

The Minnesota Voter ID Fraud: Is a Sucker Really Born Every Minute?

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This November we'll find out how many suckers vote in Minnesota. Republicans in our fine state have joined their counterparts all over the nation in an ongoing effort to reduce the number of votes cast on Election day. Their rationale for doing this is the subject of another discussion, what we are concerned today is the hidden (I would say deliberately hidden) effects of a deceptively simple proposition. The plan is to amend the MN constitution to require that voters present a government issued photo ID on Election Day in order to cast a ballot. The actual ballot question will look like this:

"Shall the Minnesota Constitution be amended to require all voters to present valid photo identification on Election Day and that the state provide free identification to eligible voters?"

On the face of it this doesn't seem like a big deal, but here's what you need know: **it's a huge bait and switch**. Here's how the ballot question should read:

"Shall the Minnesota Constitution be amended to require all voters to present valid photo identification on election day, abolish same day voter registration, vouching, absentee ballots, create an entirely new system of "provisional" ballots, and provide free identification to eligible voters?"

I know, it's a run-on sentence but this is really what you will be voting for if you vote "yes" for voter ID.

This is not simply an attempt to add photo ID to the existing system. This is completely changing the way we vote in MN and it will require the creation of an entirely new election infrastructure. This will eliminate same day registration, vouchers, and could completely change or even prohibit many if not all absentee ballots for state offices.

No more same day registration

Even if you have a valid photo ID on Election Day, if you are not already registered, you will only be allowed to cast a provisional ballot which will not be counted on Election Day. Why? Because the existing system that's used to provide same day registration would be scrapped, and Republicans haven't explained what exactly they're going to replace it with, they promise to work that out *after* the amendment passes. Those promises are not encouraging. When Mary Kiffmeyer, the House author of amendment was repeatedly asked whether or not unregistered voters with a valid ID would be allowed to cast a normal rather than a "provisional" ballot on Election Day, she simply would not answer the question. Kiffmeyer, a former Secretary of State,

has always been critical of same day registration. This amendment a back door way of eliminating same day registration altogether. Same day registration without a valid photo ID will simply not be possible. If you lose your driver's license the day before an election, even if you've been voting at the same polling place for 15 years, you will not be allowed to cast a normal ballot, you will have to cast a "provisional" ballot that will not be counted on Election Day. You will have tendered a provisional ballot that will only be counted after you return at a later date with the valid ID. And by the way, you don't return to the polling place, you have to go county elections office which for some Minnesotan's is over a 200 mile round trip.

Basically same day registration would be replaced with provisional ballots. What's wrong with provisional ballots? Well for one thing, no one knows when or if all the provisional ballots will be counted. The amendment guarantees you a provisional ballot, but it does not guarantee that that ballot will ultimately be counted. The amendment merely says these ballots will be counted "in a manner provided by law".

In the last election 500,000 (almost 20% of the total votes) same day registration ballots were cast. The effect of eliminating same day registration will disenfranchise voters and decrease the number of votes. Tens of thousands or maybe hundreds of thousands of provisional ballots will be set aside on Election day.

There's another thing about these "provisional" ballots that's troubling. Normally your vote is secret, no one knows or can know who you voted for. Provisional ballots by definition need to be attached to your identity until they're verified. In other words, unlike a normal ballot that just goes into the machine, your provisional ballot has to be set aside with your name on it until it's counted, if it's ever counted.

Provisional ballots are completely new process for MN. They currently do not exist so the entire system of collecting them, storing them, keeping them intact and retrievable, and then counting or not counting them will have to be created. This is NOT simply adding a photo ID to the current system.

No more vouchers

In any given election there are thousands of voters who are living in new or temporary addresses. There are thousands of voters who have no address because they are in shelters or on the street. And then there are thousands that live in nursing homes or other group homes. It's estimated that 200,000 or more of these people currently have no valid photo ID. Many seniors for instance have let their drivers licenses expire because they no longer drive. Many people living in group homes of various types can't drive in any event. Many college students from other states and other MN towns don't have current state issued photo IDs. Of course it goes without saying that homeless people don't have valid IDs with a current address on them. These are all people who are constitutionally guaranteed a right to vote, and who are currently voting. The way we currently accommodate these voters is to allow another registered voter to vouch for them. A registered voter can vouch for up to 15 people. Why 15 people? This is NOT about driving around a van and shuttling voters from one polling place to the next. Minnesota law currently licenses residential facilities i.e. group homes for developmentally disabled, mentally ill, battered

women, chemical dependency, etc. to house 15 residents in most cases. The vouching system was set up so these people could be taken to the polling place by resident staff and cast their vote. A voucher testifies that you know this person, they are who they way they are, and they currently live in the precinct where they are voting. When you vouch for someone you basically sign an affidavit, it's perjury to lie on an affidavit and in MN this is a felony offense.

