

## CHAPTER 201

## REGISTRATION AND ELIGIBILITY OF VOTERS

201.01	Definitions.	201.12	Proper registration, verification by mail, challenges.
201.014	Eligibility to vote.	201.121	Entry of names; mailed notice.
201.016	Residence requirements for voting; penalty.	201.13	Report of deceased voters; changes to voter records.
201.018	Registration for voting.	201.14	Court administrator of district court, report changes of names.
201.021	Permanent registration system.	201.15	Probate judge, report guardianships and commitments.
201.022	Statewide registration system.	201.161	Driver's license and identification card applications.
201.023	Voter registration.	201.1611	Post-secondary institution voter registration.
201.054	Methods of registering; penalty.	201.162	Duties of state agencies.
201.056	Signature of registered voter; marks allowed.	201.171	Posting voting history; failure to vote; registration removed.
201.061	Registration on or before election day.	201.195	Challenges.
201.071	Registration cards.	201.211	Costs.
201.081	Registration files.	201.221	Rules.
201.091	Registered voter lists; reports; registration places.	201.27	Violations, penalty.
201.096	School elections; use of voter registration system.	201.275	Investigations; prosecutions.
201.11	Precinct boundaries changed, change of files.		

**201.01** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**201.01 DEFINITIONS.**

The definitions in chapter 200 apply to this chapter.

**History:** 1959 c 675 art 2 s 1; 1981 c 29 art 2 s 1

**201.013** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**201.014 ELIGIBILITY TO VOTE.**

Subdivision 1. **Requirements.** Except as provided in subdivision 2, an individual who meets the following requirements at the time of an election is eligible to vote. The individual must:

- (a) Be 18 years of age or older;
- (b) Be a citizen of the United States; and
- (c) Maintain residence in Minnesota for 20 days immediately preceding the election.

Subd. 2. **Not eligible.** The following individuals are not eligible to vote. Any individual:

- (a) Convicted of treason or any felony whose civil rights have not been restored;
- (b) Under a guardianship of the person; or
- (c) Found by a court of law to be legally incompetent.

Subd. 3. **Penalty.** Any individual who votes who knowingly is not eligible to vote is guilty of a felony.

**History:** 1981 c 29 art 2 s 2; 1986 c 444

**201.016 RESIDENCE REQUIREMENTS FOR VOTING; PENALTY.**

Subdivision 1. **Determination of residence; penalty.** An eligible voter may vote only in the precinct in which the voter maintains residence. The residence of a voter shall be determined in accordance with section 200.031. Any individual who votes in a precinct knowing that the individual does not maintain residence in that precinct is guilty of a felony.

Subd. 2. **Duration of residence.** The governing body of any city by resolution may

require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election. The school board of any school district by resolution may require an eligible voter to maintain residence in that school district for a period of 30 days prior to voting in a school district election.

**History:** 1981 c 29 art 2 s 3; 1986 c 444; 1987 c 266 art 1 s 4

#### 201.018 REGISTRATION FOR VOTING.

Subdivision 1. [Repealed, 1984 c 560 s 26]

Subd. 2. **Registration required.** An eligible voter must register in a manner specified by section 201.054, in order to vote in any primary, special primary, general, school district, or special election held in the county.

**History:** 1981 c 29 art 2 s 4; 1986 c 475 s 2; 1987 c 266 art 1 s 5

201.02 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.02 MS 1971 [Repealed, 1973 c 676 s 33]

#### 201.021 PERMANENT REGISTRATION SYSTEM.

A permanent system of voter registration by county is established, with the county systems linked together by a centralized statewide system. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for maintaining the centralized system.

**History:** 1973 c 676 s 3; 1975 c 204 s 94; 1981 c 29 art 2 s 5; 1984 c 560 s 2; 1987 c 361 s 2

#### 201.022 STATEWIDE REGISTRATION SYSTEM.

Subdivision 1. **Establishment.** The secretary of state shall develop and implement a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state.

