Voting Rights for Minnesotans Facing Home Foreclosure

There are many Minnesotans currently feeling the pain of a home foreclosure. While the housing crisis has raised important questions about America's economic health, it has also raised questions about where Minnesotans can vote when facing the foreclosure of their home. Here is what voters need to know.

In Minnesota, all voters must identify their residential address before they can vote in an election. They must provide this information when pre-registering to vote in advance of an election or when registering to vote on Election Day.

The fact that a home may be in foreclosure is not sufficient evidence that homeowners no longer reside at their address. The act of home foreclosure is a drawn-out process. An entire foreclosure procedure can take at least 8½ months from start to finish and may take even longer if homeowners pursue legal action. Voters may continue to reside at their property and still have rights to their property for some time during foreclosure. In fact, homeowners are allowed to live in their homes for at least 6 months after a sheriff's sale.

No one can legally challenge the registration of a voter in a precinct simply because he or she knows a voter's property is in foreclosure. State law requires that challengers must have personal knowledge that an individual is not eligible to vote, which in this case would be personal knowledge that the individual does not reside in the precinct. To bring a challenge, a challenger would have to personally know that a voter has indeed vacated their residence—through either a voluntary move or eviction proceeding—and the voter does not intend to return. Only upon this basis can a challenger then legally challenge to a voter's residency and sign a sworn statement under oath that he or she has personal knowledge that the individual in question is not eligible to vote in the precinct, in accordance with Minnesota Statutes, section 204C.12.

Voters who vacate their property in foreclosure with no intention of returning to that residence must not vote from that address. To do so is a felony. Instead, they must vote from where they currently reside. Minnesota law allows voters to vote from their current residence, even if they just moved there, as long as they have resided in Minnesota for 20 days. Minnesota allows voters to register on Election Day at their polling location if they can provide proof of residence.

Citizens with additional voter questions related to Minnesotans facing home foreclosure may contact the Office of the Minnesota Secretary of State.

Information related to voting, voter registration, absentee balloting, military or overseas voting, and locating your polling place is available by contacting your county auditor, visiting the Office of the Secretary of State online at **mnvotes.org** or calling **1-877-600-VOTE (8683)** or Minnesota Relay Service at **1-800-627-3529.**

This document is available in alternate formats for individuals with disabilities.