

S.F. No. 1422 – Modifying Provisions Relating to Voters with a Challenged Status (1st Engrossment)

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S.F. 1422 makes various changes to the laws relating to individuals with a challenged registration status in the statewide voter registration system. The public voter information list must include information about challenges and people removed from the system. A process for contesting a challenge is established. The current process for resolving challenges on election day is modified so that it only applies to challenges regarding residency. Voters with a challenged registration status must be allowed to cast a challenged ballot. The county auditor or municipal clerk then review challenged ballots after election day to determine if the challenged status was accurate, and if not, the challenged ballot is accepted and counted.

Section 1 (201.061, subdivision 4). Registration by election judges; procedures. Before a person is registered to vote on election day, the election judge must determine if the registrant is on the precinct list of challenged voters. If the person's name appears on the list, the person may still register to vote but the person must cast a challenged ballot.

Section 2 (201.091, subd. 4). Public information lists. The public voter information list must indicate each voter whose status is challenged at the time the list was prepared and the history of each change in status. The list must also include individuals who were removed or made inactive in the statewide voter registration system. This section is effective July 1, 2021.

Section 3 (201.145, subd. 1). Report requirements. No sooner than 7 days before an election, the secretary of state must prepare and transmit to each county auditor a list for each precinct in the county that includes the name of each individual that is challenged based on the various reports received by the secretary of state. The county auditor must ensure that a copy of the list is delivered to each polling place.

Section 4 (201.145, subd. 6). Notice of challenge. Within a week after changing the status of a voter in the statewide voter registration system, the county auditor or municipal clerk must mail a notice of the change in status to the person. This section is effective July 1, 2021.

Section 5 (201.146). Contesting a challenge. An individual whose status was challenged in the statewide voter registration system has the right to contest the challenge by filing a contest petition with the named entity that provided the basis for the challenge. (For purposes of this section, a named entity is the state the state court administrator, commissioner of corrections, or the commissioner of public safety. These entities are required to provide reports to the Secretary of State pursuant to Minnesota Statutes, section 201.145.) The individual may request a review meeting with the named entity. Within a week of receiving the petition, the entity must review the petition. If a meeting was requested, the named entity must schedule a meeting with the individual within 2 weeks after receiving the contest petition. After reviewing the data and the meeting, the named entity must determine whether the data that was the subject of the challenge was accurate or should be changed. If the named entity determines no change is required, the named entity must notify the individual. If the named entity determines the data must be changed, the named entity must notify the individual and the secretary of state. The secretary of state must then promptly remove the challenged status in the statewide voter registration system. If the individual disagrees with the decision of the entity, the individual may appeal to the district court. This section is effective July 1, 2021.

Section 6 (204C.10). Polling palace roster; voter signature certificate; voter receipt. Before a voter may sign the polling place roster or voter signature certificate, the election judge must confirm the applicants name, address, and date of birth. A voter's whose registration status is challenged must cast a challenged ballot unless the challenge is first resolved.

Section 7 (204C.12, subd. 2). Statement of grounds; oath. This section strikes the oath that is administered to a challenged individual that allows that individual to swear to their eligibility to vote.

Section 8 (204C.12, subd. 3). Determination of residence. This section amends the process of resolving a challenge regarding whether an individual lives in the precinct. The process must only be used to determine challenges related to residency in the precinct. For an individual whose residency is challenged, the election judge must administer an oath to the individual and then ask questions to determine whether the individual lives in the precinct. If the individuals' answers to the question show that the person does not live in the precinct, the person must not be allowed to vote.

Section 9 (204C.136). Challenged ballots. This subdivision establishes challenged ballots and the process for casting them.

Subd. 1. Casting challenged ballots. A voter whose registration status is challenged may cast a challenged ballot. The voter must sign a challenged ballot roster or challenged voter signature certificate and complete a challenged ballot envelope. The envelope contains identifying information and is similar to an absentee envelope. The voter then marks a ballot and places it in a secrecy envelope, which is then placed in the challenged envelope. Challenged envelopes must be kept separate from all other ballots.

Subd. 2. Accepting or rejecting challenged ballot envelopes. Before the meeting of the canvassing board, the county auditor or municipal clerk must accept or reject each challenged ballot. This is accomplished by reviewing information in the statewide voter registration system for the date of the election. If information shows that the voter was not challenged or should not have been challenged on the date of the election, the voter's challenged ballot envelope must be accepted. If the information shows that the voter was challenged, the challenged ballot envelope must be rejected.

The county auditor or municipal clerk must mail notice to each voter whose challenge ballot envelope was rejected.

Subd. 3. Challenged ballots; reconciliation. Prior to counting any challenged ballots in the final vote totals for a precinct, the county auditor or municipal clerk must verify that the number of signatures on the challenged ballot roster or challenged voter signature certificates is equal to or greater than the number of challenged ballots submitted by voters. Any discrepancy must be resolved before the ballots may be counted. Excess ballots must be randomly withdrawn as described by current law.

Subd. 4. Counting challenged ballots. Accepted challenge ballot envelopes must be opened and the ballots must be deposited into the appropriate ballot box.

Section 10 (204C.14, subd. 1). Violations; penalty. It is a felony for a person to intentionally: 1) misrepresent their identity in requesting a challenged ballot or requesting that a challenged ballot be counted; or 2) challenge a voter's eligibility to vote knowing that the challenge is not meritorious.

Section 11. Federal funds appropriation. This section allows the secretary of state to use Help America Vote Act (HAVA) funds for grants as provided in section 12.

Section 12. Grants. The secretary of state must make grants to political subdivisions for their costs in implementing challenged ballots as required by this act.

Section 13. Effective date. Except as otherwise provided, this act is effective on January 1, 2022.