

## CHAPTER 201

### ELIGIBILITY AND REGISTRATION OF VOTERS

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**201.001** MS 2006 [Renumbered 15.001]

**201.01** MS 1957 [Repealed, 1959 c 675 art 13 s 1]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**201.013** [Repealed, 1959 c 675 art 13 s 1]

### VOTER ELIGIBILITY

#### 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:

- (1) be 18 years of age or older;
- (2) be a citizen of the United States; and

(3) 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:

- (1) convicted of treason or any felony whose civil rights have not been restored;
- (2) under a guardianship in which the court order revokes the ward's right to vote; or
- (3) found by a court of law to be legally incompetent.

Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual who is ineligible to vote because of a felony conviction has the civil right to vote restored during any period when the individual is not incarcerated for the offense. If the individual is later incarcerated for the offense, the individual's civil right to vote is lost only during that period of incarceration. For purposes of this subdivision only, an individual on work release under section 241.26 or 244.065 or an individual released under section 631.425 is not deemed to be incarcerated.

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; 2003 c 12 art 2 s 2; 2005 c 10 art 4 s 3; 2005 c 156 art 6 s 14; 2023 c 12 s 1; 2023 c 62 art 4 s 10

## 201.016 RESIDENCE REQUIREMENTS FOR VOTING; VIOLATIONS; PENALTY.

Subdivision 1. **Determination of residence.** 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.

Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a notice to any voter who the county auditor can determine has: (1) provided the address at which the voter maintains residence, but was allowed to vote in a precinct other than the precinct in which the voter maintains residence; and (2) not voted in the wrong precinct previously. The notice must be in the form provided by the secretary of state.

(b) The county auditor shall mail a violation notice to any voter who otherwise voted in a precinct in which the voter did not maintain residence on election day. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

(c) A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor.

(d) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been found to have committed a petty misdemeanor under paragraph (b) is guilty of a misdemeanor.

(e) Reliance by the voter on inaccurate information regarding the location of the voter's polling place provided by the state, county, or municipality is an affirmative defense to a prosecution under this subdivision.

Subd. 2. [Repealed, 2014 c 264 s 31]

**History:** 1981 c 29 art 2 s 3; 1986 c 444; 1987 c 266 art 1 s 4; 1999 c 132 s 3,4; 1Sp2001 c 10 art 18 s 7; 2010 c 201 s 1

## VOTER REGISTRATION

### 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 a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. 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 defining, maintaining, and administering 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; 2004 c 293 art 1 s 1

### 201.022 STATEWIDE REGISTRATION SYSTEM.

Subdivision 1. **Establishment.** The secretary of state shall maintain 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. The system must also:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) provide reports necessary for early voting.

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

*[See Note.]*

Subd. 2. **Rules.** The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1.

Subd. 3. **Consultation with local officials.** The secretary of state must consult with representatives of local election officials in the development of the statewide voter registration system.

**History:** 1987 c 361 s 1; 1988 c 646 s 1; 1990 c 585 s 2; 1995 c 233 art 2 s 56; 1Sp2001 c 10 art 18 s 8; 2004 c 293 art 1 s 2; 2005 c 162 s 1; 2023 c 62 art 4 s 11

**NOTE:** The amendment to subdivision 1 by Laws 2023, chapter 62, article 4, section 11, is effective upon the revisor of statutes' receipt of the early voting certification and applies to elections held on or after January 1, 2024, or the 85th day after the revisor of statutes receives the certification, whichever is later. Laws 2023, chapter 62, article 4, section 11, the effective date.

### **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; PROHIBITIONS; PENALTY.**

Subdivision 1. **Registration.** (a) 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 application as provided in section 203B.04, subdivision 4.

(b) An individual who is under the age of 18, but who is at least 16 years of age and otherwise eligible, may submit a voter registration application as provided in section 201.061, subdivisions 1 and 1b.

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

(1) cause or attempt to cause the individual's name to be registered in any precinct if the individual is not eligible to vote, except as permitted by section 201.061, subdivision 1b;

(2) cause or attempt to cause the individual's name to be registered for the purpose of voting in more than one precinct;

(3) misrepresent the individual's identity when attempting to register to vote; or

(4) aid, abet, counsel, or procure any other individual to violate this subdivision.

A violation of this subdivision is a felony.

Subd. 3. **Prohibited methods of compensation; penalty.** (a) No individual may be compensated for the solicitation, collection, or acceptance of voter registration applications from voters for submission to the secretary of state, a county auditor, or other local election official in a manner in which payment is calculated by multiplying (1) either a set or variable payment rate, by (2) the number of voter registration applications solicited, collected, or accepted.

(b) No individual may be deprived of compensation or have compensation automatically reduced exclusively for failure to solicit, collect, or accept a minimum number of voter registration applications, and no individual may receive additional compensation for reaching or exceeding a minimum number of voter registration applications.

(c) A person who violates this subdivision is guilty of a petty misdemeanor.

**History:** 1981 c 29 art 2 s 6; 1986 c 444; 1987 c 361 s 3; 1990 c 585 s 4; 1999 c 132 s 5; 2008 c 244 art 1 s 2; art 2 s 2; 2023 c 34 art 1 s 3,4

**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 application in the manner provided by section 645.44, subdivision 14. If the individual registers in person

and signs by making a mark, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail and signs by making a mark, 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; 2008 c 244 art 1 s 3

**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.** (a) At any time except during the 20 days immediately preceding any regularly scheduled 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 voter registration application as described in section 201.071, subdivision 1. A completed application may be submitted:

(1) in person or by mail to the county auditor of that county or to the Secretary of State's Office; or

(2) electronically through a secure website that shall be maintained by the secretary of state for this purpose, if the applicant has an email address and provides the applicant's verifiable Minnesota driver's license number, Minnesota state identification card number, or the last four digits of the applicant's Social Security number.

(b) A registration that is received in person or by mail no later than 5:00 p.m. on the 21st day preceding any election, or a registration received electronically through the secretary of state's secure website no later than 11:59 p.m. on the 21st day preceding any election, shall be accepted. An improperly addressed or delivered registration application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed applications to the secretary of state or the appropriate county auditor within ten calendar days after the applications are dated by the voter.

(c) An application submitted electronically under paragraph (a), clause (2), may only be transmitted to the county auditor for processing if the secretary of state has verified the application information matches the information in a government database associated with the applicant's driver's license number, state identification card number, or Social Security number. The secretary of state must review all unverifiable voter registration applications submitted electronically for evidence of suspicious activity and must forward any such application to an appropriate law enforcement agency for investigation.

