

## S.F. No. 173 – Voter ID (2<sup>nd</sup> Engrossment)

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**Article 1. Voter ID.** This article implements requirements for showing photo identification when voting in-person and when casting an absentee ballot. A new voter identification card is established and is available for free. Provisional ballots are established for voters who cannot produce photo identification when voting on Election Day. This article also appropriates money to various agencies to pay for the costs of implementing the bill.

**Section 1. Voting by program participant; absentee ballot.** This section makes it clear that a person participating in the Safe at Home program may continue to vote as provided by that program.

**Section 2. Voter identification card.** This section inserts a cross-reference in the Data Practices Act to reference data relating to voter identification cards. The data is classified in section 7.

**Section 3. Documents required for voter identification card.** The commissioner of health and local offices are prohibited from charging a fee or surcharge for a certified vital record if the person attests that the record is needed to obtain a voter identification card. The commissioner and local offices must make monthly reports to the commissioner of management and budget on the number of records requested and issued under this section.

**Section 4. Appropriations and transfers.** This section makes transfers and appropriations from the general fund to offset revenue losses from the processing of free vital records requests related to obtaining a voter identification card.

**Section 5. Application format and requirements.** There is no fee associated with applying for a voter identification card.

**Section 6. Fees.** The commissioner of public safety and driver's license agents are prohibited from collecting fees or surcharges for voter identification cards.

**Section 7. Application for voter identification card.** An applicant for a voter identification card must include identifying information for the individual and proof that the individual is eligible to vote. Data on the applications is private data on individuals pursuant to the Data Practices Act.

**Section 8. Fee; equipment.** Driver's license agents are prohibited from charging a filing fee for an application for a voter identification card. The commissioner must pay each driver's license agent \$8 for each application for a voter identification card, which is the same amount as the filing fee that is waived.

**Section 9. Voter identification cards.** A voter identification card must be issued to an applicant who will be eligible to vote on the next Election Day and who does not have any documentation sufficient to provide identity and resident for voting purposes. The card must include the same information as a driver's license, as well as certain items specific to this type of card. A voter identification card is only valid for voting purposes. The voter identification card must be designed so that it looks different than other cards issued by the Department of Public Safety.

**Section 10. Identification card expiration.** A voter identification card is valid for four years, except that a voter identification card issued to a person 65 or older is valid for 8 years. A voter identification card issued to a person in active military service is valid for additional years depending on the circumstances.

**Section 11. Duplicate license; change of domicile or name.** If a person with a voter identification card moves or changes names, the person must apply for a new voter identification card.

**Section 12. Cancellation.** The commissioner of public safety must cancel a voter identification card if the cardholder is not entitled to the card.

**Section 13. Documentation of identity and residence.** This section establishes the photo identification documents a person may use for Election Day voter registration, absentee voting, voting on Election Day, and determining whether to count a provisional ballot.

**Section 14. Voter identification card account.** This section creates a voter identification card account in the special revenue fund. Money in the account does not cancel and is appropriated to the commissioner of public safety to provide voter identifications cards, to reimburse individuals for the costs of obtaining documents necessary to obtain voter identification cards, and making payments to driver's license agents. The amount available to the commissioner to provide cards must not exceed the actual cost of providing cards. A report on total expenditures from the account is required.

**Section 15. Election Day registration.** When registering to vote on Election Day, a person must prove identity and residence by providing a photo identification document authorized by section 13. The current process for proving residence is stricken. If a voter is unable to prove identity and residence, the voter may complete a voter registration application and cast a provisional ballot. These applications must be kept separate and processed immediately.

**Section 16. Procedures for polling place rosters.** The address on a polling place roster must be the voter's address of residence, except that the mailing address may be used for judges, law enforcement officers, corrections officers, and participants in the Safe at Home program.

**Section 17. Application procedure.** A person may use a voter identification card number on an application for an absentee ballot. Prior to approving an absentee ballot application, the county

auditor or municipal clerk must verify that the driver's license, identification card, voter identification card number or last four digits of the Social Security number provided on the application are valid and assigned to the applicant.

**Section 18. Registration at time of application.** An absentee voter submitting a voter registration with the voter's absentee ballot must provide proof of identity and residence to the voter's witness or execute an affidavit stating the person was unable to obtain a photo identification as provided in section 20.

**Section 19. Eligibility certificate.** When completing the witness oath for an absentee ballot, the witness oath must state that the voter presented proof of identity and residence to the witness or executed an affidavit stating the person was unable to obtain a photo identification as provided in section 20. The witness must record the document presented as part of the oath. The witness must include the witness's driver's license number, state identification card number, voter identification card number, or the last four digits of the Social Security number.

**Section 20. Marking and return by voter.** When completing an absentee ballot, a voter must present proof of identity and residence to the voter's witness. If the voter does not have a photo identification, the voter may execute a sworn affidavit stating that the voter attempted to obtain a photo identification but was unable to and the reason the voter was unable to obtain the photo identification.

**Section 21. Duties of ballot board; absentee ballots.** When reviewing absentee ballot envelopes and determining whether to accept or reject the envelope, the absentee ballot board must determine whether the witness certificate is completed and lists a photo identification document that is authorized to prove identity and residence.