Subd. 2. **Rules.** The secretary of state shall make permanent and emergency rules necessary to administer the system required in subdivision 1. The rules must at least:

(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the department of public safety;

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

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

(4) provide for interaction with the computerized driver's license records of the department of public safety;

(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;

(6) allow the offices of all county auditors and the secretary of state's office to have access to the statewide registration system for review and search capabilities;

(7) provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;

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

(9) prescribe a procedure for phasing in or converting existing computerized records to the statewide registration system;

(10) prescribe a procedure for the return of completed voter registration forms from the department of public safety to the secretary of state or the county auditor; and

(11) provide alternate procedures, effective until December 31, 1990, for updating voter records and producing polling place rosters for counties. The secretary of state shall determine no later than June 1, 1990, whether these alternate procedures will be required.

**History:** 1987 c 361 s 1; 1988 c 646 s 1; 1990 c 585 s 2

### 201.023 VOTER REGISTRATION.

Amounts received by the secretary of state to pay the cost of producing lists of registered voters under section 201.091, subdivision 5, by the statewide registration system must be deposited in the state treasury and credited to the general fund.

**History:** 1988 c 646 s 2; 1990 c 585 s 3; 1990 c 594 art 3 s 8

201.03	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
201.03	MS 1971	[Repealed, 1973 c 676 s 33]
201.04	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
201.04	MS 1971	[Repealed, 1973 c 676 s 33]
201.05	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
201.05	MS 1971	[Repealed, 1973 c 676 s 33]

### 201.054 METHODS OF REGISTERING; PENALTY.

Subdivision 1. **Registration.** An individual may register to vote:

- (1) at any time before the 20th day preceding any election as provided in section 201.061, subdivision 1;
- (2) on the day of an election as provided in section 201.061, subdivision 3; or
- (3) when submitting an absentee ballot, by enclosing a completed registration card as provided in section 203B.04, subdivision 4.

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

- (a) Cause or attempt to cause the individual's name to be registered in any precinct if the individual is not eligible to vote;
  - (b) Cause or attempt to cause the individual's name to be registered for the purpose of voting in more than one precinct, or in any precinct in which the individual does not maintain residence;
  - (c) Misrepresent the individual's identity when attempting to register to vote; or
  - (d) Aid, abet, counsel, or procure any other individual to violate this subdivision.
- A violation of this subdivision is a felony.

**History:** 1981 c 29 art 2 s 6; 1986 c 444; 1987 c 361 s 3; 1990 c 585 s 4

### 201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.

An individual who is unable to write the individual's name shall be required to sign a registration card by making the individual's mark. If the individual registers in person, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and the voter's own name and give the voter's own address.

**History:** 1981 c 29 art 2 s 7; 1986 c 444

201.06	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
201.06	MS 1971	[Repealed, 1973 c 676 s 33]

### 201.061 REGISTRATION ON OR BEFORE ELECTION DAY.

Subdivision 1. **Prior to election day.** At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible

voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county or to the secretary of state's office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence.

Subd. 2. [Repealed, 1990 c 585 s 34]

Subd. 3. **Election day registration.** An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) showing a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) showing any document approved by the secretary of state as proper identification;

(3) showing one of the following:

(i) a current valid student identification card from a post-secondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration cards and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration card until the individual's address is verified by the county auditor. Registration cards completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Subd. 5. **Unregistered voters; penalty.** No election judge in any precinct in which registration is required may receive the vote at any election of any individual whose name is not registered in a manner specified in section 201.054, subdivision 1 or not recorded under section 203B.19. A violation of this subdivision is a felony.

Subd. 6. **Precinct map.** Except as otherwise provided by this subdivision, the county auditor shall provide each precinct with an accurate precinct map or precinct finder to assist the election judges in determining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in section 201.221, subdivision 4, to a municipal or school district clerk who prepares precinct maps as provided in section 204B.14, subdivision 5.

