

IMPACTS OF THE PROPOSED CONSTITUTIONAL AMENDMENT ON OUTSTATE MINNESOTANS AND THEIR COMMUNITIES





innesota holds a storied place in American politics. The state's bipartisan approach to governance, dubbed the Minnesota Miracle, led national headlines in 1971, when opposing parties found common ground to grow the economy and secure excellence in education.

That standard also applied to elections. Dating to statehood, Minnesota established itself as a leader in expanding ballot access by knocking down barriers to full participation. And faith in the system ran high, given changes consistently and historically stood above party politics—remaining nonpartisan even in otherwise rancorous times and even when three parties split power in St. Paul.

Minnesotans responded, turning out to vote at rates consistently higher than the national average—cementing the state's rank as No. 1 over the last quarter-century.

More than 150 years of precedent was upended in 2011, however, when monumental changes to the state's election system were proposed and adopted along a series of strict party-line votes. Mimicking the political divisions playing out in statehouses elsewhere, the proposed constitutional amendment on elections unleashed a firestorm of partisan charges and counter-charges.

The following pages forgo politics to consider the amendment's impacts on outstate Minnesotans and their communities. This includes a look at the significant unknowns that will remain until supporting legislation is written next year, should the amendment pass in November.

Greater MN Counts is a joint project of the League of Rural Voters and Citizens for Election Integrity-MN, two Minnesota-based nonprofits.

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-August 2012

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THE CONSTITUTIONAL AMENDMENT ON ELECTIONS

What it says

QUESTION ON THE BALLOT

"Shall the Minnesota Constitution be amended to require all voters to present valid photo identification to vote and to require the state to provide free identification to eligible voters, effective July 1, 2013?"

CONSTITUTIONAL AMENDMENT

Subsection (b)

"All voters voting in person must present valid government-issued photographic identification before receiving a ballot. The state must issue photographic identification at no charge to an eligible voter who does not have a form of identification meeting the requirements of this section. A voter unable to present government-issued photographic identification must be permitted to submit a provisional ballot. A provisional ballot must only be counted if the voter certifies the provisional ballot in the manner provided by law."

Subsection (c)

"All voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification prior to a ballot being cast or counted."

THE CONSTITUTIONAL AMENDMENT ON ELECTIONS

What it means

- Voters on the ballot question will not know what kinds of ID will be permitted. That would not be determined until the 2013 legislature enacts legislation.
- Taxpayers will pay for the "free" IDs. Citizens will pay for the documents they need to get an ID, such as a certified birth certificate (\$26 in MN).
- The amendment creates a new system of provisional balloting in Minnesota, a complication that local elections officials oppose. The costs of provisional balloting will fall to local governments (property taxpayers).
- When a provisional ballot is cast because a voter doesn't have proper ID, the voter must go to the local elections office within a few days after the election and show a valid photo ID. Otherwise, the vote won't be counted.
- Absentee voting and mail balloting may be restricted because these voters cannot be subject to "substantially equivalent identity and eligibility verification."
- Election Day Registration as we know it will end. Voters would be able to register at the polls but will have to cast provisional ballots. These will be counted after only if a voter's identity and eligibility can be verified.
- Vouching will end.

Source: League of Women Voters MN







UNKNOWNS AND UNINTENDED CONSEQUENCES

Voters are being asked to decide on the proposed constitutional amendment although several questions surrounding its implementation and impact are unknown—and will remain so until supporting legislation is written next year should the ballot measure pass in November.

This includes such basic questions as what types of ID would qualify as "valid."

How much would it cost?

It is impossible to calculate the fiscal impact of the proposed amendment given its lack of supporting legislation, but it was projected that the bill vetoed by Gov. Mark Dayton in 2011 would have cost more than \$32.4 million to implement, according to a report signed by Minnesota's Executive Budget Officer.

That report reflects only the fiscal impact to state government; local governments would incur additional costs.

Local governments will have to fund such things as computers for polling places; additional staff to process all stages of the new provisional voting system, and supplies. According to a survey conducted by the Minnesota Association of County Officers, a medium-sized county like Stearns (with 85,000 voters) would have additional costs between \$435,000 and \$965,000.