**Section 22. Procedure.** In elections for offices conducted by mail, the voter must provide proof of identity and residence to the voter's witness. The signature envelope must include the same oath that appears on the absentee ballot. References to the rule on conducting mail elections are added.

**Section 23. Mail elections; questions.** In elections for questions conducted by mail, the voter must present proof of identity and residence to the voter's witness. The signature envelope must include the same oath that appears on the absentee ballot. References to the rule on conducting mail elections are added.

**Section 24. Voter's Bill of Rights.** This section adds a reference to the Voter's Bill of Rights about proving identity and the right to cast a provisional ballot.

**Section 25. Polling place roster; voter signature certificate; voter receipt.** Before a voter signs the polling place roster, the election judge must require the voter to present proof of identity and residence. If a person does not present proof of identity and residence, that person may cast a provisional ballot.

**Section 26. Provisional ballots; proof of identity and residence.** This section establishes provisional ballots and provides the process for casting, counting, and handling the ballots.

**Subdivision 1. Casting of provisional ballots.** A voter that is unable to provide proof of identity and residence is entitled to cast a provisional ballot. The voter must complete a provisional ballot envelope and sign the provisional ballot roster. The envelope contains identifying information for

the voter and an oath that the voter must sign. The voter places the marked ballot into a secrecy envelope, which is then placed into the provisional ballot envelope and deposited into the provisional ballot box. The election judge must inform the voter of the process to have the provisional ballot counted.

**Subdivision 2. Accepting or rejecting provisional ballots.** A voter who casts a provisional ballot may personally appear before the county auditor or municipal clerk no later than seven calendar days after the election to prove that the ballot should be counted. The auditor or clerk must accept a provisional ballot if the voter is eligible to vote, the voter presents proof of identity and residence or executes a sworn affidavit stating that the voter attempted to obtain a photo identification but was unable to and states the reason the voter was unable; and the data on the photo identification matches data provided by the voter on the provisional ballot envelope. If a voter registered on election day but the voter's registration application has not yet been processed when the voter appears at the auditor or clerk's office, the voter must be allowed to prove identity and residence. Then that ballot is set aside until the registration application is processed. If the voter's ballot is accepted, the auditor or clerk must mark the envelope accepted and keep it with other accepted ballots. The auditor or clerk must reject a ballot if the voter does not appear or if the criteria for acceptance are not met. The auditor or clerk must notify any voter whose ballot is rejected.

**Subdivision 3. Provisional ballots; reconciliation; counting.** At the close of business on the seventh day after the election, the auditor or clerk must reconcile the number of ballots and the number of signatures on the provisional ballot roster. If there are excess ballots, ballots must randomly be withdrawn from the accepted ballots. After ballots are reconciled, the auditor or clerk must open the provisional ballot envelopes and deposit them in the ballot box. The provisional ballots must be included in the final certified results.

**Section 27. Canvass of state primaries.** The county canvassing board must meet on the eighth day after the state primary. The State Canvassing Board must meet 14 days after the state primary.

**Section 28. County canvass.** The county canvassing board must meet between the eighth and 14th day after the state general election.

**Section 29. County canvass; return of reports to secretary of state.** The county auditor must submit the canvassing reports to the secretary of state within ten days following a primary election and 15 days following a general election.

**Section 30. Results.** The governing body of a municipality must canvass the returns of a municipal election on the eighth day after a primary.

**Section 31. Canvass of returns, certificate of election, ballots, disposition.** The governing body of a municipality must canvass the returns of a municipal election between the eighth and 15th day after the election. The governing body of a town conducting the general election in March must canvass the election on the eighth day after an election.

**Section 32. Results.** A school board must canvass the results of a school election on the eighth day after the primary election.

**Section 33. Canvass of returns, certificate of election, ballots, disposition.** The school board must canvass the returns of a school district election between the eighth and 14th day after an election.

**Section 34. Creation of trust fund.** This is a conforming change identifying an additional source of revenue for the children’s trust fund for the prevention of child abuse that is created in section 4.

**Section 35. Documents required for voter identification card.** The courts are prohibited from charging a fee for certified copies of court documents if the applicant attests that the record is needed to obtain a voter identification card.

**Section 36. Public education campaign.** The secretary of state must contract with a vendor for the production and implementation of a statewide public educational campaign about the voter identification requirements.

**Section 37. Proposed legislation.** By January 15, 2022, the secretary of state must report to the legislature on proposed legislation to amend existing rules to comply with the requirements of this act. The proposed legislation must codify matters into law to the greatest extent practical. To the extent it is not practical to codify matters into statute, the proposed legislation must specify changes to be made to rules that require no interpretation of law by the secretary of state.

**Section 38. Voter identification card training for driver’s license agents.** The commissioner of public safety must provide training for driver’s license agents on the process for issuing voter identification cards.

**Section 39. Appropriations.** This section makes various appropriations from the general fund to the secretary of state and commissioner of public safety to implement this act. Money is also transferred from the general fund to the voter ID card account.

**Section 40. Repealer.** The requirement to record attempted voter registrations is repealed.

**Section 41. Effective date.** This article is effective on June 1, 2023, except where otherwise provided. In general, the sections relating to issuing voter identification cards are effective on June 1, 2022.

## **Article 2. Conforming Changes.**

This article amends various sections of law where it is necessary to include a reference to voter identification cards.