(d) An individual may not electronically submit a voter registration application on behalf of any other individual, except that the secretary of state may provide features on the secure website established under paragraph (a), clause (2), that allow third parties to connect application programming interfaces that facilitate an individual's submission of voter registration information while interacting with the third party.

(e) For purposes of this section, mail registration is defined as a voter registration application delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service or a commercial carrier.

Subd. 1a. **Incomplete registration by mail.** If the county auditor determines that a voter who has submitted a voter registration application by mail has not previously voted in this state for a federal office and has also not presented a document authorized for election day registration in section 201.061, subdivision 3, to the auditor, and the county auditor is unable to verify the voter's driver's license, state identification, or last four digits of the voter's Social Security number as provided by the voter on the voter registration application, then the county auditor must notify the voter that the registration is incomplete and to complete registration by using one of the following methods:

(1) presenting to the auditor more than 20 days before the election a document authorized for election day registration in section 201.061, subdivision 3;

(2) registering in person before or on election day;

(3) if voting by absentee ballot or by mail, following election day registration procedures for absentee voters as described in section 203B.04, subdivision 4; or

(4) providing proof of residence by any of the methods authorized for election day registration in section 201.061, subdivision 3.

Subd. 1b. **Preregistration.** An individual who is under the age of 18, but who is at least 16 years of age and meets all requirements for eligibility in section 201.014, except for age, may submit a voter registration application or be automatically registered under section 201.161 at the address in which the voter maintains residence pursuant to subdivision 1. Nothing in this section shall be construed to entitle an individual to appear on a polling place roster or cast a ballot at an election if the individual does not meet all eligibility requirements for voting, including age.

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

Subd. 3. **Election day registration.** (a) 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 application, 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) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

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

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary 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, or an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee 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 voter who is registered to vote in the precinct may sign up to eight proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges

to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the individual: (i) is registered to vote in the precinct or is an employee of a residential facility in the precinct, (ii) personally knows that the voter is a resident of the precinct, and (iii) is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; an assisted living facility licensed by the commissioner of health under chapter 144G; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; setting authorized to provide housing support as defined in section 256I.03, subdivision 10a; a shelter for battered women as defined in section 611A.37, subdivision 4; a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless; a facility where a provider operates a residential treatment program as defined in section 245.462, subdivision 23; or a facility where a provider operates an adult foster care program as defined in section 245A.02, subdivision 6c.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

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

**Subd. 3a. Additional proofs of residence permitted for students.** (a) An eligible voter may prove residence by presenting a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name; student identification number, if available; and address within the precinct appear on a current residential housing list under section 135A.17, certified to the county auditor by the postsecondary educational institution.

(b) This additional proof of residence for students must not be allowed unless the postsecondary educational institution submits to the county auditor no later than 60 days prior to the election a written agreement that the postsecondary educational institution will certify for use at the election accurate updated

residential housing lists under section 135A.17. A written agreement is effective for the election and all subsequent elections held in that calendar year, including the November general election.

(c) The additional proof of residence for students must be allowed on an equal basis for voters who reside in housing meeting the requirements of section 135A.17, if the residential housing lists certified by the postsecondary educational institution meet the requirements of this subdivision.

(d) An updated residential housing list must be certified to the county auditor no earlier than 20 days prior to each election. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution and must state that the list is current and accurate and includes only the names of persons residing as of the date of the certification.

(e) The county auditor shall instruct the election judges of the precinct in procedures for use of the list in conjunction with photo identification. The auditor shall supply a list to the election judges with the election supplies for the precinct.

(f) The county auditor shall notify all postsecondary educational institutions in the county of the provisions of this subdivision.

**Subd. 4. Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. Before registering an individual to vote at the polling place, the election judge must review any list of absentee election day registrants provided by the county auditor or municipal clerk to see if the person has already voted by absentee ballot. If the person's name appears on the list, the election judge must not allow the individual to register or to vote in the polling place. 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 applications 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 application. Registration applications 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.

Subd. 8. **Website security.** (a) The secretary of state shall maintain a log of each Internet Protocol address used to submit a voter registration application electronically under subdivision 1, paragraph (a), clause (2), and must monitor the log, volume of website use, and other appropriate indicators for suspicious activity. Evidence of suspicious activity that cannot be resolved by the secretary of state must be forwarded to an appropriate law enforcement agency for investigation.

(b) The electronic registration system must be secure. The website shall maintain the confidentiality of all users and preserve the integrity of the data submitted. The secretary of state shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this section. All data sent and received through the website must be encrypted.

(c) The secretary of state must provide ongoing testing and monitoring to ensure continued security. The secretary of state must work with the chief information officer as defined in section 16E.01, subdivision 1, or another security expert to annually assess the security of the system. The security assessment must include a certification signed by the secretary of state that states that adequate security measures are in place. The certification must also be signed by the chief information officer or another security expert affirming that the assessment is accurate. The secretary of state must submit the security assessment to the legislative auditor and to the chairs and ranking minority members of the committees in the senate and house of representatives with primary jurisdiction over elections by January 1 of each year, except that the first annual security assessment must be submitted by September 30, 2014, and no report is required for January 1, 2015.

(d) In developing the electronic voter registration system, the secretary of state must consult with the chief information officer or the chief's designee to ensure the site is secure.

**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; 1997 c 147 s 2; 2000 c 467 s 5; 2002 c 394 s 1; 2004 c 293 art 1 s 3-5; 2005 c 98 art 1 s 24; 2005 c 156 art 6 s 15; 2006 c 242 s 13,14; 2008 c 244 art 1 s 4; art 2 s 3; 2010 c 194 s 1; 2010 c 201 s 2; 2013 c 131 art 2 s 7; 2014 c 185 s 2,3; 2014 c 264 s 3,4; 1Sp2017 c 6 art 2 s 39; 2023 c 34 art 1 s 5; 2023 c 62 art 4 s 12-14; 2023 c 70 art 17 s 62

**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 APPLICATIONS.**

Subdivision 1. **Form.** Both paper and electronic voter registration applications must contain the same information unless otherwise provided by law. A voter registration application must 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, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; a box to indicate a voter's preference to join the permanent absentee voter list; and voter's signature. The paper registration application may include the voter's email address, if provided by the voter. The electronic voter registration application must include the voter's email address. The registration application may include the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

- (1) am at least 16 years old and understand that I must be at least 18 years old to be eligible to vote;
- (2) am a citizen of the United States;
- (3) will have maintained residence in Minnesota for 20 days immediately preceding election day;
- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship in which the court order revokes my right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) am not currently incarcerated for a conviction of a felony offense; and
- (8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

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

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

"(2) Are you at least 16 years old and will you be at least 18 years old on or before the day of the election in which you intend to vote?"