Subd. 7. **Record of attempted registrations.** The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

**History:** 1973 c 676 s 4; 1974 c 583 s 1,2; 1977 c 395 s 1,2; 1978 c 714 s 1,30; 1981 c 29 art 2 s 8; 1981 c 217 s 3; 2Sp1981 c 2 s 1; 1983 c 253 s 1; 1984 c 560 s 3; 1986 c 444; 1987 c 266 art 1 s 6,7; 1987 c 361 s 4; 1990 c 585 s 5; 1991 c 227 s 4

201.07 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.07 MS 1971 [Repealed, 1973 c 676 s 33]

### 201.071 REGISTRATION CARDS.

Subdivision 1. **Form.** A registration card must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number; date of registration; and voter's signature. The card must also contain the following certification: I certify that I will be at least 18 years old on election day and am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

The form of the voter registration card must be as provided in the rules of the secretary of state.

Subd. 2. **Instructions.** A registration card shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and handicapped individuals and residents of health care facilities and hospitals. If, prior to election day, a person requests the instructions in Braille, on cassette tape, or in a version printed in 16-point bold type with heavy leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

Subd. 3. **Deficient registration.** No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

Subd. 4. **Change of registration.** Any county auditor who receives a registration card indicating that an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county electronically through the statewide registration system in the manner prescribed in the rules of the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification

as provided in this subdivision shall remove that individual's voter registration card from the files. Any county auditor who receives a registration card or notification requiring a change of registration records under this subdivision as a result of an election day registration shall also check the statewide registration system to determine whether the individual voted in more than one precinct in the most recent election.

Subd. 5. [Repealed, 1990 c 585 s 34]

Subd. 6. [Repealed, 1990 c 585 s 34]

Subd. 7. [Repealed, 1983 c 124 s 6]

Subd. 8. **School district assistance.** School districts shall assist county auditors in determining the school district in which a voter resides.

**History:** 1973 c 676 s 5; 1974 c 583 s 3,4; 1977 c 395 s 3; 1978 c 714 s 2,30; 1981 c 29 art 2 s 9; 1981 c 92 s 1; 1983 c 124 s 1-3; 1983 c 303 s 1; 1984 c 471 s 1; 1984 c 628 art 3 s 11; 1986 c 444; 1987 c 175 s 1; 1987 c 266 art 1 s 8,9; 1987 c 361 s 5; 1988 c 646 s 3; 1990 c 453 s 1; 1990 c 585 s 6,7; 1993 c 223 s 1

**201.08** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**201.08** MS 1971 [Repealed, 1973 c 676 s 33]

### **201.081 REGISTRATION FILES.**

The statewide registration system is the official record of registered voters. The voter registration cards and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the county auditor has delegated the responsibility for maintaining voter registration records. The voter registration cards and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this subdivision. The county auditor may make photographic copies of voter registration cards in the manner provided by section 138.17.

**History:** 1973 c 676 s 6; 1976 c 223 s 4; 1978 c 714 s 30; 1981 c 29 art 2 s 10; 1987 c 361 s 6; 1990 c 585 s 8; 1993 c 223 s 2

**201.09** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**201.09** MS 1971 [Repealed, 1973 c 676 s 33]

### **201.091 REGISTERED VOTER LISTS; REPORTS; REGISTRATION PLACES.**

Subdivision 1. **Master list.** Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration card received by the county auditor into the statewide registration system. It must show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute.

Subd. 2. **Corrected list.** By February 15 of each year, the secretary of state shall prepare the master list for each county auditor. The records in the statewide registration system must be periodically corrected and updated by the county auditor. An updated master list for each precinct must be available for absentee voting at least 32 days before each election. A final corrected master list must be available seven days before each election.

Subd. 3. [Repealed, 1990 c 585 s 34]

Subd. 4. **Public information lists.** The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may

also include information on voting districts. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

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

Upon receipt of a written request and a copy of the court order, the secretary of state may withhold from the public information list the name of any registered voter placed under court-ordered protection.

**Subd. 5. Copy of list to registered voter.** The county auditors and the secretary of state shall provide paper copies of the public information lists and may provide the lists in some other form to any voter registered in Minnesota within ten days of receiving a written request accompanied by payment of the cost of reproduction. The county auditors and the secretary of state shall make a copy of the list available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement. No list made available for public inspection or purchase may include the date of birth of a registered voter.

