

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Voter Photo Identification Requirement

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### Overview

This bill requires voters to show photo identification before receiving a ballot in a polling place, provides a process for voters who do not have a photo identification card to receive one free of charge, and establishes standards for provisional balloting for a voter who is unable to present photo identification on Election Day.

In 2008, the United States Supreme Court addressed the issue of photo identification requirements for voting. The Court held that states may, at their discretion, choose to implement a photo identification requirement if the standards provided are consistent with certain constitutional rights and protections.

### Section

**1 Identification cards.** Requires the county auditor to provide voter identification cards to certain registered Minnesota voters.

A voter identification card must be issued free of charge to any registered voter in Minnesota who does not have a Minnesota driver's license or identification card that will be valid on election day.

A voter identification card is valid only for purposes of meeting the voting identification requirement established in section 2 of the bill. The card must be surrendered if a voter moves to a new address or becomes ineligible to vote.

To be provided an identification card, the voter must provide proof of current registration to vote in Minnesota, documentation sufficient to prove residence for purposes of election day registration, and official documentation containing the voter's name, current address, and date of birth. A voter who knowingly submits an application for a card with false information is guilty of a felony.

The bill provides the format and contents required on an identification card.

The secretary of state is required to provide necessary equipment, forms, supplies, and training to each county auditor for the production of the identification cards. The secretary of state is permitted to adopt rules necessary to further facilitate administration of the requirements in this section.

- 2 Photo identification requirement.** Provides that a voter must show an approved form of photo identification prior to receiving a ballot on election day, unless the voter has a religious objection to being photographed.

Acceptable photo identification includes:

- (1) a valid Minnesota driver's license or identification card;
- (2) a valid Minnesota voter identification card;
- (3) a valid photo identification card issued by a unit or subdivision of the state of Minnesota or a unit of the federal government;
- (4) a valid United States passport; or
- (5) a valid tribal identification card, if it contains a photo of the voter.

A voter who is unable to provide sufficient identification on election day may cast a provisional ballot upon swearing that they are the person identified on the polling place roster. It is a felony to falsely swear identity.

- 3 Provisional balloting.** Permits a voter who is unable to provide sufficient identification to cast a provisional ballot, and provides standards for when that ballot may be counted.

*Casting a Provisional Ballot.* To cast a provisional ballot, a voter must complete a provisional ballot voting certificate. The certificate must include information about the place, manner, and approximate date on which the voter previously registered to vote. The voter must also swear in writing that they did previously register to vote, are currently eligible to vote, meet the criteria for registering to vote in Minnesota, and have not voted previously in the election.

Upon completion of a provisional voting certificate, a voter must complete a ballot and seal it in the same manner used for sealing absentee ballots. The provisional ballot must be deposited in a secure, sealed ballot box.

*Counting a Provisional Ballot.* All provisional ballots must be delivered securely, unopened, to the appropriate county auditor or municipal clerk.

In order for a provisional ballot to be counted, the voter who cast the ballot must appear in person before the county auditor or municipal clerk no later than five business days following the election. To have the ballot counted, the voter must either:

- (1) present a permissible form of photo identification, or the documentation sufficient to be provided a Minnesota photo identification card; or
- (2) execute an affidavit affirming under penalty of perjury that the voter is the same

person who appeared in the polling place, and was unable to obtain sufficient identification without the payment of a fee and was not able to secure a voter identification card prior to Election Day, or that the voter has a religious objection to being photographed.

A provisional ballot cast by a voter who does not appear before the county auditor or municipal clerk within five business days, or by a voter who appears but does not meet the requirements stated above, must not be counted.

If a voter fails to appear before the county auditor or municipal clerk, the voter must be notified in writing that their provisional ballot was not counted because of their failure to appear.