And the instruction:

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

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

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

*[See Note.]*

Subd. 2. **Instructions.** (a) A registration application 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 disabled individuals and residents of health care facilities and hospitals.

(b) The instructions must indicate that the voter must provide a valid Minnesota driver's license or identification card number, or the last four digits of the voter's Social Security number, unless the voter has not been issued one of those numbers.

(c) If, prior to election day, a person requests the instructions in Braille, audio format, or in a version printed in 16-point bold type with 24-point leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and audio copies and make them available.

Subd. 3. **Deficient registration.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued

a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration application if it is deficient or illegible. No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration application 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 voter registration application 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.

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, or a Social Security number, is not deficient for lack of any of these numbers.

A voter registration application submitted electronically through the website of the secretary of state prior to April 30, 2014, is not invalid as a result of its electronic submission.

**Subd. 4. Change of registration.** A county auditor who receives a registration application indicating that an individual was previously registered in a different county in Minnesota shall update the voter's record electronically through the statewide registration system in the manner prescribed by the secretary of state. A county auditor who receives a registration application 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 maintains residence.

**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; 1997 c 147 s 3; 2004 c 293 art 1 s 6-8; 2005 c 10 art 4 s 4; 2005 c 56 s 1; 2005 c 156 art 6 s 16; 2008 c 244 art 2 s 4,5; 2013 c 131 art 2 s 8; 2014 c 185 s 4,5; 2015 c 70 art 1 s 8; 1Sp2021 c 12 art 4 s 1; 2023 c 12 s 2; 2023 c 34 art 1 s 6,7; 2023 c 62 art 4 s 15,16

**NOTE:** The amendment to subdivision 1 by Laws 2023, chapter 34, article 1, section 7, is effective June 1, 2024. Laws 2023, chapter 34, article 1, section 7, the effective date.

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

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

**VOTER REGISTRATION RECORDS; ACCESS AND RETENTION****201.081 REGISTRATION FILES.**

Subdivision 1. **Statewide registration system.** (a) The statewide registration system is the official record of registered voters. The voter registration applications 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 applications 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 section. The county auditor may make photographic copies of voter registration applications in the manner provided by section 138.17.

(b) A properly completed voter registration application that has been submitted electronically or in paper form to the secretary of state or a county auditor must be maintained by the secretary of state or the county auditor for at least 22 months after the date that the information on the application is entered into the database of the statewide registration system. The secretary of state or the county auditor may dispose of the applications after retention for 22 months in the manner provided by section 138.17.

(c) Data contained on a voter registration application submitted electronically through the secure website established in section 201.061, subdivision 1, must be maintained in its original form, in a manner suitable for printing, for the period required by this section. The Internet Protocol address used to submit an application electronically must be maintained with the voter registration application data.

Subd. 2. **Exception.** The secretary of state may maintain voter records of participants of the Safe at Home program for the purposes of chapter 5B.

**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; 1997 c 147 s 4; 2008 c 244 art 2 s 6; 2009 c 86 art 1 s 29; 2014 c 185 s 6; 2014 c 264 s 5

**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 application 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 46 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. Data on applicants submitted pursuant to section 201.061, subdivision 1b, are not part of the public information list until the voter is registered or has voting history. The list must not include the party choice of any voter who voted in a presidential nomination primary. 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 statement signed by the voter that withholding the voter's name from the public information list is required for the safety of the voter or the voter's family, the secretary of state and county auditor must withhold from the public information list the name of a registered voter.

**Subd. 4a. Presidential primary political party list.** The secretary of state must maintain a list of the voters who voted in a presidential nomination primary and the political party each voter selected. Information maintained on the list is private data on individuals as defined under section 13.02, subdivision 12, except that the secretary of state must provide to the chair of each major political party the list of voters who selected that party.

**Subd. 5. Copy of list to registered voter.** The county auditors and the secretary of state shall provide copies of the public information lists in electronic or other media to any voter registered in Minnesota within ten days of receiving a written or electronic 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.

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.

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

A person who, because of disability, 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.

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

**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; 2004 c 293 art 1 s 9-11; 2005 c 56 s 1; 2005 c 156 art 6 s 17,18; 2008 c 190 s 1; 2008 c 244 art 2 s 7,8; 2012 c 208 s 1; 2013 c 131 art 2 s 9; 2014 c 264 s 6; 2016 c 162 s 1; 1Sp2019 c 10 art 4 s 1,2; 2023 c 34 art 1 s 8; 2023 c 62 art 4 s 17

**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 integrity 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]

### **VOTER REGISTRATION RECORDS; MAINTENANCE AND VERIFICATION**

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

### **201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESS CHANGED, CHANGE OF FILES.**

Subdivision 1. **Precinct boundaries changed.** When the boundaries of a precinct are changed, the county auditor shall immediately update the voter records for that precinct in the statewide voter registration system to accurately reflect those changes.

Subd. 2. **House number or street address changed.** If a municipality administratively changes the number or name of a street address of an existing residence, the municipal clerk shall promptly notify the county auditor and the county auditor shall immediately update the voter records of registered voters in the statewide voter registration system to accurately reflect that change. A municipality must not make a change to the number or name of a street address of an existing residence effective during the 45 days prior to any election in a jurisdiction which includes the affected residence.