Hardest hit with new charges will be rural counties, in which a majority of precincts are vote-by-mail. Kittson County (with 2,800 registered voters) has cost estimates of more than \$730,000, in order to build the necessary infrastructure to conduct in-person elections.

Kent Sulem, with the Minnesota Association of Townships, testified before the State Legislature earlier this year that townships would incur as much as \$2,500 in additional costs just to administer provisional ballots, for a statewide total topping \$3 million.

(For more on local costs, see County Costs of the Proposed Constitutional Amendment on Page 8.)

UNKNOWNS AND UNINTENDED CONSEQUENCES



What impact would it have on Vouching & Election Day Registration?

The proposed ballot amendment focuses on photo ID, but it also would require "all voters to be subject to substantially equivalent ... eligibility verification prior to a ballot being cast or counted."

That language makes certain vouching as a means of establishing identity and residency would end, disenfranchising eligible voters in temporary living situations like nursing homes, veteran hospitals and battered-women shelters.

Less clear is its impact on Election Day Registration.

Over the past decade, roughly 20 percent of Minnesotans noted change of address or registered as new voters on Election Day when casting ballots in presidential contests. In 2010, an off year, 96 percent of precincts processed same-day registrants, including 62 percent of those offering mail-in balloting.

Should the amendment pass, two outcomes are most likely: Those voting at a new address or registering for the first time at the polls would receive provisional ballots (see Provisional Balloting on Page 15), or they would be barred from voting until their registration is verified.

If the latter were to happen, Minnesota could lose its exemption under the National Voter Registration Act, a federal law mandating certain election standards. Once a state loses its exemption it cannot be regained.

Among the results, public assistance offices would have to train personnel on registering voters and institute ongoing voter registration programs. That means the state would have to increase all future spending on behalf of disabled and vulnerable populations in order to meet federal guidelines while maintaining services.





UNKNOWNS AND UNINTENDED CONSEQUENCES

What impact would it have on Absentee Voting & Military Personnel?

All states with photo ID laws have exemptions, including absentee voters, low-income voters and voters living in nursing homes. Minnesota's proposed amendment—requiring that all voters have "substantially equivalent identity and eligibility verification"—leaves no room for such exemptions. Any remedy to assure that absentee voters can vote will have to come in supporting legislation.

Absentee voters, like retirees who winter in warmer climates as well as military personnel and those living overseas, are at risk based on the bill vetoed in 2011. Under that measure, only IDs including an individual's address (i.e. a Minnesota Driver's License, Minnesota ID card or the proposed Minnesota Voter Photo ID card) were listed as valid for voting—which excluded U.S. Passports and Military IDs.

Among the significant unknowns involving absentee ballots: How would these voters verify their identity in a manner substantially equivalent to in-person voters, as is outlined in the ballot measure?

What impact would it have to Mail-In Precincts?

Minnesota towns with fewer than 400 registered voters currently can conduct elections via mail, an option that likely would end under a photo ID requirement.

Considering the entire state, mail-in numbers are small—representing just 12.5 percent of total precincts and less than 2 percent of Minnesota voters overall. But those numbers belie the impact outstate.

In Cook County, for example, 10 of its 12 precincts are mail-in, involving 76 percent of all voters. Ninety-two percent of Kittson County's precincts (36 of 39) conduct elections by mail.

Subsection (b) of the proposed amendment frames the possible types of identification for in-person voters, but the ballot question requires that "all voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification."

Like absentee voting, the above "substantially equivalent identity and eligibility verification "becomes an obstacle for continuing mail-in balloting.

COUNTY COSTS



The following information is based on a survey conducted by the Minnesota Association of County Officers. It focuses just on local costs of the proposed amendment. The fiscal impact on state government is estimated to exceed \$32.4 million its first year, based on legislation vetoed in 2011.

The proposed constitutional amendment will have costs that local governments will have to fund, including:

- Computers for polling places
- Additional staff to process all stages of the new provisional voting system
- Supplies, such as provisional ballot envelopes

Generally, costs vary based on the number of voters in a county. So, for example:

- Small: Pennington County (7,200 voters) has cost estimates between \$55,000 and \$120,000 in additional costs
- Medium: Stearns County (85,000 voters) has cost estimates between \$435,000 and \$965,000 in additional costs
- Large: Ramsey County (297,000 voters) has cost estimates between \$1.8 and \$4.1 million in additional costs

[The range in cost estimates depends upon whether standard electronic poll books can be used or whether the electronic poll books must have a real-time connection to the Statewide Voter Registration System, in addition to other specified requirements.]

