



Helping Voters Register Under Minnesota Law

Important: Voter registration drives in Minnesota have to follow certain state laws and rules, such as a requirement to turn in applications within 10 days and rules regarding compensating drive workers. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Minnesota, a person may register to vote if they:¹

- Are a U.S. citizen;
- Are a resident of Minnesota for 20 days before the election; and
 - The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever they are absent, they intend to return²
- Are at least 18 years of age before the next election

A person is not eligible to vote in Minnesota if they:³

- Have been found legally incompetent by a court;
- Is under a guardianship in which the court has revoked their right to vote; or
- Have been convicted of treason or any felony whose civil rights have not been restored.
 - When a person convicted of a crime is discharged, such discharge restores the person to all civil rights and to full citizenship, with full right to vote. Persons who are otherwise qualified can vote after they finish all parts of their sentence, including any probation, parole, or supervised release.⁴

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: Homeless persons must provide their current residence, which is the place where they sleep. If a person sleeps in a shelter, at a friend's house, or outside somewhere, that is their voting residence. If a

person sleeps outside, they should write a description of the sleeping location on line four of the voter registration application. If a person registers before Election Day using an outdoor location as their residence, their voter record will be marked 'challenged' because the county could not confirm a specific street address. They will still be able to vote, but at the polling place on Election Day they will be asked to swear under oath that they are living at that location.⁵

A homeless person who registers to vote on Election Day using the location of where they sleep outdoors may need to go to the polling place with someone who can confirm where they are living. Similarly if a person lives in a shelter and registers on Election Day, a staff person can go with them to the polling place to confirm they live at the shelter.

Felony Convictions: A person's criminal record does not affect their right to vote in Minnesota unless they are currently serving a felony conviction sentence, including probation, parole or supervised release. Persons who are otherwise qualified can vote after they finish all parts of their sentence, including any probation, parole, or supervised release.⁶

College Students: In addition to the forms of proof of residence available to all voters, students may prove residence by presenting a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name, student identification number (if available), and address within the precinct appear on a current residential housing list under Minnesota Statutes, section 135A.17, certified to the county auditor by the postsecondary educational institution.⁷ Students may also use a current student fee statement that contains the student's valid address in the precinct together with a picture ID card.⁸

PART 3: FILLING OUT AN APPLICATION

Under Minnesota law, an application that contains the following information cannot be considered deficient:⁹

- Name
- Residence address (zip code not required)
 - Mailing address must also be provided if the post office won't deliver to the registrant's residence address¹⁰
- Date of birth
- Current and valid Minnesota Driver's License or state identification number; if the applicant has neither, then the last four digits of voter's Social Security Number if one has been issued
- Prior registration information, if any;
- Signature
 - The application form must include affirmations that the applicant will be at least 18 on Election Day, that they are a citizen of the United States, and that they will have resided in Minnesota for 20 days immediately preceding Election Day. Failure to check the citizenship and age checkboxes does not make the application deficient if the applicant has certified the form to be true.

Additional requirements apply to applicants who register to vote on Election Day or by including their registration application with their absentee ballot.¹¹ Such applicants must present proof of residence by providing one of the required types of identification, or else a registered voter must vouch for the person's residency.¹² Minnesota law requires that federal voter registration forms authorized by the National Voter Registration Act must also be accepted as valid.¹³

PART 4: VOTER REGISTRATION DEADLINE

To register before Election Day either in person or by mail, applications must be received by the county auditor by 5:00pm on the 21st day before an election. Online applications must be received electronically through the state website by 11:59 on the 21st day before an election.¹⁴ A person may also register on Election Day by appearing in person at the polling place for the precinct in which the person maintains residence, completing a registration application, making an oath in the form prescribed by the Secretary of State, and providing proof of residence. Applicants may also register to vote when submitting an absentee ballot by enclosing a completed registration application, including presenting proof of residence as required.¹⁵

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter registration forms?</i>	No; forms must be provided to any person or group who requests a reasonable number for distribution. Federal forms are accepted, see details below, question A.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	There is no specific regulation that explicitly relates to forms mailed by non-governmental groups. A state regulation provides that voter registration applications printed for the purpose of distribution and mailing may be printed pursuant to particular specifications, see details below, question B.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Yes, see details below, question C.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes, there are restrictions on payment for voter registration, see details below, question D.