**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; 2010 c 201 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. **Moved within state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address in this state, the county auditor may change the voter's status to "inactive" in the statewide registration system and shall transmit a copy of the mailing to the auditor of the county in which the new address is located. If an election is scheduled to occur in the precinct in which the voter maintains residence in the next 47 days, the county auditor shall promptly update the voter's address in the statewide voter registration system. If there is not an election scheduled, the auditor may wait to update the voter's address until after the next list of address changes is received from the secretary of state. Once updated, the county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the voter's record is challenged due to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship, the county auditor must not mail this notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Subd. 4. **Challenges.** If any nonforwardable mailing from an election official is returned as undeliverable but with no forwarding address, the county auditor shall change the registrant's status to "challenged" in the statewide voter 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 notice mailed at least 60 days after the return of the first nonforwardable mailing is also returned by the postal service, the county auditor shall change the registrant's status to "inactive" in the statewide voter 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; 1997 c 147 s 5; 1999 c 132 s 6; 2008 c 165 s 1,3; 2010 c 201 s 4; 2013 c 131 art 2 s 10; 2023 c 62 art 4 s 18

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

Subdivision 1. **Entry of registration information.** (a) At the time a voter registration application is properly completed, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter the information contained on it into the statewide registration system. Voter registration applications completed before election day must be entered into the statewide registration system within ten

days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after the election, unless the county auditor notifies the secretary of state before the deadline has expired that the deadline will not be met. Upon receipt of a notification under this paragraph, the secretary of state must extend the deadline for that county auditor by an additional 28 days. The secretary of state may waive a county's obligations under this paragraph if, on good cause shown, the county demonstrates its permanent inability to comply.

The secretary of state must post data on each county's compliance with this paragraph on the secretary of state's website including, as applicable, the date each county fully complied or the deadline by which a county's compliance must be complete.

(b) Upon receiving a completed voter registration application, the secretary of state may electronically transmit the information on the application 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 may mail the voter registration application to the county auditor.

(c) Within ten days after the county auditor has entered information from a voter registration application into the statewide registration system, the secretary of state shall compare the voter's name, date of birth, and driver's license number, state identification number, or the last four digits of the Social Security number with the same information contained in the Department of Public Safety database.

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

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

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

**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.** (a) 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 of all of the relevant

information. By February 15 of each year, the county auditor must notify the secretary of state of the following information for each election held in the previous year by each precinct:

- (1) the total number of all notices that were returned as nondeliverable;
- (2) the total number of nondeliverable notices that the county auditor was able to determine the reason for the return along with the reason for each return; and
- (3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

(b) By March 1 of every year, the secretary of state shall report to the chair and ranking minority members of the legislative committees with jurisdiction over elections the following information for each election held in the previous year by each precinct and each county:

- (1) the total number of all notices that were returned as nondeliverable;
- (2) the total number of nondeliverable notices that a county auditor was able to determine the reason for the return along with the reason for each return; and
- (3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

**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; 1997 c 147 s 6; 2004 c 293 art 1 s 12; 2010 c 201 s 5; 2017 c 92 art 1 s 10,11; 1Sp2021 c 12 art 4 s 2; 2023 c 62 art 4 s 19

**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.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means 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 voter registration system.

Subd. 1a. **Social Security Administration; other reports of deceased residents.** The secretary of state may determine if any of the persons listed on the Social Security Death Index or reported as deceased by the vital records department of another state are registered to vote and prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has died outside the county, the county auditor shall change the voter's status to "deceased." Notice must be in the form of a printed obituary or a written statement signed by a registered Minnesota voter.

Subd. 3. **Use of change of address system.** (a) At least once each month the secretary of state shall obtain a list of individuals registered to vote in this state who have filed with the United States Postal Service a change of their permanent address. The secretary of state may also periodically obtain a list of individuals

with driver's licenses or state identification cards to identify those who are registered to vote who have applied to the Department of Public Safety for a replacement driver's license or state identification card with a different address, and a list of individuals for whom the Department of Public Safety received notification of a driver's license or state identification card cancellation due to a change of residency out of state. However, the secretary of state shall not load data derived from these lists into the statewide voter registration system within the 47 days before the state primary or 47 days before a November general election.

(b) If the address is changed to another address in this state, the secretary of state shall locate the precinct in which the voter maintains residence, if possible. If the secretary of state is able to locate the precinct in which the voter maintains residence, the secretary must transmit the information about the changed address by electronic means to the county auditor of the county in which the new address is located. For addresses for which the secretary of state is unable to determine the precinct, the secretary may forward information to the appropriate county auditors for individual review. If the voter has not voted or submitted a voter registration application since the address change, upon receipt of the information, the county auditor shall update the voter's address in the statewide voter registration system. The county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, unless the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, in which case the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

(c) If the change of permanent address is to an address outside this state, the secretary of state shall notify by electronic means the auditor of the county where the voter formerly maintained residence that the voter has moved to another state. If the voter has not voted or submitted a voter registration application since the address change, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

(d) If, in order to maintain voter registration records, the secretary of state enters an agreement to share information or data with an organization governed exclusively by a group of states, the secretary must first determine that the data security protocols are sufficient to safeguard the information or data shared. If required by such an agreement, the secretary of state may share the following data from the statewide voter registration system and data released to the secretary of state under section 171.12, subdivision 7a:

- (1) name;
- (2) date of birth;
- (3) address;
- (4) driver's license or state identification card number;
- (5) the last four digits of an individual's Social Security number; and
- (6) the date that an individual's record was last updated.

If the secretary of state enters into such an agreement, the secretary and county auditors must process changes to voter records based upon that data in accordance with this section. Except as otherwise provided in this subdivision, when data is shared with the secretary of state by another state, the secretary of state must maintain the same data classification that the data had while it was in the possession of the state providing the data.

**Subd. 4. Request for removal of voter record.** If a voter makes a written request for removal of the voter's record, the county auditor shall inactivate the record of the voter in the statewide voter registration system.

**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; 1997 c 147 s 7,8; 1999 c 132 s 7; 2004 c 293 art 1 s 13; 2008 c 165 s 2,3; 2010 c 201 s 6; 2013 c 131 art 2 s 11; 2014 c 238 s 2; 2014 c 264 s 7; 2023 c 62 art 4 s 20

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

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

The state court administrator shall regularly report by electronic means to the secretary of state the name, address, and, if available, driver's license or state identification card number of each individual, 18 years of age or over, whose name was changed since the last report, by marriage, divorce, or any order or decree of the court. The secretary of state shall determine if any of the persons in the report are registered to vote under their previous name and shall prepare a list of those registrants for each county auditor. Upon receipt of the list, the county auditor shall make the change in the voter's record and mail to the voter the notice of registration required by section 201.121, subdivision 2. A notice must not be mailed if the voter's record is challenged due to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship.

