

HOUSE RESEARCH

Bill Summary

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Overview

This bill contains the legislative recommendations adopted by the Task Force on Election Integrity. The Task Force was established by executive order of the governor in 2011. The bill modifies certain standards related to alleged voter registration and voting crimes, requires the Department of Corrections to share data on individuals subject to felony probation resulting in the loss of civil rights with the secretary of state, and requires written notices be provided to individuals whose eligibility to vote is rescinded or restored based on the status of a felony sentence.

Section

- 1 Invalid registrations; notice to voter.** Requires a county auditor to notify a voter registration applicant of the applicant's need to reaffirm his or her eligibility to vote, in writing, if the county auditor has reason to believe the applicant is not eligible to vote based on records provided to the auditor by another public entity.
- 2 Prohibitions; penalty; affirmative defense.** Modifies the criminal penalty for an ineligible individual who intentionally registers to vote but does not subsequently cast a ballot. In these cases, the penalty would become a misdemeanor offense. If an ineligible individual registers to vote and subsequently does cast a ballot at an election, the felony penalty established by current statute would continue to apply.

Paragraph (b) of this section establishes an affirmative defense in a prosecution for registering to vote while ineligible. The defense would be available if the accused individual requested to withdraw the registration prior to the criminal charges being filed, and the individual did not vote at an election between the time the registration was submitted and the time it was withdrawn.

Section

3 Use of Department of Corrections' data.

Subd. 1. Access to data. Requires the commissioner of corrections to provide electronic data to the secretary of state on individuals on probation for a felony offense that would result in the loss of civil rights, as indicated by the statewide supervision system. The types of data that must be provided are specified in the bill. The secretary of state is required to use this data to verify data contained in the statewide voter registration system and to direct county auditors to make updates to voter records or contact the county attorney, as appropriate.

Data is already transmitted to the secretary of state in this manner on individuals serving a felony sentence under the jurisdiction of the commissioner of corrections. The data transmitted would newly be required to include an individual's last known residential address that is not a correctional facility.

Subd. 2. Notice to affected individuals. Requires the Department of Corrections to provide certain data on individuals who are placed on supervised release or probation for a felony offense that resulted in the loss of civil rights to the secretary of state. The secretary of state must then provide a written notice to:

(1) an individual on probation for a felony offense that would result in the loss of civil rights, that registering to vote and voting while on probation is itself a felony offense and may result in the loss of probation status; and

(2) an individual who has completed a term of probation with no new felony conviction that the individual's right to vote has been restored.

Subd. 3. Use of data. Prohibits the secretary of state from using or disseminating data received under this section for any purpose other than those authorized in this section of statute.

4 Investigations; prosecutions. Requires a law enforcement agency to promptly investigate an alleged violation of the laws governing voter registration upon being notified by affidavit of the allegation. This replaces the current mandate that a county attorney promptly investigate and, upon probable cause, present the matter to a grand jury with whatever evidence is found.

Upon a determination of probable cause, the county attorney would be required to proceed in accordance with the generally applicable standards regarding the prosecution function. Eliminates the penalties for a county attorney who refuses or intentionally fails to faithfully perform the duties required by this section.

5 Delivery of ballots. Requires the commissioner of corrections to provide the secretary of state with a list of the names and mailing addresses of correctional facilities in which only persons convicted of felony-level offenses reside in Minnesota. Absentee ballot applications received with one of these addresses must be rejected and a copy forwarded to the county attorney.

Section

The Department of Corrections is required to institute procedures to ensure that Minnesota absentee ballots are not received or mailed by offenders in one of these facilities.

This section is effective June 15, 2013.

- 6 Unlawful voting; penalty.** Establishes that the signature of an individual on a polling place roster is prima facie evidence of the intent of that individual to vote at that election for purposes of a criminal prosecution for unlawful voting.
- 7 Establishment; statewide supervisions system.** Permits the secretary of state to access adult data in the Department of Corrections' statewide supervision system in conformity with the requirements established earlier in the bill.
- 8 Probation supervision; notice of loss of voting rights.** Requires adult felons placed on probation supervision to be notified, in writing that the individual may not register to vote or cast a ballot at an election during the period of felony supervision. The notice is required to be contained in the probation agreement and contained in the individual's probation file, and the individual must acknowledge, by signature, receipt of the notice.
- 9 Appropriation.** Appropriates money to the secretary of state and the commissioner of corrections to administer the requirements of this bill.