Vote by Mail

Counties with mail ballot precincts have significantly higher per-capita costs.

Many counties originally chose to move to mail balloting because they did not have facilities available to serve as polling places that were accessible to voters with disabilities. Because mail balloting would be eliminated by the amendment, these counties would be required to reestablish polling places for these precincts and would incur the costs associated with purchasing ballot counters and accessible ballot markers, paying election judges, and making necessary renovations to their facilities to make them accessible.

For example, Kittson County (2,800 voters) has cost estimates of more than \$730,000, or greater than \$250 per voter.







Impersonation is the only type of fraud photo ID would prevent

- Knowingly registering to vote or voting on Election Day, if ineligible, already is a felony.
- A report by the Brennan Center for Justice at New York University finds that people are much more likely to be struck and killed by a bolt of lightning than commit the type of ineligible voting a photo ID requirement would prevent.
- Reviewing all types of government-issued IDs—
 passports, military IDs, driver's licenses, state-issued IDs—
 voter impersonation is the only type of fraud photo ID prevents.
- One problem uncovered in Minnesota is voting before rights have been restored following felony convictions. This is not corrected by photo ID, given none lists criminal history or status.

Gov. Mark Dayton established an Election Integrity Task Force in an attempt to solve this problem, given so much confusion continues around the issue. Its final report will be released early next year.

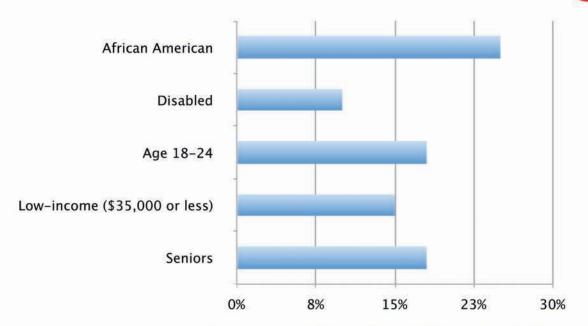
BY THE NUMBERS

Between 2000 and 2010, there were:

- 649,000,000 votes cast in general elections
- 47,000 reported UFO sightings
- 441 Americans killed by lightning
- 13 credible cases of in-person voter impersonation

PERCENTAGE LACKING PHOTO ID





Source: League of Women Voters MN from national data

Minnesota's Secretary of State Office compared the State Voter Registration System database to that of the Department of Motor Vehicles, revealing that 215,389 already registered voters lack a valid state-issued ID. The corresponding map indicates how many voters in each precinct across the state lack appropriate ID.

Voters who are least likely to have ID also are more likely to experience barriers that would prevent them from obtaining one. Among all voters, they are the least likely to have the money for transportation and to acquire supporting documents to qualify for the ID. People with disabilities and elderly citizens, especially in rural communities and who no longer drive, may have difficulty getting to a county office and waiting in line to update their identification.

Driving distances to Department of Motor Vehicles offices vary across the state, but residents of Wildwood in Itasca County, for instance, would have to travel 116 miles round-trip in order to secure an ID.