**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; 2010 c 201 s 7; 2013 c 131 art 2 s 12

#### **201.145 REPORTS ON GUARDIANSHIPS, LEGAL INCOMPETENCE, FELONY CONVICTIONS, AND CITIZENSHIP; STATUS CHANGES.**

**Subdivision 1. Report requirements.** Reports required by this section must be submitted to the secretary of state as provided in this section. Reports from the state court administrator that are required under this section must be made on a daily basis, excluding weekends and holidays. Reports from the commissioner of corrections and the commissioner of public safety that are required under this section must be made to the secretary of state at least monthly. Reports must be submitted by electronic means. Reports from the commissioner of corrections and the commissioner of public safety must include a complete list of each individual under the reporting entity's jurisdiction and must not provide only the changes since the last report.

**Subd. 2. State court administrator report.** (a) The state court administrator must report on individuals 17 years of age or older who are under a guardianship in which a court order revokes the ward's right to vote or where the court has found the individual to be legally incompetent to vote.

(b) The state court administrator must report on individuals transferred to the jurisdiction of the court who meet a condition specified in paragraph (a).

(c) Each report required under this subdivision must include the following information for each individual in the report: name, address, date of birth, and, if available, last four digits of the Social Security number and driver's license or state identification card number.

(d) No later than seven calendar days after receiving a report under this subdivision, the secretary of state must determine if a person identified under paragraphs (a) and (b) is registered to vote and must prepare a list of those registrants for the county auditor. No later than seven calendar days after receiving the list from the secretary of state, the county auditor must challenge the status on the record in the statewide voter registration system of each individual named in the list.

**Subd. 3. Commissioner of corrections report.** (a) The commissioner of corrections must report on individuals 16 years of age or older who are currently incarcerated for felony sentences under the commissioner's jurisdiction.

(b) Each report under this subdivision must include the following information for each individual: name, address or last known residential address that is not a correctional facility, and date of birth. If available, each report must also include the individual's: corrections' state identification number, last four digits of the Social Security number, driver's license or state identification card number, and most recent date of incarceration.

(c) No later than seven calendar days after receiving a report under this subdivision, the secretary of state must determine if any data newly indicates that a person identified under paragraph (a) is registered to vote and must prepare a list of those registrants for the county auditor. No later than seven calendar days after receiving the list from the secretary of state, the county auditor must challenge the status on the record in the statewide voter registration system of each individual named in the list.

(d) The county auditor must identify an individual who voted while incarcerated for a felony sentence. The county auditor must immediately send notice to the county attorney. The notice must include the name of the individual and any other identifying information as well as the evidence that shows the individual voted during the period of incarceration.

**Subd. 4. Reports; restoration of right to vote.** (a) The state court administrator must report on each individual whose guardianship was modified to restore the ward's right to vote or whose guardianship was terminated by order of the court under section 524.5-317 after being ineligible to vote for any of the reasons specified in subdivision 2, paragraph (a).

(b) The commissioner of corrections must report on individuals who were incarcerated for a felony sentence under the commissioner's jurisdiction and have been released from incarceration.

(c) Each report under this subdivision must include the following information for each individual: name, address, date of birth, and, if available, the last four digits of the Social Security number. For the report required by paragraph (b), the report must also include the individual's, if available: corrections' state identification number, driver's license or state identification card number, date of incarceration, county in which the conviction occurred, and date of discharge.

(d) No later than seven calendar days after receiving a report under this subdivision, the secretary of state must determine if a person identified under paragraph (a) is registered to vote and must prepare a list of those registrants for the county auditor. No later than seven calendar days after receiving a report under this subdivision, the secretary of state must determine if any data newly indicates that a person identified under paragraph (b) is registered to vote and must prepare a list of those registrants for the county auditor. No later than seven calendar days after receiving the list from the secretary of state, the county auditor must

remove the challenge status on the record in the statewide voter registration system of each individual named in the list.

**Subd. 5. Commissioner of public safety report.** (a) The commissioner of public safety must report on individuals identified by department data as having temporary lawful status in the United States.

(b) The report under this section must include the following information for each individual: name, address, date of birth, driver's license or state identification card number, and, if available, last four digits of the Social Security number.

(c) No later than seven calendar days after receiving a report under this subdivision, the secretary of state must determine if any data newly indicates that a person identified under paragraph (a) is registered to vote and prepare a list of those voters for the county auditor. Within seven calendar days of receiving the list from the secretary of state, the county auditor must challenge the status on the record in the statewide voter registration system of each individual named in the list.

(d) The county auditor must also immediately send notice to the county attorney of each individual identified in paragraph (c). The notice must include the name of the individual and any other identifying information as well as the evidence that shows the individual registered to vote or voted and is not a citizen.

**History:** 2017 c 92 art 1 s 12; 2023 c 62 art 4 s 21,22

**201.15** [Repealed, 2017 c 92 art 1 s 29]

**201.155** [Repealed, 2017 c 92 art 1 s 29]

**201.157** [Repealed, 2017 c 92 art 1 s 29]

**201.158** [Repealed, 2017 c 92 art 1 s 29]

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

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

### **201.161 AUTOMATIC VOTER REGISTRATION.**

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

- (1) an application for a new or renewed Minnesota driver's license or identification card;
- (2) an initial or renewal application for MinnesotaCare under chapter 256L or medical assistance under chapter 256B; or
- (3) an application for benefits or services to a state agency participating under subdivision 5.

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

**Subd. 2. Option to decline.** Upon receipt of the registration information, the county auditor must queue for mailing in the statewide voter registration system a notice to the individual that provides an opportunity

to decline the registration. The secretary of state must promptly mail all notices queued in the statewide voter registration system. An individual must not be registered if the individual declines to be registered within 20 days of the date of the mailing of the notice under this section. An otherwise eligible individual who declines to register must be offered a new registration opportunity with each qualifying application submitted under subdivision 1. The notice must be drafted to ensure maximum language access consistent with maintaining readability, and at a minimum must identify a website where the materials are made available in the ten most common languages for which translation is needed by voters.

**Subd. 3. Department of Public Safety.** (a) The commissioner of public safety, in consultation with the secretary of state, must change the applications for an original, duplicate, or change of address driver's license or identification card so that any forms where applicants may provide documentation of United States citizenship contain spaces for all information required to register to vote, as prescribed by the secretary of state. Unless the applicant has provided an address other than the applicant's address of residence under section 171.12, subdivision 7, paragraph (d), the commissioner must transmit the information daily by electronic means to the secretary of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized driver's license record containing the voter's name, address, date of birth, citizenship, driver's license number or state identification number, county, and city or town must be made available for access by the secretary of state and interaction with the statewide voter registration system. The commissioner must submit data to the secretary of state identifying the total number of individuals that completed qualifying transactions under this section and the total number of individuals whose records were ultimately transferred for registration. At a minimum, the commissioner must submit the data to the secretary of state on the same day each month. The secretary of state must publish a monthly report of this data.