**Subd. 6.** [Repealed, 1983 c 303 s 24]

**Subd. 7.** [Repealed, 1983 c 303 s 24]

**Subd. 8. Registration places.** Each county auditor shall designate a number of public buildings in those political subdivisions of the county where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register to vote. At least one public building must be designated for each 30,000 residents of the county. At least one telecommunications device for the deaf must be available for voter registration information in each county seat and in every city of the first, second, and third class.

An adequate supply of registration cards and instructions must be maintained at each designated location, and a designated individual must be available there to accept registration cards and transmit them to the county auditor.

A person who, because of handicap, needs assistance in order to determine eligibility or to register must be assisted by a designated individual. Assistance includes but is not limited to reading the registration form and instructions and filling out the registration form as directed by the eligible voter.

**History:** 1973 c 676 s 7; 1974 c 55 s 1; 1976 c 223 s 1-3; 1977 c 96 s 1; 1977 c 395 s 4-6; 1978 c 714 s 30; 1981 c 29 art 2 s 11; 1984 c 471 s 2; 1985 c 31 s 1; 1986 c 444; 1987 c 175 s 2; 1988 c 646 s 4,5; 1990 c 585 s 9; 1991 c 227 s 5,6; 1991 c 349 s 28

**201.095** [Repealed, 1987 c 266 art 1 s 68]

#### **201.096 SCHOOL ELECTIONS; USE OF VOTER REGISTRATION SYSTEM.**

The county auditor shall allow independent or special school districts to use the necessary portions of the statewide registration system for school district elections. The county auditor may impose reasonable requirements to preserve the security and integ-

# MINNESOTA STATUTES 1994

969

REGISTRATION AND ELIGIBILITY OF VOTERS 201.121

urity of the system. The county auditor and the school district shall provide by agreement for the details of the use of the system by the school district. The school board may designate a member of the board or an employee as registration officer. The provisions of this chapter and chapter 203B relating to registration of voters apply to school district elections in which the statewide registration system is used.

**History:** 1990 c 585 s 10

**201.10** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**201.10** MS 1971 [Repealed, 1973 c 676 s 33]

**201.11** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

## **201.11 PRECINCT BOUNDARIES CHANGED, CHANGE OF FILES.**

When the boundaries of a precinct are changed, the county auditor shall immediately update the voter records for that precinct in the statewide registration system to accurately reflect those changes.

**History:** 1959 c 675 art 2 s 11; 1973 c 676 s 8; 1981 c 29 art 2 s 13; 1993 c 223 s 3

**201.12** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

## **201.12 PROPER REGISTRATION, VERIFICATION BY MAIL, CHALLENGES.**

Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate excess names, the county auditor may mail to any registered voter a notice stating the voter's name and address as they appear in the registration files. The notice shall request the voter to notify the county auditor if there is any mistake in the information.

Subd. 2. **Challenges.** Upon return of the notice by the postal service, the county auditor or the auditor's staff shall personally ascertain the name and address of that individual. If the individual is no longer at the address recorded in the statewide registration system, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a second notice mailed at least 60 days after the return of the first notice is also returned by the postal service, the county auditor may remove the registration card from the file and change the registrant's status to "inactive" in the statewide registration system.

**History:** 1959 c 675 art 2 s 12; 1973 c 676 s 9; 1981 c 29 art 2 s 14; 1986 c 444; 1986 c 475 s 3; 1990 c 585 s 11

## **201.121 ENTRY OF NAMES; MAILED NOTICE.**

Subdivision 1. **Entry of registration information.** Upon receiving a voter registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter in the appropriate registration files and in the statewide registration system the registration card or the information contained on it.

Upon receiving a completed voter registration card or form, the secretary of state may electronically transmit the information on the card or form to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state shall mail the registration card or form to the county auditor for placement in the appropriate files.

Subd. 2. **Notice of registration; challenges.** The county auditor shall mail a notice indicating the individual's name, address, precinct and polling place to each registered voter. The notice shall indicate that it must be returned if it is not deliverable to the voter at the named address. Upon return of the notice by the postal service, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote.



Subd. 3. **Postelection sampling.** Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney and the secretary of state.