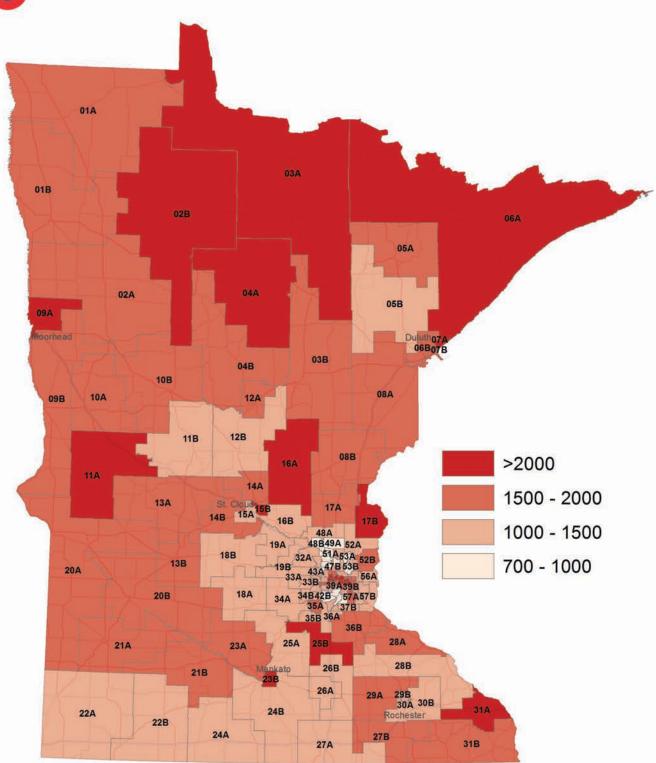
(A complete list of driving distances for all counties is available at www.GreaterMNCounts.org.)







REGISTERED VOTERS LACKING CURRENT, VALID PHOTO ID



ROUND-TRIP TRAVEL DISTANCE TO OBTAIN PHOTO ID



Should the proposed amendment pass, all Minnesotans who don't currently have a government-issued photo ID will need to present one at the polls in order to receive a standard ballot (opposed to a provisional ballot).

The Minnesota Council of Nonprofits used GIS software to calculate distances between Minnesota municipalities and nursing homes to the nearest eligible DVS site for a free voter ID. Kanabec and Polk counties serve as examples here, but a list of all counties is available at www.GreaterMNCounts.org.

Kanabec County

Braham	25 miles
Brunswick	14 miles
Grasston	22 miles
Hillman	50 miles
Kroschel	27 miles
Mora	Less than 1 mile
Ogilvie	17 miles
Pomroy	115 miles
Quamba	12 miles

Polk County

36 miles
15 miles
16 miles
45 miles
31 miles
15 miles
37 miles
24 miles
51 miles
48 miles
45 miles
21 miles
24 miles





IMPACT ON BY-MAIL VOTING

Minnesota towns with fewer than 400 registered voters currently can conduct elections via mail, an option that likely would end with the proposed amendment.

Subsection (b) of the proposed amendment frames the possible types of identification for in-person voters, but subsection (c) requires that "all voters, including those not voting in person, must be subject to substantially equivalent identity and eligibility verification."

Like absentee voting, the above "substantially equivalent identity and eligibility verification" becomes an insurmountable obstacle for continuing mail-in balloting.

Considering the entire state, mail-in numbers are small—representing just 12.5 percent of total precincts and less than 2 percent of Minnesota voters overall. But those numbers belie the impact outstate. In Cook County, for example, 10 of its 12 precincts are mail-in, involving 76 percent of all voters.

Cass County Auditor-Treasurer Sharon Anderson outlined the impact a photo ID requirement would have on outstate counties: "Mailed balloting would no longer be allowed because voters do not vote in person where they can show identification."

According to a survey conducted by the Minnesota Association of County Officers, counties with mail ballot precincts will have significantly higher per-capita costs to implement a photo ID requirement, given they will be required to reestablish polling places in these precincts and will incur new costs associated with purchasing ballot counters and accessible ballot markers, paying election judges, and making necessary renovations to their facilities to make them accessible to the disabled.

Ninety-two percent of Kittson County's precincts (36 of 39) are mail-in. Despite being home to fewer than 3,000 registered voters, officials estimate that implementing changes due to the proposed amendment, including its mail-in precincts, will cost more than \$730,000.

For more on implementation costs, see County Costs of the Proposed Constitutional Amendment on Page 8.