(b) An applicant's information must not be transmitted to the secretary of state under this section unless the applicant provides documentation of United States citizenship or records maintained by the Department of Public Safety indicate that the applicant provided documentation demonstrating United States citizenship as part of a previous license or identification card transaction. If the applicant does not provide or has not previously provided documentation of United States citizenship, the commissioner must provide information during the transaction regarding voter registration and eligibility criteria. If the applicant provides documentation during the transaction indicating that the applicant is not a United States citizen, the applicant's information must not be transmitted to the secretary of state and the applicant must not be offered a voter registration opportunity.

(c) No applicant may be registered to vote under this subdivision until:

(1) the commissioner of public safety has certified that the department's systems have been tested and can accurately provide the required data and accurately exclude from transmission data on individuals who have not provided documentary evidence of United States citizenship; and

(2) the secretary of state has certified that the system for automatic registration of those applicants has been tested and is capable of properly determining whether an applicant is eligible to submit a voter registration application.

The department's systems must be tested and accurately provide the necessary data no later than December 1, 2023.

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

**Subd. 4. Department of Human Services.** (a) If permitted by the federal government, the commissioner of human services, in consultation with the secretary of state, must ensure the applications described in subdivision 1, paragraph (a), clause (2), also serve as voter registration applications for applicants 18 years of age or older whose United States citizenship has been verified as part of the application. The commissioner must transmit information required to register to vote, as prescribed by the secretary of state, daily by electronic means to the secretary of state for an individual whose United States citizenship has been verified. The commissioner must submit data to the secretary of state identifying the total number of individuals who completed qualifying transactions under this section and the total number of individuals whose records were ultimately transferred for registration. At a minimum, the commissioner must submit the data to the secretary of state on the same day each month.

(b) No applicant may be registered to vote under this subdivision until (1) the commissioner of human services has certified that the department's systems have been tested and can accurately provide the required data and accurately exclude from transmission data on individuals who have not provided documentary evidence of United States citizenship, and (2) the secretary of state has certified that the system for automatic registration of those applicants has been tested and is capable of properly determining whether an applicant is eligible to vote. The department's systems must be tested and accurately provide the necessary data no later than September 30 of the year following the year in which federal approval or permission is given, contingent on appropriations being available for this purpose.

**Subd. 5. Other agencies and units of government.** (a) The commissioner of management and budget must, in consultation with the secretary of state, identify any other state agency that is eligible to implement automatic voter registration. The commissioner must consider a state agency eligible if the agency collects, processes, or stores the following information as part of providing assistance or services: name, residential address, date of birth, and citizenship verification. An eligible agency must submit a report to the governor and secretary of state no later than December 1, 2024, describing steps needed to implement automatic voter registration, barriers to implementation and ways to mitigate them, and applicable federal and state privacy protections for the data under consideration. By June 1, 2025, the governor, at the governor's sole discretion, must make final decisions, as to which agencies will implement automatic voter registration by December 31, 2025, and which agencies could implement automatic voter registration if provided with additional resources or if the legislature changed the law to allow data to be used for automatic voter registration. The governor must notify the commissioner of management and budget of the governor's decisions related to automatic voter registration. By October 1, 2025, the commissioner of management and budget must report to the chairs and ranking minority members of the legislative committees with jurisdiction over election policy and finance. The report must include:

(1) the agencies that will implement automatic voter registration by December 31, 2025;

(2) the agencies which could implement automatic voter registration if provided with additional resources and recommendations on the necessary additional resources; and

(3) the agencies that could implement automatic voter registration if the legislature changed the law to allow data to be used for voter registration and recommendations on how the law could be changed to allow the use of the data for this purpose.

(b) An agency may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration. Once an agency has implemented automatic voter registration, it must continue to provide automatic voter registration unless otherwise expressly required by law. For each individual whose United States citizenship has been verified, the commissioner or agency head must transmit

information required to register to vote, as prescribed by the secretary of state, to the secretary of state by electronic means. The governor must determine the frequency of the transmissions for each agency.

(c) No applicant may be registered to vote under this subdivision until (1) the agency's commissioner or agency head has certified that the necessary systems have been tested and can accurately provide the required data and accurately exclude from transmission data on individuals whose United States citizenship has not been verified, and (2) the secretary of state has certified that the system for automatic registration of those applicants has been tested and is capable of properly determining whether an applicant is eligible to vote.

**Subd. 6. Registration.** (a) The secretary of state must compare all application information submitted under this section with the information received under section 201.145 to determine whether an applicant is eligible to vote. If an applicant appears on the list of individuals who are ineligible to vote, the secretary of state must not process the application further and must not share the applicant's information with the county for registration. For applicants who do not appear to be ineligible to vote, the secretary of state must determine whether the applicant whose information is submitted under this section is currently registered in the statewide voter registration system.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state must transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

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

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

**Subd. 7. Prosecution of registration violations; voluntary action required.** The transfer of an individual's record under this section does not constitute an attempt to register to vote or a completion of a voter registration form by that individual. If such a registration is processed by the state, it is presumed to have been officially authorized by the state. This subdivision does not apply to an individual who knowingly and willfully makes a false statement to effectuate voter registration or who intentionally takes voluntary action to register to vote or vote knowing of the individual's ineligibility to vote.

**Subd. 8. Effective date of registration.** Unless the applicant declines registration, the effective date is the date that the county auditor processes the application. This subdivision does not limit the ability of a person to register to vote on election day as provided in section 201.061, subdivision 3. Any person who submits a qualifying application under subdivision 1 that is dated during the 20 days before an election must be provided, at the time of application, with a notice advising the applicant of the procedures to register to vote on election day.

**History:** 1977 c 395 s 8; 1981 c 29 art 2 s 19; 1987 c 361 s 10; 2004 c 293 art 1 s 16; art 2 s 9; 2023 c 34 art 1 s 9

## **201.1611 POSTSECONDARY INSTITUTION AND SCHOOL DISTRICT VOTER REGISTRATION.**

**Subdivision 1. Forms.** (a) All postsecondary institutions that enroll students accepting state or federal financial aid must provide voter registration forms to each student during the fall and spring of each year. In state election years, it must be provided 15 days in advance of the deadline for registering to vote for the state general election. If the voter registration forms are provided electronically, the electronic message must be devoted exclusively to voter registration.

