

SENATE
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S.F. No. 1104

(SENATE AUTHORS: PUTNAM, Carlson, Rest, Port and Marty)

DATE	D-PG	OFFICIAL STATUS
02/17/2021	432	Introduction and first reading Referred to State Government Finance and Policy and Elections
02/18/2021	466	Authors added Carlson; Rest; Port
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1.1 A bill for an act

1.2 relating to elections; providing a system of automatic voter registration; amending

1.3 Minnesota Statutes 2020, 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 2020, section 13.607, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 9. Data derived from driver's license, Minnesota identification card, or

1.9 learner's permit applications. Data on an application for a driver's license, a Minnesota

1.10 identification card, or a learner's permit transferred to the secretary of state that are provided

1.11 by a person whom the secretary of state determines is not eligible to vote are governed by

1.12 section 201.161.

1.13 Sec. 2. Minnesota Statutes 2020, section 201.161, is amended to read:

1.14 ~~201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS~~

1.15 ~~AUTOMATIC VOTER REGISTRATION.~~

1.16 Subdivision 1. Automatic registration. Except as otherwise provided in this section,

1.17 an individual must be registered to vote if the individual is eligible to vote under section

1.18 201.014 and properly completes and submits one of the following applications, if the

1.19 application otherwise requires documentation of citizenship:

1.20 (1) an application for a new or renewed Minnesota driver's license, instruction permit,

1.21 or identification card;

2.1 (2) an initial or renewal application for medical assistance under chapter 256B or
 2.2 MinnesotaCare under chapter 256C; or

2.3 (3) an application for benefits or services to a state agency participating under subdivision
 2.4 4.

2.5 Subd. 2. **Option to decline registration.** After an individual submits an application
 2.6 qualifying for registration under this section, the individual must be provided, by mail, a
 2.7 notice of the option and the procedures necessary to decline to be registered to vote. The
 2.8 secretary of state may prescribe the form and content of this notice. An individual must not
 2.9 be registered to vote if the individual declines to be registered within 20 days of submitting
 2.10 the application. The individual must continue to be offered an opportunity to be registered
 2.11 upon completion or submission of a qualifying application unless the individual presents
 2.12 documentation demonstrating a lack of citizenship or a failure to meet other eligibility
 2.13 criteria.

2.14 Subd. 3. **Department of Public Safety.** (a) The ~~Department~~ commissioner of public
 2.15 safety ~~shall~~, in consultation with the secretary of state, must change its the applications for
 2.16 an original, duplicate, or change of address driver's license, instruction permit, or
 2.17 identification card so that the forms may also serve as voter registration applications, if the
 2.18 application otherwise includes verification of the applicant's citizenship. The forms must
 2.19 contain spaces for all information ~~collected by voter registration applications~~ required to
 2.20 register to vote, as prescribed by the secretary of state. ~~Applicants for driver's licenses or~~
 2.21 ~~identification cards must be asked if they want to register to vote at the same time and that~~
 2.22 Unless the applicant has provided an address other than the applicant's address of residence
 2.23 under section 171.12, subdivision 7, paragraph (d), the commissioner must transmit the
 2.24 information ~~must be transmitted at least weekly~~ daily by electronic means to the secretary
 2.25 of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the
 2.26 computerized driver's license record containing the voter's name, address, date of birth,
 2.27 citizenship, driver's license number or state identification number, signature image, county,
 2.28 ~~town~~, and city or town must be made available for access by the secretary of state and
 2.29 interaction with the statewide voter registration system. At least monthly, the commissioner
 2.30 must submit data to the secretary of state identifying the total number of people applying
 2.31 for services in a manner that qualifies for voter registration under this section and the total
 2.32 number of individuals whose records were actually transferred for registration.

2.33 (b) Information on an applicant for a form of an original, duplicate, or change of address
 2.34 driver's license, instruction permit, or identification card that does not include verification
 2.35 of citizenship must not be transmitted to the secretary of state. The commissioner must

3.1 provide these applicants with information on the voting eligibility and the requirements for
3.2 registering to vote at the time of the transaction.

3.3 (c) An applicant must not be registered to vote under this subdivision until the
3.4 commissioner of public safety has certified that the department's systems have been tested
3.5 and can accurately provide the required data, and the secretary of state has certified that the
3.6 system for automatic registration of those applicants has been tested and is capable of
3.7 properly determining whether an applicant is eligible to vote. The department's systems
3.8 must be tested and accurately provide the necessary date no later than June 1, 2022.

3.9 Subd. 4. **Department of Human Services.** (a) The commissioner of human services,
3.10 in consultation with the secretary of state, must ensure the applications described in
3.11 subdivision 1, clause (2), may also serve as voter registration applications for any individual
3.12 whose name appears on the application and for whom United States citizenship can be
3.13 verified. The applications must contain spaces for all information required to register to
3.14 vote, as prescribed by the secretary of state. The commissioner must transmit information
3.15 daily by electronic means to the secretary of state on any individual whose United States
3.16 citizenship has been verified. At least monthly, the commissioner must submit data to the
3.17 secretary of state identifying the total number of people applying for services in a manner
3.18 that qualifies for voter registration under this section and the total number of individuals
3.19 whose records were actually transferred for registration.

3.20 (b) An applicant must not be registered to vote under this subdivision until the
3.21 commissioner of human services has certified that the department's systems have been tested
3.22 and can accurately provide the required data, and the secretary of state has certified that the
3.23 system for automatic registration of those applicants has been tested and is capable of
3.24 properly determining whether an applicant is eligible to vote. The department's systems
3.25 must be tested and accurately provide the necessary date no later than June 1, 2022.