**History:** 1973 c 676 s 10; 1978 c 714 s 3,30; 1981 c 29 art 2 s 15; 1986 c 444; 1987 c 361 s 7; 1990 c 585 s 12,13

**201.13** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

### **201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER RECORDS.**

Subdivision 1. **Commissioner of health, reports of deceased residents.** The commissioner of health shall report monthly to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide registration system and remove from the files the registration cards of the voters reported to be deceased.

Subd. 2. **Voter registration card removal for deceased nonresidents.** The county auditor may remove from the files the voter registration cards of voters who have died outside of the county, after receiving notice of death. Notice must be in the form of a printed obituary or a written statement signed by a registered voter of the county. The county auditor shall also make the appropriate changes in the database of the statewide registration system when voter registration cards are removed from the files.

Subd. 3. **Use of change of address system.** The county auditor may delete the records in the statewide registration system of voters whose change of address can be confirmed by the United States Postal Service. The secretary of state may provide the county auditors with periodic reports on voters whose change of address can be confirmed by the United States Postal Service.

**History:** 1959 c 675 art 2 s 13; 1973 c 676 s 11; 1981 c 29 art 2 s 16; 1987 c 361 s 8; 1989 c 7 s 1; 1991 c 227 s 7; 1993 c 101 s 1; 1993 c 223 s 4,5; 1994 c 465 art 3 s 63

**201.14** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

### **201.14 COURT ADMINISTRATOR OF DISTRICT COURT, REPORT CHANGES OF NAMES.**

The court administrator of district court in each county shall report monthly to the county auditor the name and address of each individual, 18 years of age or over, who maintains residence in that county and whose name was changed during the month preceding the date of the report, by marriage, divorce or any order or decree of the court. Upon receipt of the report, the county auditor shall notify by mail each registered voter whose name was changed that it will be necessary to reregister under the changed name in order to vote.

**History:** 1959 c 675 art 2 s 14; 1973 c 676 s 12; 1973 c 725 s 38; 1977 c 395 s 7; 1981 c 29 art 2 s 17; 1986 c 444; 1Sp1986 c 3 art 1 s 82

**201.15** MS 1957 [Repealed, 1959 c 675 art 13 s 1]

**201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.**

Subdivision 1. **Guardianships, incompetents and psychopaths.** The court administrator in each county shall report monthly to the county auditor the name and address of each individual 18 years of age or over, who maintains residence in that county and who, during the month preceding the date of the report:

- (a) was placed under a guardianship of the person;
- (b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or
- (c) was adjudged a sexually dangerous person or a person with a sexual psychopathic personality.

The judge shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), (b) or (c). Upon receipt of the report, the county auditor shall determine whether any individual named in the report is registered to vote. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Subd. 2. **Restoration to capacity.** The probate judge in each county shall report monthly to the county auditor the name and address of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. Upon notice from the judge of probate of a restoration to capacity, or of a transfer from guardianship to conservatorship, the county auditor shall change the status on the voter's record in the statewide registration system to "active."

**History:** 1959 c 675 art 2 s 15; 1961 c 697 s 1; 1967 c 839 s 2; 1973 c 676 s 13; 1973 c 725 s 39; 1978 c 714 s 4; 1979 c 43 s 1; 1981 c 29 art 2 s 18; 1986 c 475 s 4; 1987 c 361 s 9; 1993 c 223 s 6; 1Sp1994 c 1 art 2 s 20

**201.16 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**201.16 MS 1971** [Repealed, 1973 c 676 s 33]

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

The department of public safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration cards. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

**History:** 1977 c 395 s 8; 1981 c 29 art 2 s 19; 1987 c 361 s 10

**201.1611 POST-SECONDARY INSTITUTION VOTER REGISTRATION.**

Subdivision 1. **Forms.** All post-secondary institutions that enroll students accepting state or federal financial aid shall provide voter registration forms to each student upon payment of tuition, fees, and activities funds at the commencement of fall quarter. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions may request these forms from the secretary of state.

