



Voter Registration

Voter registration contributes to election integrity, but registering may be difficult for some eligible people.

Key Facts and Findings:

- In Minnesota, people must register before they can vote. Voter registration helps maintain election integrity, but it may also restrict access to voting for some people.
- Depending on how and when persons register to vote, their identity and eligibility to vote might not be checked against other data sources until after they have voted.
- Minnesota allows voters to register on election day, which provides access to voting but may also allow ineligible persons to register and vote.
- County staff create and update records of registered voters in the Statewide Voter Registration System (SVRS), Minnesota's centralized database of registered voters, but a voter's information may be inaccurate on the voter roster on election day.
- The Secretary of State's Office maintains SVRS, and most election officials who responded to our survey were satisfied with the system's performance.
- Minnesota does not allow people serving a sentence for a felony conviction to register or vote. The oath for challenged voters allows people who should not be challenged for a felony conviction to vote, but it may inadvertently allow ineligible persons to vote, too.
- Almost two years of county attorneys' reports included 69 investigations that suggest a person registered or voted while ineligible. The reports suggest

a larger number of allegations were unfounded, but the reports may be an unreliable source of information about all investigations.

- State law defines intentionally registering to vote while ineligible or knowingly voting while ineligible as felony offenses. But most charges for these offenses did not result in a conviction, and most sentences were not at the felony level.
- Various government agencies and community organizations provided voter registration services in 2016. Some of them also identified barriers to registration.

Key Recommendations:

- The Secretary of State should modernize SVRS, working with the Legislature to identify adequate resources.
- To identify people who may have voted while ineligible to do so, county election officials should consider using the report that SVRS produces for this purpose.
- The Secretary of State's Office, in consultation with county election officials, should consider developing a report that would help county staff identify people who have not voted for several years and re-register to vote when they are not eligible.
- The Legislature should clarify its expectations of state agencies to provide voter registration services to members of the public.

Many data sources contribute to maintaining voter records, but some voter listings on election day rosters may be inaccurate.

Report Summary

Election integrity is important to our democracy. Eligible citizens should have confidence that they will be able to vote in elections and that their vote will count. At the same time, it is important that the election process guards against voter fraud and voting by people who are not eligible to do so.

To vote in Minnesota, a person must be a citizen of the United States, at least 18 years old, and a resident of the state in the 20 days before an election. The person may not (1) be serving a sentence for a felony conviction; (2) be under guardianship in which a court has revoked the right to vote; or (3) have been found by a court to be legally incompetent.¹ More than 2.9 million Minnesota residents voted in the 2016 general election.

Voter registration is important to ensuring the integrity of elections.

Minnesota requires people to register before they can vote. Voter registration allows county election officials, who maintain the records of registered voters in their county, to verify registrants' name, date of birth, and residence.

Voter registration also enables county officials to prepare voter rosters. Voter rosters help ensure people vote in the correct polling place on election day.

County staff use a statewide database and numerous sources of data to create, verify, and update voter records.

County election staff create and update voter records in the Statewide Voter Registration System (SVRS)—Minnesota's centralized database of registered voters. Staff complete this task for all persons who register to vote. But for election day registrants, creating or updating records occurs after they have voted.

Through SVRS, county election staff verify registrants' identities against Minnesota driver's license data, for example. They also mail postcards to registrants. Because the U.S. Postal Service may not forward the postcard if the listed person does not reside at the address, its delivery confirms the person's residence.

Several data sources help county staff maintain voter records. For example, the U.S. Postal Service's National Change of Address file helps county staff keep voter addresses up to date. Data from the Minnesota Department of Health alert county staff to people who have died in Minnesota. Finally, an annual process by the Secretary of State's Office changes voters' records to "inactive" if they have not voted or initiated updates to their voter record in four years. These processes help keep voter information accurate and voter rosters free of excess voter listings.

Other data alert county staff to possible changes to registered voters' eligibility to vote. For example, the State Court Administrator's Office notifies SVRS when a person is convicted of a felony or discharged from a felony conviction by the court. People serving a sentence for a felony conviction may not register or vote in Minnesota.²

Creating, verifying, and updating registered voters' records is a large task. County election staff processed more than 1.6 million voter registrations, confirmations of identity, eligibility checks, and other SVRS tasks in 2016.

Although county staff create and update voter records, the Secretary of State's Office developed and maintains SVRS. Most election officials who responded to our survey were satisfied with SVRS's performance, some officials noted limitations of the aging system. We recommend the Secretary of State modernize SVRS and work with the Legislature to identify adequate resources to do so.

¹ *Minnesota Statutes* 2017, 201.014.

² *Minnesota Statutes* 2017, 201.014, subd. 1, and 201.054, subd. 2(1).

Registration and voting practices that increase access to voting may inadvertently allow ineligible persons to vote.

Work practices and data reliability may cause individual voter records to be inaccurate on election day.