(b) All school districts must make available voter registration applications each May and September to all students registered as students of the school district who will be eligible to vote at the next election after those months. A school district has no obligation to provide voter registration applications to students who participate in a postsecondary education option program or who otherwise maintain residence in the district but do not attend a school operated by the district. A school district fulfills its obligation to a student under this section if it provides a voter registration application to the student one time.

(c) The voter registration forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions and school districts may request these forms from the secretary of state. Institutions must consult with their campus student government in determining the most effective means of distributing the forms and in seeking to facilitate election day registration of students under section 201.061, subdivision 3. School districts must advise students that completion of the voter registration application is not a school district requirement.

(d) The institutions must report to the secretary of state by November 30 of each year on their implementation of this section. At a minimum, the report must include how and when the forms were distributed and the voter engagement plan under subdivision 3, paragraph (b), clause (2). Institutions may include information about methods that were effective in increasing student registrations.

(e) By February 1 of each year, the secretary of state must report to the chairs and ranking minority members of the legislative committees with jurisdiction over elections on the information under paragraph (d). The secretary must highlight best practices and innovative methods that were most effective in registering students to vote.

Subd. 2. **Student voter registration.** 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 no later than 21 days before the general election.

Subd. 3. **Voter information.** (a) All postsecondary institutions that enroll students accepting state or federal financial aid must maintain a webpage to share resources to help students determine where and how they are eligible to vote. The webpage must include the following:

(1) resources from state and local election officials on voter registration and voting requirements including voter registration deadlines; residency requirements; acceptable methods of proving residency for same day registration, as applicable; and absentee voting options;

(2) applicable deadlines for requesting and submitting an absentee ballot, as well as additional options for early and in-person voting, and voting on election day;

(3) resources to help students who are registered in another state to apply for absentee ballots in that state, and may include resources from state and local election officials from that state;

(4) the campus vote coordinator's name and contact information; and

(5) the voter engagement plan required by paragraph (b), clause (2).

(b) All postsecondary institutions that enroll students accepting state or federal financial aid must designate a staff person as the campus vote coordinator. The campus vote coordinator must:

(1) ensure the institution complies with this section; and

(2) consult with the campus student association to develop a voter engagement plan that identifies goals and activities, resources to accomplish the identified goals and activities, and individual or key departments responsible for executing the identified goals and activities.

**History:** 1991 c 227 s 8; 1996 c 398 s 57; 2004 c 293 art 2 s 10; 2023 c 62 art 4 s 23,24

#### **201.1615 INFORMATION SHARING; USE OF SOCIAL SECURITY NUMBER.**

The secretary of state shall enter into an agreement with the commissioner of public safety to match information in the statewide voter registration system with information in the Department of Public Safety database to verify the accuracy of the information provided on applications for voter registrations.

The commissioner of public safety shall enter into an agreement with the commissioner of the United States Social Security Administration under section 205(r)(8) of the Social Security Act to allow the use of the last four digits of the Social Security number to be used to verify voter registration information, to ensure the maintenance of the confidentiality of any applicable information disclosed, and to establish procedures to permit the department to use the information for purposes of maintaining its records.

**History:** 2004 c 293 art 1 s 17

#### **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, including, as applicable, automatic voter registration or information on voter eligibility and registration procedures as required under section 201.161. 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; 2023 c 34 art 1 s 10

**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. The secretary of state shall perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

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."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee or mail ballot must be considered a vote for the purpose of continuing registration under this section, but is not considered voting history for the purpose of public information lists available under section 201.091, subdivision 4.

**History:** 1973 c 676 s 14; 1981 c 29 art 2 s 20; 1987 c 361 s 12; 1990 c 585 s 14; 1997 c 147 s 11; 2004 c 293 art 1 s 18; art 2 s 11; 2008 c 244 art 1 s 5; 2010 c 201 s 13

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

### **201.195 CHALLENGES.**

Subdivision 1. **Petition; timing.** (a) 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. A petition filed pursuant to this section must not include the name of more than one person whose right to vote is challenged. The county auditor must not accept a filing which challenges the eligibility of more than one voter. Petitions must be filed at least 45 days before the election, unless the voter registered or updated the voter's registration within 60 days before the election, in which case the petition must be filed at least ten days before the election, or within ten days after the voter's new or updated registration appeared on the public information list, whichever is later.

(b) The petition must state the grounds for challenge, provide facts and circumstances supporting the challenge, and may include supporting documents, affidavits, or other evidence. The petition must be accompanied by an affidavit stating that the challenge is based on the challenger's personal knowledge, and that the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge. The filer has the burden to prove, by clear and convincing evidence, that the basis for challenging the individual's eligibility to vote is valid.

(c) The following reasons, standing alone, do not constitute adequate grounds for a challenge:

(1) a piece of mail sent to the voter by someone other than the county auditor that was returned as undeliverable;

(2) enrollment in an educational institution; or

(3) registration to vote at an address that is housing provided for students by an educational institution.

Subd. 1a. **Reasons for dismissal.** If the petition is incomplete, or if the basis for the challenge does not meet the requirements of this section, the county auditor must dismiss the petition and notify the filer in writing of the reasons for the dismissal.

Subd. 1b. **Notice to voter.** Within five days after receipt of a petition that meets the requirements of this section, the county auditor must 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 must be served on the challenged voter by the county auditor in the same manner as in a civil action. The county auditor must inform the challenged individual that:

(1) a petition has been filed as to whether the individual is eligible to vote as well as the basis of the challenge;

(2) if the individual votes by mail, the individual's ballot will not be counted unless the challenge is resolved; and

(3) the individual may submit information prior to the hearing or present information at the hearing. This information may include a sworn statement, supporting documents, affidavits, witnesses, or other evidence supporting the challenged individual's eligibility to vote in the election.

Subd. 1c. **Hearing.** The hearing must be held before the county auditor or the auditor's designee who must then make findings and affirm or dismiss the challenge. The hearing must be recorded by either video or audio recording. The recording must be retained for 22 months.

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 voter must immediately notify the county auditor of the appeal, and upon receipt of this notice, the county auditor must submit the entire record of the hearing, including all documents and a recording of the hearing, to the secretary of state. The appeal must be heard within five days but in any case before election day. Upon hearing the appeal the secretary of state must affirm or reverse the ruling and must give appropriate instructions to the county auditor.