<p><i>Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i></p>	<p>No. However, if a mail applicant signs by making a mark, the mark must be certified by having a voter registered in the applicant's precinct sign the applicant's name, sign the voter's own name, and give the voter's own address.¹⁶</p>
<p><i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i></p>	<p>No.</p>
<p><i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i></p>	<p>Minnesota election law does not specifically address this issue with respect to voter registration drives. However, state regulation provides that paper voter registration applications may include a mark identifying where the applicant obtained the application or how the application was delivered to the county auditor or secretary of state.¹⁷</p>
<p><i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i></p>	<p>Minnesota election law does not address this issue.</p>
<p><i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i></p>	<p>Yes. An individual that accepts completed registration applications from an applicant must submit them to the Secretary of State or the appropriate county auditor within 10 calendar days after the applications are dated by the applicant.¹⁸</p>
<p><i>What are the consequences for failing to submit applications on time?</i></p>	<p>Minnesota law does not directly address this issue; however, any individual who intentionally violates any part of Minnesota's statutes on the registration and eligibility of voters is guilty of a felony.¹⁹ Under Minnesota law, felonies without specified penalties are punishable by up to five years in prison, a fine up to \$10,000, or both.²⁰</p>

<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	Minnesota election law does not address this issue.
<i>How will an applicant know whether the election official received the application?</i>	Applicants will receive notice, see question E below.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Applicants will receive notice of incomplete applications and election officials must contact applicants to obtain needed information, see question F below.
<i>Who investigates and enforces the state rules?</i>	County attorneys, with reporting to the Secretary of State, see details below, question G.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. *Are there restrictions on getting voter registration forms?*

No. Further, the county auditor must provide voter registration applications to any person or group who requests a reasonable number of applications for the purpose of distribution.²¹

In addition, the form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.²²

B. *Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?*

There is no specific regulation that explicitly relates to forms mailed by non-governmental groups. A state regulation provides that voter registration applications printed for the purpose of distribution and mailing may be printed pursuant to the following:

- A. The size must be 8-1/2 inches by 11 inches, including a 9/16-inch stub.
- B. The paper must be at least 80-pound white offset.
- C. The secretary of state may approve alternate forms of voter registration applications to be attached to or included in tax booklets and forms used by state agencies, and other forms deemed appropriate by the secretary of state if the forms have spaces for the information required in [Minnesota Statutes, section 201.071](#). The secretary of state may approve the county use of an application with dimensions other than those prescribed in item A.
- D. The stub must have an adhesive applied to it so that the application can be sealed when it is folded together for mailing.²³

Groups should confirm whether this regulation applies to private voter registration programs.

C. *Does the state have restrictions on paying drive workers?*

Yes. No individual may be compensated for the solicitation, collection, or acceptance of voter registration applications from voters for submission to election officials in a manner in which payment is calculated by multiplying a payment rate (whether set or variable) by the number of voter registration applications solicited, collected, or accepted. Further, no individual may be deprived of compensation or have compensation automatically reduced exclusively for failure to solicit, collect, or accept a minimum number of voter registration applications, and no individual may receive additional compensation for reaching or exceeding a minimum number of voter registration applications. Violation of the compensation law is punishable as a petty misdemeanor.²⁴

D. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²⁵ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁶

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁷

DURING THE DRIVE

E. How will an applicant know whether the election official received the application?

At the time a voter registration application is properly completed, submitted, and received, the county auditor must enter the information contained on it into the statewide registration system. Voter registration applications completed before Election Day must be entered into the statewide registration system within 10 days after they have been submitted to the county auditor. Within 10 days after the county auditor has entered information from a voter registration application into the statewide registration system, the Secretary of State must attempt to verify the voter's information in the state database. Where the information cannot be verified, the county auditor must send a notice of incomplete registration to those applicants.²⁸

If an applicant submits a voter registration application that is deficient, the county auditor must send a notice of deficient registration to the person seeking to register.²⁹ Ineligible applicants must be notified of the reasons for their ineligibility.³⁰ The county auditor must mail a notice indicating the individual's name, address, precinct and polling place to each registered voter.³¹