3.26 Subd. 5. **Other agencies and units of government.** (a) The commissioner of any state
3.27 agency, and the administrative head of any local government or the government of a federally
3.28 recognized Indian tribe within the state, in consultation with the secretary of state, may
3.29 cause any form or application within its jurisdiction to serve as a voter registration
3.30 application, if the form or application already provides verification of an applicant's United
3.31 States citizenship. The form or application must contain spaces for all information required
3.32 to register to vote, as prescribed by the secretary of state. The commissioner or administrative
3.33 head must transmit information daily by electronic means to the secretary of state on any
3.34 individual whose United States citizenship has been verified. At least monthly, the
3.35 commissioner must submit data to the secretary of state identifying the total number of

4.1 people applying for services in a manner that qualifies for voter registration under this
4.2 section, and the total number of individuals whose records were actually transferred for
4.3 registration.

4.4 (b) The commissioner or administrative head, in consultation with the secretary of state,
4.5 may cause any form or application within its jurisdiction to serve as an update to the address
4.6 on an applicant's existing voter registration record. The commissioner or administrative
4.7 head must transmit this information daily by electronic means to the secretary of state. At
4.8 least monthly, the commissioner or administrative head must submit data to the secretary
4.9 of state identifying the total number of people applying for services in a manner that qualifies
4.10 for a voter registration address update under this paragraph, and the total number of
4.11 individuals whose records were actually transferred for updates.

4.12 (c) An applicant must not be registered to vote under this subdivision until the agency's
4.13 commissioner, or the administrative head of the local or tribal government, has certified
4.14 that the necessary systems have been tested and can accurately provide the required data,
4.15 and the secretary of state has certified that the system for automatic registration of those
4.16 applicants has been tested and is capable of properly determining whether an applicant is
4.17 eligible to vote.

4.18 Subd. 6. **Registration.** (a) The secretary of state must determine whether an applicant
4.19 whose information is submitted under this section is currently registered in the statewide
4.20 voter registration system. For each currently registered voter whose registration is not
4.21 changed, the secretary of state must update the voter's registration date in the statewide
4.22 voter registration system. For each currently registered voter whose registration is changed,
4.23 the secretary of state must transmit the registration daily by electronic means to the county
4.24 auditor of the county where the voter resides.

4.25 (b) If the applicant is not currently registered in the statewide voter registration system,
4.26 the secretary of state must determine whether the applicant is 18 years of age or older and
4.27 a citizen of the United States. The secretary of state must also compare the voter registration
4.28 information received under section 201.145 to determine whether the applicant is eligible
4.29 to vote. If an applicant is younger than 18 years of age, the secretary of state must wait until
4.30 the applicant has turned 18 years of age to determine whether the applicant is eligible to
4.31 vote. For each applicant the secretary of state determines is an eligible voter, the secretary
4.32 of state must transmit the registration daily by electronic means to the county auditor of the
4.33 county where the voter resides.

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

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

5.5 Subd. 7. **Notice.** Upon receipt of the registration information, the county auditor must
 5.6 provide to the voter the notice of registration required by section 201.121, subdivision 2.
 5.7 A notice mailed under this subdivision must include information on declining the registration
 5.8 within the period authorized by subdivision 2, if the voter does not wish to be registered to
 5.9 vote. The secretary of state may adopt rules prescribing the notice required by this
 5.10 subdivision.

5.11 Subd. 8. **Prosecution of registration violations; voluntary action required.** Unless
 5.12 an individual knows of the individual's ineligibility to vote and intentionally takes voluntary
 5.13 action to become registered, the transfer of the individual's record under this section does
 5.14 not constitute completion or submission of a voter registration application by that individual.
 5.15 If an application is processed and the individual is registered by the state under this section,
 5.16 the application and registration is presumed to have been officially authorized by the state
 5.17 and the individual is not subject to penalty under this section or other applicable law if the
 5.18 individual is subsequently determined to be ineligible.

5.19 Subd. 9. **Effective date of registration.** A registration application completed pursuant
 5.20 to this section that is dated during the 20 days before an election is not effective until the
 5.21 day after the election. This subdivision does not limit the ability of a person to register to
 5.22 vote on election day as provided in section 201.061, subdivision 3. Any person who submits
 5.23 an application under this section that is dated during the 20 days before an election shall be
 5.24 provided at the time of application with a notice advising the applicant of the procedures
 5.25 to register to vote on election day.

5.26 Sec. 3. Minnesota Statutes 2020, section 201.162, is amended to read:

5.27 **201.162 DUTIES OF STATE AGENCIES.**

5.28 The commissioner or chief administrative officer of each state agency or
 5.29 community-based public agency or nonprofit corporation that contracts with the state agency
 5.30 to carry out obligations of the state agency shall provide voter registration services for
 5.31 employees and the public, including, as applicable, automatic voter registration or information
 5.32 on voter eligibility and registration procedures as required under section 201.161. A person
 5.33 may complete a voter registration application or apply to change a voter registration name

6.1 or address if the person has the proper qualifications on the date of application. Nonpartisan
6.2 voter registration assistance, including routinely asking members of the public served by
6.3 the agency whether they would like to register to vote and, if necessary, assisting them in
6.4 preparing the registration forms must be part of the job of appropriate agency employees.

6.5 Sec. 4. **EFFECTIVE DATE.**

6.6 This act is effective July 1, 2021.