Subd. 3. **Hearing procedures.** A hearing before the secretary of state must 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; 2023 c 62 art 4 s 25

**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]

## MISCELLANEOUS

### **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 federal and state laws and rules.

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of paper polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. An electronic roster and the voter signature certificate together must include the same information as a paper polling place roster. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. 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 22 months 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; 2004 c 293 art 1 s 19,20; 2014 c 288 art 2 s 3

**201.225 ELECTRONIC ROSTER AUTHORIZATION.**

Subdivision 1. **Authority.** A county, municipality, or school district may use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official may designate that some or all of the precincts use electronic rosters. An electronic roster must comply with all of the requirements of this section. An electronic roster must include information required in section 201.221, subdivision 3, and any rules adopted pursuant to that section.

Subd. 2. **Technology requirements.** An electronic roster must:

(1) be able to be loaded with a data file that includes voter registration data in a file format prescribed by the secretary of state;

(2) allow for data to be exported in a file format prescribed by the secretary of state;

(3) allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to locate a voter record or populate a voter registration application that would be printed and signed and dated by the voter. The printed registration application can be a printed form, a label printed with voter information to be affixed to a preprinted form, a combination of a form and label, or an electronic record that the voter signs electronically and is printed following its completion at the polling place;

(4) allow an election judge to update data that was populated from a scanned driver's license or identification card;

(5) cue an election judge to ask for and input data that is not populated from a scanned driver's license or identification card that is otherwise required to be collected from the voter or an election judge;

(6) immediately alert the election judge if the voter has provided information that indicates that the voter is not eligible to vote;

(7) immediately alert the election judge if the electronic roster indicates that a voter has already voted in that precinct, the voter's registration status is challenged, or it appears the voter maintains residence in a different precinct;

(8) provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged;

(9) provide for a printed voter signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature. The printed voter signature certificate can be a printed form, a label printed with the voter's information to be affixed to the oath, or an electronic record that the voter signs electronically and is printed following its completion at the polling place;

(10) contain only preregistered voters within the precinct, and not contain preregistered voter data on voters registered outside of the precinct, unless being utilized for absentee or early voting under chapter 203B or for mail balloting on election day pursuant to section 204B.45, subdivision 2a;

(11) be only networked within the polling location on election day, except for the purpose of updating absentee ballot records;

(12) meet minimum security, reliability, and networking standards established by the Office of the Secretary of State in consultation with the Department of Information Technology Services;

(13) be capable of providing a voter's correct polling place; and

(14) perform any other functions necessary for the efficient and secure administration of the participating election, as determined by the secretary of state.

Electronic rosters used only for election day registration do not need to comply with clauses (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need to comply with clauses (4) and (5).

**Subd. 3. Minnesota Election Law; other law.** Unless otherwise provided, the provisions of the Minnesota Election Law apply to the use of electronic rosters. Voters participating in the safe at home program must be allowed to vote pursuant to section 5B.06. Nothing in this section shall be construed to amend absentee voting provisions in chapter 203B.

Subd. 4. **Election records retention.** All voter signature certificates and voter registration applications printed from an electronic roster must be retained pursuant to section 204B.40. The electronic rosters must print voter signature certificates and voter registration applications on material that will remain legible through the period prescribed by section 204B.40. Data on election day registrants and voter history must be uploaded to the statewide voter registration system for processing by county auditors.

Subd. 5. **Election day.** (a) Precincts may use electronic rosters for election day registration, to process preregistered voters, or both. The printed election day registration applications must be reviewed when electronic records are processed in the statewide voter registration system. The election judges shall determine the number of ballots to be counted by counting the number of original voter signature certificates or the number of voter receipts.

(b) Each precinct using electronic rosters shall have a paper backup system approved by the secretary of state present at the polling place to use in the event that the election judges are unable to use the electronic roster.

Subd. 6. **Reporting; certification.** (a) A county, municipality, or school district that intends to use electronic rosters in an upcoming election must notify the Office of the Secretary of State at least 90 days before the first election in which the county, municipality, or school district intends to use electronic rosters. The notification must specify whether all precincts will use electronic rosters, and if not, specify which precincts will be using electronic rosters. The notification is valid for all subsequent elections, unless revoked by the county, municipality, or school district. If precincts within a county, municipality, or school district that were not included in the initial notification intend to use electronic rosters, a new notification must be submitted.

(b) The county, municipality, or school district that intends to use electronic rosters must certify to the Office of the Secretary of State at least 30 days before the election that the electronic rosters meet all of the requirements in this section.

**History:** 2014 c 288 art 1 s 1; 2016 c 158 art 1 s 78; 2021 c 31 art 2 s 16; 2023 c 62 art 4 s 26

**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 application 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 applications, 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; 2008 c 244 art 2 s 9

**201.275 INVESTIGATIONS; PROSECUTIONS.**

(a) A law enforcement agency that is notified by affidavit of an alleged violation of this chapter shall promptly investigate. Upon receiving an affidavit alleging a violation of this chapter, a county attorney shall promptly forward it to a law enforcement agency with jurisdiction for investigation. If there is probable cause for instituting a prosecution, the county attorney shall proceed according to the generally applicable standards regarding the prosecutorial functions and duties of a county attorney, provided that the county attorney is not required to proceed with the prosecution if the complainant withdraws the allegation. 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.

(b) Willful violation of this chapter by any public employee constitutes just cause for suspension without pay or dismissal of the public employee.

(c) Where the matter relates to a voter registration application submitted electronically through the secure website established in section 201.061, subdivision 1, alleged violations of this chapter may be investigated and prosecuted in the county in which the individual registered or attempted to register.

**History:** 1978 c 714 s 6; 1981 c 29 art 2 s 26; 1986 c 444; 1988 c 578 art 1 s 2; 2004 c 277 s 2; 2013 c 131 art 3 s 3; 2014 c 185 s 7; 2015 c 70 art 1 s 10

**201.276 DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.**

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

**History:** 2023 c 12 s 3

**201.28** MS 1957 [Renumbered 201.31]

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

**201.29** MS 1957 [Renumbered 201.32]

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

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

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

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

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

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

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

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

**201.33** MS 1980 [Repealed, 1981 c 29 art 7 s 39]

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

**201.34** MS 1974 [Repealed, 1975 c 204 s 106]