesota
2.15 state identification number, ~~and~~ last four digits of the Social Security number, and
2.16 photograph for each voter record;

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

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

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

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

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

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

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

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

2.34 The appropriate state or local official shall provide security measures to prevent
2.35 unauthorized access to the computerized list established under section 201.021.

3.1 Sec. 3. Minnesota Statutes 2010, section 201.022, is amended by adding a subdivision
3.2 to read:

3.3 Subd. 1a. **Photographs of voters; data classification.** Photographs or electronically
3.4 produced images maintained in the statewide voter registration system are classified as
3.5 private data, as defined in section 13.02, subdivision 12. Notwithstanding section 13.04,
3.6 subdivision 3, the secretary shall not be required to provide copies of photographs or
3.7 electronically produced images to data subjects. The use of photographs and electronically
3.8 produced images is limited to the preparation and maintenance of the statewide voter
3.9 registration system and polling place rosters as described in section 201.221, subdivision
3.10 3, and for voter identity verification as described in section 204C.10. A photograph or
3.11 electronically produced image of a voter captured by an election official, including an
3.12 election judge as provided in section 204C.10, may only be captured on secure equipment
3.13 issued by the county auditor or municipal clerk, and may not be modified, copied, or
3.14 stored by any election official for a reason other than those required by law.

3.15 Sec. 4. Minnesota Statutes 2010, section 201.091, subdivision 9, is amended to read:

3.16 Subd. 9. **Restricted data.** A list provided for public inspection or purchase, for jury
3.17 selection, or in response to a law enforcement inquiry, must not include a voter's date of
3.18 birth, photograph, or any part of a voter's Social Security number, driver's license number,
3.19 identification card number, military identification card number, or passport number.

3.20 Sec. 5. Minnesota Statutes 2010, section 201.121, subdivision 1, is amended to read:

3.21 Subdivision 1. **Entry of registration information.** (a) At the time a voter
3.22 registration application is properly completed, submitted, and received in accordance with
3.23 sections 201.061 and 201.071, the county auditor shall enter the information contained on
3.24 it into the statewide registration system. Voter registration applications completed before
3.25 election day must be entered into the statewide registration system within ten days after
3.26 they have been submitted to the county auditor. Voter registration applications completed
3.27 on election day must be entered into the statewide registration system within 42 days after
3.28 the election, unless the county auditor notifies the secretary of state before the 42-day
3.29 deadline has expired that the deadline will not be met.

3.30 (b) Upon receiving a completed voter registration application, the secretary of state
3.31 may electronically transmit the information on the application to the appropriate county
3.32 auditor as soon as possible for review by the county auditor before final entry into the
3.33 statewide registration system. The secretary of state may mail the voter registration
3.34 application to the county auditor.

4.1 (c) Within ten days after the county auditor has entered information from a voter
 4.2 registration application into the statewide registration system, the secretary of state shall
 4.3 ~~compare~~ provide the Department of Public Safety with the voter's name, date of birth, and
 4.4 driver's license number, state identification number, or the last four digits of the Social
 4.5 Security number with the same information contained in. The Department of Public
 4.6 Safety database shall provide the secretary of state with exact and possible matches for
 4.7 each voter. In a secure file, the Department of Public Safety shall provide the secretary of
 4.8 state with all of the most recent photographic images for individuals in the Department of
 4.9 Public Safety's database along with each individual's Minnesota driver's license or state
 4.10 identification card number and tracking number. At least weekly, the Department of Public
 4.11 Safety shall provide the secretary of state with updated files.

4.12 (d) The secretary of state shall provide a report to the county auditor on a weekly
 4.13 basis that includes a list of voters whose name, date of birth, or identification number have
 4.14 been compared with the same information in the Department of Public Safety database
 4.15 and cannot be verified as provided in this subdivision. The report must list separately
 4.16 those voters who have submitted a voter registration application by mail and have not
 4.17 voted in a federal election in this state.

4.18 (e) The county auditor shall compile a list of voters for whom the county auditor
 4.19 and the secretary of state are unable to conclude that information on the voter registration
 4.20 application and the corresponding information in the Department of Public Safety database
 4.21 relate to the same person.

4.22 (f) The county auditor shall send a notice of incomplete registration to any voter
 4.23 whose name appears on the list and change the voter's status to "incomplete." A voter who
 4.24 receives a notice of incomplete registration from the county auditor may either provide
 4.25 the information required to complete the registration at least 21 days before the next
 4.26 election or at the polling place on election day.

