HOUSE RESEARCH

Bill Summary

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Authors: Fenton and others

Subject: Provisional registration and balloting; early voting

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Overview

This bill replaces same-day voter registration with a system of provisional registration, provides for early voting and registration at early voting sites, eliminates the allowance for a proof-of-residence through vouching, and establishes a system of provisional balloting for provisional registrants and for voters whose eligibility is challenged.

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1   **Establishment.** Requires the statewide voter registration system to be capable of providing necessary reports related to early voting.

2   **Registration.** Modifies the existing law allowing for same day registration to instead allow for provisional voter registration in a polling place on election day. A voter would still be permitted to fully register and cast a ballot during the early voting period.

The procedures for provisional registration are established later in the bill.

3   **Incomplete registration by mail.** Conforming reference to reflect the replacement of same-day voter registration with provisional voter registration.

4   **Early voting registration.** Authorizes a voter to register and cast a live ballot during the early voting period.

The allowance for a registering voter to have another person vouch for the voter's residence when registering is eliminated.

5   **Provisional registration.** Establishes a procedure for provisional registration in the polling place on election day. An individual appearing in the polling place would be required to

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complete a provisional application, make an oath, and provide proof of residence. Upon successfully completing the provisional registration process, the individual would be permitted to cast a provisional ballot.

6   **Registration by election judges; procedures.** Conforming references to reflect the replacement of same-day voter registration with provisional voter registration.

7   **Record of attempted registrations.** Conforming reference to reflect the replacement of same-day voter registration with provisional voter registration.

8   **Change of registration.** Conforming reference to reflect the replacement of same-day voter registration with provisional voter registration.

9   **Forms.** Conforming reference to reflect the replacement of same-day voter registration with provisional voter registration.

10   **Technology requirements.** Conforming reference to reflect the replacement of same-day voter registration with provisional voter registration.

11   **Election day.** Conforming reference to reflect the replacement of same-day voter registration with provisional voter registration.

12   **Election law applicability.** Provides that the Minnesota Election Law (a term defined in law to mean Chapters 201-211C of Minnesota Statutes) applies to early voting.

13   **Early voting.** Establishes a definition of the term "early voting."

14   **Violation.** Adds references to early voting in an existing section of statute specifying criminal penalties for certain prohibited activities related to voting.

15   **Generally.** Adds a cross reference to the new early voting provisions established by the bill to an existing requirement in law related to a municipal clerk's access to the statewide voter registration system. A municipal clerk would only be permitted to administer early voting if the clerk has the technical capacity to access the statewide voter registration system and has undergone training approved by the secretary of state.

16   **Locations for absentee voting in person.** Prohibits in-person absentee voting during the period designated for early voting as provided later in the bill.

17   **County auditor's and municipal clerk's offices to remain open.** Modifies the time that the county auditor's office and the municipal clerk's office must be open to accept absentee ballots. Current law requires these offices to be open until 5:00 p.m. on the day immediately preceding an election; the bill would modify the standard to require the offices be open from 8:00 a.m. to noon on the day immediately preceding an election in which early voting will be used (the existing 5:00 p.m. standard would continue to apply to other types of elections).

18   **Establishment; applicable laws.** Adds a reference to administration of early voting in the section of law related to establishment of ballot boards.

19   **Duties of ballot board; early voting.** Establishes duties of a ballot board related to early voting. In addition to procedures established later in the bill, the ballot board must make a record of voters who cast ballots early and count the ballots using procedures that apply to the ballot board in existing law, and as provided in this bill.

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20	**Record of voting.** Provides that a voter who casts an early voting ballot may not be permitted to cast another ballot at the election.

This section also provides a conforming reference to the time after which a voter whose absentee ballot has been accepted is no longer permitted to cast a ballot at the election.

21   **Opening of envelopes.** Provides that absentee ballots may be opened and processed following the close of business on the day prior to the beginning of the early voting period.

22   **Storage and counting of absentee and early voting ballots.** Adds references to early voting in the existing law related to the storage and counting of ballots by a ballot board.

23   **Early voting.** Permits any eligible voter to vote in person prior to election day using the procedures established in this bill. Early voting must be available at federal, state, and county elections. Cities are permitted to authorize early voting for city elections following procedures established in the bill.

24   **Time period for early voting.** Requires early voting to be available for every primary, general, or special election subject to early voting in section 13 beginning 15 days prior to election day, through 5:00 p.m. on the third day prior to the election. Voters in line at 5:00 p.m. on the third day prior to the election must be permitted to vote.

25   **Hours for early voting.** Requires early voting to be open from 8:00 a.m. to 4:30 p.m. weekdays, but from 8:00 a.m. to 8:00 p.m. on at least one of those weekdays, and from 10:00 a.m. to 5:00 p.m. on the two Saturdays prior to the election.