NUMBER OF MAIL-IN BALLOTS BY COUNTY



	W. Service	# of mail-in	% of mail-in	# of people who	TV (22) 1 (12 2)	
County	# of precincts	precincts	preincts	voted in 2010	# of mail-in voters	% of mail-in voters
Aitkin	54	9	16.67	7,425	294	3.96
Becker	48	11	22.92	11,904	741	6.22
Beltrami	62	31	50.00	16,187	1,589	9.82
Benton	30	1	3.33	13,827	105	0.76
Big Stone	23	16	69.57	2,233	791	35.42
Blue Earth	54	15	27.78	22,565	1,754	7.77
Carlton	39	15	38.46	13,780	1,410	10.23
Cass	73	34	46.58	13,081	2,115	16.17
Clearwater	29	1	3.45	3,590	2	0.06
Cook	12	10	83.33	2,858	2,159	75.54
Cottonwood	28	1	3.57	4,657	48	1.03
Crow Wing	62	10	16.13	27,658	602	2.18
Grant	23	4	17.39	3,069	138	4.50
Itasca	77	37	48.05	19,835	4,581	23.10
Jackson	30	1	3.33	4,363	133	3.05
Kittson	39	36	92.31	2,006	1,279	63.76
Koochiching	36	14	38.89	5,119	623	12.17
Lake	18	1	5.56	5,614	78	1.39
Lake of the Woods	17	15	88.24	1,907	1,479	77.56
Le Sueur	27	2	7.41	11,679	214	1.83
Lyon	33	2	6.06	9,002	265	2.94
Mahnomen	19	7	36.84	1,943	523	26.92
Marshall	61	55	90.16	4,316	2,842	65.85
Martin	37	1	2.70	8,827	28	0.32
Mille Lacs	25	4	16.00	10,290	358	3.48
Morrison	48	18	37.50	12,909	1,835	14.21
Murray	29	11	37.93	3,818	779	20.40
Nicollet	33	2	6.06	13,327	53	0.40
Nobles	40	2	5.00	6,050	90	1.49
Norman	33	16	48.48	2,693	599	22.24
Pine	47	10	21.28	10,995	410	3.73
Pipestone	22	10	4.55	3,618	11	0.30
Polk	81	28	34.57	10,864	1,242	11.43
Pope	31	3	9.68	5,299	56	1.06
Red Lake	22	9	40.91	1,620	411	25.37
Rice	33	1	3.03			0.03
	24	5		23,478	6	
Rock			20.83	3,706	255	6.88
Roseau	44	8	18.18	6,683	333	4.98
Saint Louis	178	17	9.55	85,295	1,344	1.58
Swift	31	18	58.06	4,522	1,300	28.75
Todd	40	1	2.50	9,395	0	0.00
Traverse	20	13	65.00	1,807	588	32.54
Waseca	22	1	4.55	7,937	4	0.05
Washington	90	1	1.11	103,724	1	0.00
Watonwan	21	12	57.14	4,282	1,246	29.10
Winona	49	1	2.04	18,455	8	0.04
Yellow Medicine	31	2	6.45	4,174	223	5.34
Total	1925	513	26.65	572,386	34,945	6.11







PROVISIONAL BALLOTS

Challenges to vote

Minnesota's proposed constitutional amendment would mandate a system of provisional balloting for voters who do not present valid government-issued photo ID at the polls—including already registered voters. This departs from current law, given ballots cast by even longtime voters would go uncounted unless each "certifies the provisional ballot in the manner provided by law." Even if an election judge in a small town has personal knowledge of a voter and can identify her, that voter could vote only if she has a valid government-issued photo ID.

If the amendment passes in November, supporting legislation won't be written until next year, which means that "in the manner provided by law" is an unknown until then. But some things are known from states already operating under such laws.

An investigation by the Cincinnati Enquirer published July 28 found that nearly 40,000 provisional ballots cast in Ohio in 2008 went uncounted, sometimes as the direct result of poll worker error.

According to the report: "One of the major reasons provisional ballots are discarded is that voters, sometimes at the erroneous direction of poll workers, vote in the wrong precinct—typically, the wrong table in the right school gymnasium, church basement or firehouse, a phenomenon referred to as 'right church, wrong pew.' "

An Associated Press investigation also found problems in Indiana, a state with one of the earliest photo ID requirements. Provisional ballot certification is not done at voter precincts but in county offices, and driving distances to affirm their identity proved too great an obstacle for some voters.

Given this, concern for undercounting is even greater in outstate Minnesota. More than half (46) of all 87 counties surpass in size Indiana's largest, Allen, which measures 657 square miles.