4.27 Sec. 6. Minnesota Statutes 2010, section 201.161, is amended to read:

4.28 **201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD**
 4.29 **APPLICATIONS.**

4.30 The Department of Public Safety shall change its applications for an original,
 4.31 duplicate, or change of address driver's license or identification card so that the forms
 4.32 may also serve as voter registration applications. The forms must contain spaces for all
 4.33 information collected by voter registration applications prescribed by the secretary of
 4.34 state. Applicants for driver's licenses or identification cards must be asked if they want to
 4.35 register to vote at the same time and that information must be transmitted at least weekly

5.1 by electronic means to the secretary of state. Pursuant to the Help America Vote Act of
5.2 2002, Public Law 107-252, the computerized driver's license record containing the voter's
5.3 name, address, date of birth, photograph, driver's license number or state identification
5.4 number, county, town, and city must be made available for access by the secretary of state
5.5 and interaction with the statewide voter registration system.

5.6 Sec. 7. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

5.7 Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe
5.8 the form of polling place rosters that include the voter's name, address, date of birth,
5.9 photograph, school district number, and space for the voter's signature. The secretary of
5.10 state may prescribe additional election-related information to be placed on the polling
5.11 place rosters on an experimental basis for one state primary and general election cycle; the
5.12 same information may not be placed on the polling place roster for a second state primary
5.13 and general election cycle unless specified in this subdivision. The polling place roster
5.14 must be used to indicate whether the voter has voted in a given election. The secretary of
5.15 state shall prescribe procedures for transporting the polling place rosters to the election
5.16 judges for use on election day. The secretary of state shall prescribe the form for a county
5.17 or municipality to request the date of birth from currently registered voters. The county or
5.18 municipality shall not request the date of birth from currently registered voters by any
5.19 communication other than the prescribed form and the form must clearly indicate that a
5.20 currently registered voter does not lose registration status by failing to provide the date of
5.21 birth. In accordance with section 204B.40, the county auditor shall retain the prescribed
5.22 polling place rosters used on the date of election for 22 months following the election.

5.23 Sec. 8. Minnesota Statutes 2010, section 204C.10, is amended to read:

5.24 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
5.25 **REGISTRATION.**

5.26 (a) An individual seeking to vote shall sign a polling place roster which states
5.27 that the individual is at least 18 years of age, a citizen of the United States, has resided
5.28 in Minnesota for 20 days immediately preceding the election, maintains residence at
5.29 the address shown, is not under a guardianship in which the court order revokes the
5.30 individual's right to vote, has not been found by a court of law to be legally incompetent to
5.31 vote or has the right to vote because, if the individual was convicted of a felony, the felony
5.32 sentence has expired or been completed or the individual has been discharged from the
5.33 sentence, is registered and has not already voted in the election. The roster must also state:

6.1 "I understand that deliberately providing false information is a felony punishable by not
6.2 more than five years imprisonment and a fine of not more than \$10,000, or both."

6.3 (b) A judge may, before the applicant signs the roster, confirm the applicant's name,
6.4 address, and date of birth, and verify that the applicant appears to be the same individual
6.5 whose photograph is associated with that voter record in the polling place roster. If two or
6.6 more election judges of different major political parties do not believe that the voter is the
6.7 same person as the person depicted in the photograph associated with the voter's record,
6.8 the voter must certify that the voter is the person who is registered to vote and the judge
6.9 must take a photograph of the voter. If a photograph is not associated with the applicant's
6.10 record in the roster, the voter may present a Minnesota driver's license or identification
6.11 card to the judge, who shall record the number so that a photograph can be attached to
6.12 the voter's record. Otherwise, the judge must request that the applicant allow the judge to
6.13 take a color photograph of the applicant for inclusion in the statewide voter registration
6.14 system and polling place roster. Refusal of an applicant to consent to a photograph for
6.15 religious reasons must be noted on the incident log, but does not prohibit the applicant
6.16 from casting a ballot.

6.17 (c) The secretary of state may send a letter to a voter if there is not a Minnesota
6.18 driver's license or state identification card number associated with the voter's record to
6.19 request that the voter provide this number, if the voter has a Minnesota driver's license or
6.20 state identification card.

6.21 ~~(c)~~ (d) After the applicant signs the roster, the judge shall give the applicant a voter's
6.22 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof
6.23 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The
6.24 voters' receipts must be maintained during the time for notice of filing an election contest.

6.25 Sec. 9. **TENNESSEN WARNING EXEMPTION.**

6.26 For photographs obtained by the commissioner of public safety during the process
6.27 of issuing Minnesota drivers' licenses or state identification cards prior to the effective
6.28 date of this act, the notice required under section 13.04, subdivision 2, does not need to
6.29 have been provided in order for the photographs to be used as provided under Minnesota
6.30 Statutes, section 171.07, subdivision 1a, clause (5).

6.31 Sec. 10. **APPROPRIATION.**

6.32 \$..... is appropriated from the general fund to the secretary of state to carry out the
6.33 duties authorized under this act. Of the amount appropriated under this section, \$..... is
6.34 added to the base of the agency.