In spite of county workers' efforts to maintain voter records and the variety of data sources used in the process, some voters' records will be inaccurate or out of date on the voter roster.

We do not think such anomalies are widespread, but they could affect a person's voting experience. Factors that contribute to inaccuracies include when county election staff complete registration tasks in SVRS, timeliness of data sources, human error, and data errors.

Voter registration may be a barrier to voting for some individuals who are eligible to vote.

We surveyed county election officials and dozens of city election officials about a variety of election topics, including barriers to voter registration. We also asked Community Action agencies about barriers to registration in the communities they serve.

Most county and city election officials who responded to our surveys were unaware of barriers to registration for eligible voters, or they thought barriers were adequately addressed.

Still, some election officials and most community agency representatives identified barriers to registration. For example, several officials and representatives noted challenges for non-English speakers. Barriers most cited by Community Action agency representatives related to uncertainty about the registration process. They also listed factors that may make registration difficult, such as lack of identification and moving frequently.

Election day registration provides access to voting, but it may inadvertently permit ineligible people to vote.

Among other options, Minnesota allows people to register on election day. To do so, people complete a voter registration application at their polling place and provide an election judge with proof of identity and residence. The application includes an oath asserting the voter's eligibility to vote.

Voters might register on election day if they were unable to register beforehand. But most of the more than 355,000 people who registered on election day in 2016 updated or reactivated their registration. For example, registered voters who move without updating their registration have to register on election day, as do voters who are not listed on the voter roster due to not voting for four years.

County election staff do not compare election day registrants' information with data sources that might indicate they are ineligible to vote until after the election. Thus, people who are ineligible to vote may be able to do so.

Most people whose eligibility to vote or residence is "challenged" may vote after swearing an oath for challenged voters.

If data indicate a registered voter may be ineligible to vote, the person will be "challenged" on the voter roster. A "challenged" notation is not evidence of ineligibility to vote, but it indicates the possibility of it.

Minnesota allows most registrants whose eligibility is "challenged" to vote after answering relevant questions and swearing to their eligibility. For example, a person who is challenged as possibly serving a sentence for a felony conviction may be asked if he has completed his sentence. During the 2016 general election, at least 400 people challenged for a felony conviction voted after completing the oath for challenged voters. Investigation results

There are challenges to prosecuting registration and voting offenses, and most charges do not result in conviction.

reported by county attorneys to the Secretary of State showed that some of these persons were still serving a sentence, but others were not.

Not all county officials use an SVRS report designed to identify voting by ineligible persons. We recommend election staff consider using the report. We also recommend the Secretary of State's Office work with counties to design a report to identify inactive voters who register while ineligible.

County attorneys' reports over an almost two-year period indicated 69 instances of registration or voting by ineligible persons.

County attorneys' reports included dozens of investigations that found registering or voting by ineligible persons had occurred. But the reports, which varied in content, suggest even more investigations did not reach that conclusion. One county attorney said that most investigations find the subject was eligible to vote.

In cases of ineligible persons registering or voting, county attorneys must show the person either intentionally registered or voted knowing it was against the law. County attorneys cited challenges to prosecuting these cases, such as proving that a person convicted of a felony and sentenced to probation was informed of registration and voting restrictions.

As of August 2017, fewer than half of the charges of persons registering or voting

while ineligible, filed over a five-year period, had resulted in conviction (47 of 132 charges with outcomes). Although state law defines these acts as felonies, fewer than half of the convictions received felony-level sentences.

As required by law, most state agencies we surveyed provided voter registration services to employees and the public in 2016.

State law includes numerous provisions requiring state agencies and other organizations to provide voter registration services. Generally, state agencies must provide services to employees and members of the public, including providing the public with access to and assistance with voter registration applications.

Most state agencies on the Governor's Cabinet said they provided voter registration services to both employees and members of the public. City and county election officials also reported providing voter registration services in 2016, as did Community Action agency representatives.

Some state agencies noted challenges to implementing the requirement to provide services to the public, including (1) identifying or training staff and (2) finding appropriate opportunities. We recommend the Legislature amend state law to clarify its expectations of state agencies for providing voter registration services to the public.

Summary of Responses

In a letter dated March 8, 2018, Secretary of State Steve Simon said the evaluation "reflects a thorough and comprehensive review of Minnesota's voter registration system." While agreeing with each of the report's recommendations, Secretary Simon characterized the recommendation to modernize the Statewide Voter Registration System (SVRS) as "the most important and urgent recommendation in the report." In a letter dated February 26, 2018, Randy Schreifels, the President of the Minnesota Association of County Officers (MACO), gave the opinion that "the information contained in the report has been thoroughly and objectively compiled." Mr. Schreifels indicated that MACO supports the report's recommendations, especially the recommendation related to improvements to SVRS.

The full evaluation report, *Voter Registration*, is available at 651-296-4708 or:
www.auditor.leg.state.mn.us/ped/2018/voterreg.htm