St. Louis County, Minnesota's largest, is nearly 10 times larger, at 6,225 square miles, meaning a voter living in Winton, for instance, would have to drive more than 200 miles roundtrip to Duluth in order for his provisional ballot to be counted.

ROUND-TRIP TRAVEL DISTANCE FOR PROVISIONAL BALLOT CERTIFICATION



Provisional ballots are not certified at voter precincts but at county auditor offices, located in the County Seat. If the amendment passes, voters who fail to show an appropriate ID at the polls would be issued provisional ballots. Only provisional ballots of voters who subsequently present an ID at the office within a certain timeframe would be counted in election totals.

The Minnesota Council of Nonprofits used GIS software to calculate distances between Minnesota municipalities and nursing homes to county auditor offices throughout the state. Beltrami and Otter Tail counties serve as examples here, but a list of all counties is available at www.GreaterMNCounts.org.

Otter Tail County

Town	Driving distance
Amor	.45 miles
BattleLake	42 miles
Bluffton	.108 miles
Butler	124 miles
Carlisle	.17 miles
Clitherall	.48 miles
Dalton	28 miles
DeerCreek	38 miles
Dent	.80 miles
Eagle Lake	13 miles
Erhard	.29 miles
Fergus Falls	2 miles
Henning	70 miles
Maine	38 miles
Maplewood	.15 miles
New York Mills.	.100 miles
ParkersPrairie	88 miles
Pelican Rapids.	42 miles
Perham	.94 miles
Richville	.81 miles
Rothsay	.50 miles
Urbank	.78 miles
Vining	.58 miles
Wadena	Less than 1 mile
Western	30 miles

Beltrami County

Town	Driving distance
Bemidji	1 mile
Blackduck	50 miles
Funkley	64 miles
Hines	40 miles
Kelliher	90 miles
Little Rock	42 miles
Moose Lake	48 miles
Nebish	43 miles
Ponemah	99 miles
Quiring	70 miles
Redby	60 miles
Roosevelt	
Shooks	81 miles
Shotley	99 miles
Solway	26 miles
Tenstrike	34 miles
TurtleRiver	22 miles
Waskish	122 miles
Wilton	11 miles







VOTER ID LAWS BY STATE

Voter ID laws vary in their particulars state-by-state, but two key distinctions cross boundaries: Whether a law is strict or not and whether the ID must include a photo.

Minnesota's proposed constitutional amendment would be the strictest in the nation, given it spells out no exemptions to the photo ID requirement and implements a system of provisional balloting in which legitimate votes could go uncounted.

Strict vs. Non-Strict:

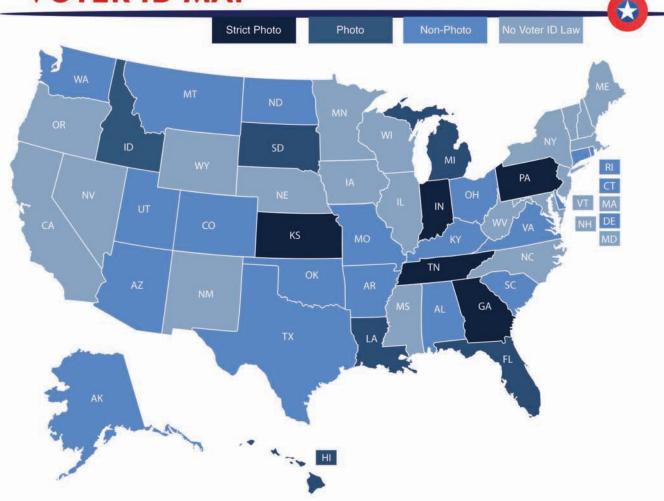
In "strict" states, a voter who is not exempted cannot cast a valid ballot without first presenting photo ID. Voters who fail to do so at the polls are given a provisional ballot, which are kept separate. If the voter returns to election officials within a short period (generally a few days) and presents acceptable ID, the provisional ballot is counted. If the voter does not return to show ID, that provisional ballot is not counted. South Dakota is an example of a non-strict state. It allows voters without photo ID to sign an affidavit at the precinct and then cast a regular ballot.

Photo vs. Non-Photo:

Some states require non-exempted voters to show a photo ID before they can vote, while others have ID requirements (note: they are not photo ID requirements). For example, Arizona allows voters to show a property tax statement to verify identity, while Kentucky allows voters to show a credit card as a method to confirm identity.