F. How may an applicant correct an incomplete application after it has been submitted to election officials?

The county auditor must send a notice to any applicants who have filed an incomplete application, including explaining the opportunity to register on Election Day. Applicants may provide the missing information to the auditor at least 21 days before the next election or at the polling place on Election Day.³² The auditor must attempt to obtain from the applicant any needed information by mail or, if a telephone number or an e-mail address was provided by the applicant, by telephone or e-mail. If the needed information consists of the applicant's Minnesota driver's license, Minnesota state identification card, or Social Security Number, or confirmation that the applicant has not been issued a Minnesota driver's license, Minnesota state identification card, or Social Security Number, the auditor must also

attempt to obtain that information through verification with the state public safety or Social Security databases.³³

Additionally, election judges must request an individual to correct a voter registration application if it is deficient or illegible.³⁴

G. Who is responsible for investigating and enforcing the state rules?

County Attorneys forward affidavits regarding alleged violations to law enforcement for investigation, and are responsible for enforcing Minnesota voter registration law according to the generally applicable standards regarding prosecutorial functions and duties of a county attorney.³⁵ County Attorneys must report the outcome of any investigation of alleged violations of voter registration laws to the Secretary of State within 10 days of the determination.³⁶

WEB PAGE OF STATUTE

<https://www.revisor.mn.gov/statutes/?view=part&header=ELECTIONS>

For more information, contact:

Project Vote

1420 K Street NW, Suite 700

Washington, D.C. 20005

(888) 546-4173

www.projectvote.org

Last Revised 06/2016

DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Minn. Stat. Ann. § 201.014

² Minn. Stat. Ann. § 200.031

³ Minn. Stat. Ann. § 201.014

⁴ Minn. Stat. Ann. § 609.165, subd. 1, 2; Minn. Sec’y of State, “*I Have a Criminal Record*,” <http://www.sos.state.mn.us/elections-voting/register-to-vote/i-have-a-criminal-record/> (last visited June 28, 2016).

⁵ Minn. Sec’y of State, “*I’m Homeless*,” <http://www.sos.state.mn.us/elections-voting/register-to-vote/im-homeless/> (last visited June 29, 2016).

⁶ Minn. Stat. Ann. § 609.165, subd. 1, 2; Minn. Sec’y of State, “*I Have a Criminal Record*,” <http://www.sos.state.mn.us/elections-voting/register-to-vote/i-have-a-criminal-record/> (last visited June 28, 2016).

⁷ Minn. R. 8200.5100 (as amended May 23, 2016).

⁸ Minn. Stat. Ann. § 201.061, subd. 3(a)(3)

⁹ Minn. Stat. Ann. § 201.071, subd. 3

¹⁰ Minn. R. 8200.2950

¹¹ See Minn. Stat. Ann. §§ 201.061, subd. 3 (Election Day registration); 203B.04, subd. 4 (absentee ballot registration)

-
- ¹² Minn. Stat. Ann. § 201.061, subd. 3(a)(1)-(3)
¹³ Minn. Stat. Ann. § 201.071, subd. 1. Minnesota is exempt from the NVRA.
¹⁴ Minn. Stat. Ann. § 201.061, subd. 1
¹⁵ Minn. Stat. Ann. §§ 201.054; 201.061, 203B.04
¹⁶ Minn. Stat. Ann. § 201.056
¹⁷ Minn. R. 8200.1200, Subp. 3 (revised as adopted May 23, 2016).
¹⁸ Minn. Stat. Ann. § 201.061, subd. 1
¹⁹ Minn. Stat. Ann. § 201.27, subd. 3
²⁰ Minn. Stat. Ann. § 609.03
²¹ Minn. R. 8200.1700
²² Minn. Stat. Ann. § 201.071 (West)
²³ Minn. R. 8200.1100 (as amended May 23, 2016).
²⁴ Minn. Stat. Ann. § 201.054, subd. 3
²⁵ 52 U.S.C. § 10307(c)
²⁶ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
²⁷ California Secretary of State, Guide to Voter Registration Drives 11, *available at* <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (Rev. Jan. 2016)
²⁸ Minn. Stat. Ann. § 201.121, subd. 1
²⁹ Minn. R. 8200.2900
³⁰ Minn. R. 8200.3500
³¹ Minn. Stat. Ann. § 201.121
³² Minn. Stat. Ann. § 201.121, subd. 3; Minn. R. 8200.3100.
³³ Minn. R. 8200.2900, R. 8200.9310, subp. 2
³⁴ Minn. Stat. Ann. § 201.071
³⁵ Minn. Stat. Ann. § 201.275
³⁶ Minn. R. 8200.7200