Subd. 2. **Student voter registration.** Upon registration or receipt of payment of fees, students must be asked if they want to register to vote at the same time. A copy of each completed voter registration form must be sent to the county auditor of the county in

which the voter maintains residence or to the secretary of state as soon as possible. All completed voter registration forms must be forwarded to the county auditor within five days and in no case later than 21 days before the general election.

**History:** 1991 c 227 s 8

### 201.162 DUTIES OF STATE AGENCIES.

The commissioner or chief administrative officer of each state agency or community-based public agency or nonprofit corporation that contracts with the state agency to carry out obligations of the state agency shall provide voter registration services for employees and the public. A person may complete a voter registration application or apply to change a voter registration name or address if the person has the proper qualifications on the date of application. Nonpartisan voter registration assistance, including routinely asking members of the public served by the agency whether they would like to register to vote and, if necessary, assisting them in preparing the registration forms must be part of the job of appropriate agency employees.

**History:** 1987 c 361 s 11

201.17 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.17 MS 1971 [Repealed, 1973 c 676 s 33]

### 201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and shall change the status of those registrants to "inactive" in the statewide registration system. The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

The county auditor shall remove the voter registration card of any voter whose name appears on the report. Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

**History:** 1973 c 676 s 14; 1981 c 29 art 2 s 20; 1987 c 361 s 12; 1990 c 585 s 14

201.18 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.18 MS 1980 [Repealed, 1981 c 217 s 11]

201.19 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.19 MS 1971 [Repealed, 1973 c 676 s 33]

201.191 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

### 201.195 CHALLENGES.

Subdivision 1. **Petition; hearing.** Upon petition filed with the county auditor, any voter registered within a county may challenge the eligibility or residence of any other voter registered within that county. The petition shall state the grounds for challenge and be accompanied by an affidavit stating that the challenge is based on the challenger's personal knowledge. Within five days after receipt of the petition, the county auditor shall set a date for a hearing on the challenge and notify the challenger by mail. A copy of the petition and notice of the hearing shall be served on the challenged voter by the county auditor in the same manner as in a civil action. The hearing shall be held before the county auditor or the auditor's designee who shall then make findings and affirm or dismiss the challenge.

Subd. 2. **Appeal.** If a challenge is affirmed, the voter whose registration has been challenged may appeal the ruling to the secretary of state. The appeal shall be heard within five days but in any case before election day. Upon hearing the appeal the secre-

# MINNESOTA STATUTES 1994

973

REGISTRATION AND ELIGIBILITY OF VOTERS 201.221

tary of state shall affirm or reverse the ruling and shall give appropriate instructions to the county auditor.

**Subd. 3. Hearing procedures.** A hearing before the secretary of state shall be conducted as a contested case and determined in accordance with chapter 14.

**History:** 1981 c 29 art 2 s 22; 1982 c 424 s 130; 1986 c 444

**201.20 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**201.20 MS 1971** [Repealed, 1973 c 676 s 33]

**201.21 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**201.21 MS 1971** [Repealed, 1973 c 676 s 33]

## 201.211 COSTS.

The office required to perform the functions and duties of this chapter shall bear the costs incurred. If these functions and duties are delegated to another office, that office shall bear the costs. The secretary of state shall pay the costs of operating and maintaining the statewide registration system. The secretary of state shall also pay the costs of preparing polling place rosters and master lists from the money appropriated for this purpose.

**History:** 1973 c 676 s 16; 1981 c 29 art 2 s 23; 1990 c 585 s 15

**201.22 MS 1957** [Repealed, 1959 c 675 art 13 s 1]

**201.22 MS 1971** [Repealed, 1973 c 676 s 33]

## 201.221 RULES.

**Subdivision 1. Adoption of rules.** To implement the provisions of this chapter, the secretary of state shall adopt rules consistent with federal and state election laws.

**Subd. 2. Uniform procedures for counties.** The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for maintaining voter registration records on the statewide registration system. The secretary of state shall supervise the development and use of the statewide registration system to insure that it conforms to applicable laws and rules.