26   **Locations for early voting.** Requires early voting to be available in polling places designated in the county auditor's office, and at the municipal clerk's office, if the clerk has been delegated the responsibility to administer absentee voting, and at other county or city-owned buildings designated by the county auditor or municipal clerk.

The polling place for early voting must include equipment accessible for voters' disabilities.

27   **Notice to voters.** Requires the county auditor or municipal clerk to prepare a notice of the days, times, and locations for early voting. The notice must be posted at least 14 days prior to the start of early voting on the Web sites of the county and any municipality where an early voting location is designated. Procedures for publication of the notice in an official newspaper are provided if the jurisdiction does not have a Web site.

28   **Procedures for early voting.** Establishes procedures for casting a ballot using early voting, including a requirement that the voter sign the certification required of all voters voting on election day, and that a voter be permitted to register on-site if necessary. Ballots cast using early voting must be processed and counted by a ballot board.

29   **Election supplies; duties of county auditors and clerks.** Requires city clerks designated to administer early voting to be provided the appropriate election materials at least one day prior to the beginning of the early voting period. These materials are prepared by the county auditor.

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30	**Permanent registration; verification of registration.** Requires the election judges to confirm a voter's name, address, and date of birth before permitting the voter to sign the polling place roster and cast a ballot.

This section also provides that a voter whose eligibility to vote is challenged—either by a pre-marked challenge notation in the polling place roster, or by a challenge made in the polling place—may not sign the roster, but instead is permitted to cast a provisional ballot following the new procedures established later in the bill.

31	**Challenged voters; determination of residence.** Permits a voter whose eligibility to vote is challenged in the polling place to cast a provisional ballot, if the challenge is not withdrawn after the voter is questioned by an election judge regarding the voter's eligibility and residence.

A challenged voter is not permitted to cast a ballot other than a provisional ballot, following new procedures established later in the bill.

32	**Provisional ballots.** Establishes a new system of provisional balloting, to be used for voters who provisionally register in the polling place on election day, and for voters whose eligibility to vote or residency is challenged either in the statewide voter registration system, or by another person in the polling place.

Casting of provisional ballots.

Voters casting a provisional ballot are required to complete a color-coded provisional ballot envelope, containing basic identifying information and an oath indicating that the voter is eligible, has not voted previously in the same election, and meets the criteria for voting in the precinct. Provisional ballots are the same as "live" ballots cast in the polling place on election day, except that they must be sealed in a provisional ballot envelope and segregated in a separate ballot box.

Counting of provisional ballots.

For voters whose eligibility was challenged, a provisional ballot must be counted if the voter who cast the ballot appears before the appropriate county auditor or municipal clerk within seven calendar days of the election and presents sufficient proof of residence and the voter's record in the statewide registration system is not listed as challenged (if challenged, the voter must also present proof of eligibility to vote). The voter would provide proof-of-residence in the same manner as permitted for same day voter registrations.

If the provisional voter does not satisfy the documentation requirements, or the data presented by the voter do not match the data on the provisional ballot envelope, the provisional ballot must not be counted (paragraph (b)).

For voters who provisionally register in the polling place, a provisional ballot must be counted unless the county auditor or municipal clerk determines that the voter's provisional registration was deficient or indicates the voter was not eligible to vote. This determination must be made upon review of all databases available to the secretary of state that are used for purposes of determining voter eligibility (paragraph (c)).

The county auditor or municipal clerk is required to send written notice to provisional voters whose ballots were not counted because of their failure to comply with these requirements.

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Reconciliation. This section requires the county auditor to reconcile the number of signatures contained on the provisional ballot roster with the number of provisional ballots cast in the precinct prior to counting any provisional ballots from that precinct, including the random removal of excess ballots, if necessary.

33   **Violations; penalty.** Adds an intentional misrepresentation of an individual's identity in requesting a provisional ballot, or requesting that a provisional ballot be counted, to the list of existing election-related felony crimes.

34   **Program.** Establishes a timeline for completion and delivery of the computer program used to conduct an election.

35   **Testing of voting systems.** Requires testing of the voting system to be used at an election within 22 days before election day. Current law requires the testing to occur within 14 days before election day.

36   **Appropriation.** Provides an appropriation to the secretary of state for purposes of implementing the bill. The amount of the appropriation is unspecified.

37   **Repealer.** Repeals an existing administrative rule related to same day voter registration.

38   **Effective date; applicability.** Provides an effective date for the bill, conditional on certification by the secretary of state that the statewide voter registration system has been tested and can properly track early voting information, and certification of precinct voting equipment capable of tabulating at least 30 ballot styles for use in the state.

A jurisdiction may implement the requirements of the bill prior to the effective date if the secretary of state has made the required certifications at least 90 days prior to the election at which early voting will be used.