Source: National Council of State Legislatures (July 2012)

VOTER ID MAP



- Alabama will become a photo ID state in 2014 if its new law is found not in violation of the federal Voting Rights Act. Section 5 of the Act requires that states with a history of discrimination receive preclearance before making changes to their voting laws.
- Mississippi, South Carolina and Texas passed strict photo ID laws. Texas and South Carolina were refused preclearance by the Department of Justice, which argued that these laws could suppress turnout among minority voters. The Department of Justice hasn't completed its review of Mississippi.
- New Hampshire passed a voter ID law in 2012, but it will not take effect until it receives preclearance.
- Wisconsin's new strict photo ID law was held unconstitutional on March 12, 2012.
 It can take effect only if that ruling is reversed by a higher court.





CURRENT SAFEGUARDS

Voter integrity measures already are a matter of law and willful fraud is a prosecutable offense today

Minnesota has a number of election safeguards in place, including:

1. Voter Registration

Minnesotans are required to document their identity and residency when registering to vote.

2. Registration Oath

Voters sign the Minnesota Voter Registration Application, affirming their eligibility to vote and verifying the accuracy of the information provided.

3. Voter Verification

The names, addresses, dates of birth and, when available, the last four digits of Social Security numbers and/or driver's license numbers of newly registered voters are sent to the Minnesota Department of Public Safety for review. Ineligible voters are deleted from voter rolls. If ongoing questions exist, County Auditors review records; in cases where those offices cannot verify information, voters' names are flagged for challenge at the polls.

4. Statewide Database

Registered voter names and information are housed in one database, which allows County Auditors to determine if a voter is registered elsewhere. Older registrations are purged in favor of updates.

5. Postal Verification

Newly registered voters or those updating their information are sent a postcard. Postcards returned for bad addresses are noted in precinct poll books to be challenged Election Day by election officials.

CURRENT SAFEGUARDS



6. Corrections Data

County-level election administrators review data from the MN Department of Corrections to remove current felon names or mark them as "challenged" in poll books. Since 2010, data are updated on a daily basis.

7. Election Day Oaths

All voters sign an oath affirming they are whom they claim to be and are eligible to vote in their precinct.

8. Election Day Challenge

Partisan challengers are allowed to question the eligibility of any voter based on personal knowledge. They also can report any activity when they believe fraud has occurred.

9. Post-Election Review

State and County elections officials conduct internal reviews of all voters, including same-day registrants. Cases of possible ineligible voting are referred to County Attorneys.

10. County Attorney Investigation

It is a felony to intentionally register or vote when unqualified.

County Attorneys investigate such allegations and bring charges when merited.



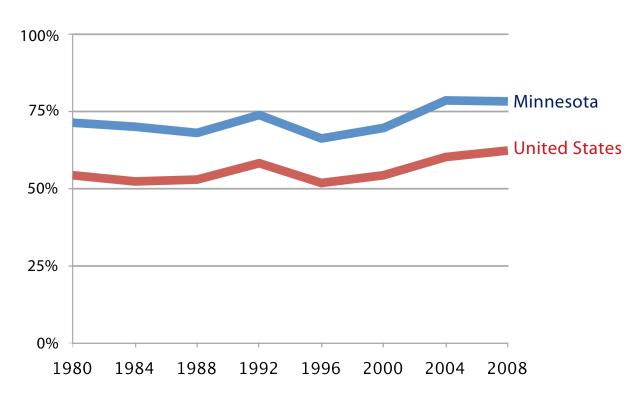




VOTER TURNOUT 1980-2008

Presidential election years

Minnesota's current estimated Voting Eligible Population: 3,839,640



Source: United States Elections Project, Dr. Michael McDonald Department of Public and International Affairs, George Mason University





League of Rural Voters P.O. Box 80259 Minneapolis, MN 55408

Phone: 612-879-7578

www.leagueofruralvoters.org



Verifiable, Transparent and Accurate Elections

Citizens for Election Integrity - MN 2323 E. Franklin Ave. Minneapolis, MN 55406

Phone: 612-724-1736

www.ceimn.org