**Subd. 3. Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for one year following the election.

**Subd. 4. County rules.** The county auditor of each county may adopt rules that delegate to the secretary of state or municipal officials in that county the duties assigned to county auditors by this chapter. Delegation of duties to the secretary of state requires the approval of the secretary of state. Delegation to a municipal official requires the approval of the governing body of the municipality. Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. Each delegation agreement must include a plan to allocate the costs of the duties to be delegated.

**History:** 1973 c 676 s 17; 1978 c 714 s 30; 1981 c 29 art 2 s 24; 1981 c 92 s 2; 1986 c 444; 1987 c 266 art 1 s 10; 1987 c 361 s 13,14; 1990 c 585 s 16

- 201.23 MS 1957 [Repealed, 1959 c 675 art 13 s 1]  
 201.23 MS 1971 [Repealed, 1973 c 676 s 33]  
 201.231 [Repealed, 1981 c 29 art 7 s 39]  
 201.24 MS 1957 [Repealed, 1959 c 675 art 13 s 1]  
 201.24 MS 1971 [Repealed, 1973 c 676 s 33]  
 201.25 MS 1957 [Renumbered 201.28]  
 201.25 MS 1971 [Repealed, 1973 c 676 s 33]  
 201.26 MS 1957 [Renumbered 201.29]  
 201.26 MS 1980 [Repealed, 1981 c 29 art 7 s 39]  
 201.261 [Repealed, 1973 c 676 s 33]  
 201.27 MS 1957 [Renumbered 201.30]

### 201.27 VIOLATIONS, PENALTY.

Subdivision 1. **Intentional violation.** No officer, deputy, clerk, or other employee shall intentionally:

- (1) fail to perform or enforce any of the provisions of this chapter except subdivision 2;
- (2) remove a registration card or record from its proper place in the registration files in a manner or for a purpose not authorized by law;
- (3) destroy or make an unauthorized change to a record required to be kept by this chapter; or
- (4) add a name or names to the voter registration files, records, or cards, except as authorized by law.

An individual who violates this subdivision is guilty of a felony.

Subd. 2. **Knowledge of violation.** A deputy, clerk, employee, or other subordinate of a county auditor or municipal or school district clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county auditor or municipal or school district clerk, together with any possessed evidence of the violation. Any county auditor or municipal or school district clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county attorney of the county where the violation is thought to have occurred, together with any possessed evidence of the violation. The county auditor or municipal or school district clerk shall also immediately send a copy of the report to the secretary of state. A violation of this subdivision is a misdemeanor.

Subd. 3. **General penalty.** An individual who intentionally violates any provision of this chapter is guilty of a felony, unless a different penalty is specifically provided by law.

**History:** 1959 c 675 art 2 s 27; 1973 c 676 s 20; 1978 c 714 s 5,30; 1981 c 29 art 2 s 25; 1986 c 444; 1987 c 266 art 1 s 11; 1990 c 585 s 17

### 201.275 INVESTIGATIONS; PROSECUTIONS.

A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.

**History:** 1978 c 714 s 6; 1981 c 29 art 2 s 26; 1986 c 444; 1988 c 578 art 1 s 2

# MINNESOTA STATUTES 1994

975

## REGISTRATION AND ELIGIBILITY OF VOTERS

<b>201.28</b>	MS 1957	[Renumbered 201.31]
<b>201.28</b>	MS 1971	[Repealed, 1973 c 676 s 33]
<b>201.29</b>	MS 1957	[Renumbered 201.32]
<b>201.29</b>	MS 1971	[Repealed, 1973 c 676 s 33]
<b>201.30</b>	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
<b>201.30</b>	MS 1971	[Repealed, 1973 c 676 s 33]
<b>201.31</b>	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
<b>201.31</b>	MS 1971	[Repealed, 1973 c 676 s 33]
<b>201.32</b>	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
<b>201.32</b>	MS 1971	[Repealed, 1973 c 676 s 33]
<b>201.33</b>	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
<b>201.33</b>	MS 1980	[Repealed, 1981 c 29 art 7 s 39]
<b>201.34</b>	MS 1957	[Repealed, 1959 c 675 art 13 s 1]
<b>201.34</b>	MS 1974	[Repealed, 1975 c 204 s 106]