Vouching is currently allowed as part of the same day registration process as well. Photo ID will eliminate vouching. Republicans *want* to eliminate vouching because they imagine thousands of voters being scooped up by nefarious ne'er-do-wells in big vans and being shuttled from poll to poll. The truth is that apparently no one is willing to go to jail on behalf of an underdog candidate because no actual instances of this kind of fraud have actually been prosecuted in MN, or even reported. While one can *imagine* bus loads illegal voters, the truth is that this vouching allows thousands of MN's the chance to exercise their constitutional right to vote. Eliminating vouching won't disenfranchise all of those voters, but it will disenfranchise some of them.

Republicans frequently evoke the specter of ACORN when it comes to this business of bus loads voters flitting around town in vans. Here's what you need know: neither ACORN as an organization nor any of its members have been charged with voter fraud. What some ACORN workers have been charged with is election registration fraud. The difference between registration and voter fraud is significant. There is no evidence that ACORN members were trying to influence elections by stuffing ballots, rather they were trying to meet registration quotas in order to get paid, they produced bogus registrations, they did *not* produce fraudulent voters or votes. And there have been no reports about ACORN having anything to do with van loads of voters.

Absentee ballots under threat

Republicans try to blow a lot of smoke all over this but the fact is there no way that someone casting an absentee ballot can produce a Photo ID in person on the day of election as required by this amendment. Language allows for a "substantially equivalent" verification process, but Republicans have never described what that process could look like, and frankly it's very difficult to imagine what it could look like. What could be "equivalent" to producing a photo ID in person on the day of election? Ironically when pressed on this issue on the house floor Kiffmeyer suggested that a vouching signature on the absentee ballot might be sufficient. So vouching would be eliminated for people voting in person, but created for people voting by absentee ballot. Apparently there are some federal protections for casting absentee ballots for federal office, but the extent to which these laws would protect Minnesota's absentee ballots is unclear at best.

Beyond all the considerations I've discussed so far there are very basic problems with this proposition. The nature of a "valid" ID has not been defined, and Republicans have been very dodgy about the issue. On the floor of the House when asked, Kiffmeyer actually claimed that any government issued photo ID would be "valid". She said that if you up showed to vote in Rochester with a Nevada driver's license you'd be allowed to vote. Frankly, this is a lie and Kiffmeyer knows it. A valid ID for voting has to have your current address on it because you're not just demonstrating who you are, but that you're voting at the right location. Without the

address requirement a bunch of folks from Wisconsin could come over and vote against Michelle Bachmann. Remember, the current same day registration process that requires additional verification like a utility bill, will no longer exist. This means that a valid ID must have a current address on it and THAT means that forms of ID like passports and military IDs will not be valid for voting. What Kiffmeyer isn't telling us is that such voters may be given "provisional" ballots, but there would be no way to cast a ballot that would be counted on Election Day.

Furthermore, the actual mechanics of presenting an ID have not been described in any meaningful way. There are videos showing nifty little card swipers connected to laptops but that actually raises more questions than it answers. For one thing it reinforces the notion that specific kinds of state issued IDs will be required. Unless you have multiple swipe technology connected to multiple data bases you're going to be limited to certain types of IDs. You can't use the same technology to swipe a driver's license and a passport for instance. And you'd have to be connected to completely different data bases i.e. the State Department for passports, and the Pentagon for Military IDs. The connections between these data bases and the polling place would have to be secure and reliable, and the data bases themselves would have to be perfectly reliable and up to date. For instance, if the intention really is to accept out of state driver's licenses as Kiffmeyer said, then every polling place would have to be connected to a minimum of 50 different data bases on election day, and you would need the technology to swipe all of these. The technical logistics for all of this don't currently exist anywhere in the world, and frankly the cost of creating one would be prohibitive. This means that as a practical matter, state ID or Driver's license with a current address will be the only form of voter ID that will get your vote counted on Election day, and that's only if you're already registered.

Regardless what technology would ultimately be deployed, there will be malfunctions and user errors. You have to remember, the polls are not staffed by computer nerds, they are staffed by volunteers who will have to be trained in a completely new system and technology. Even with existing technology we have hundreds of breakdowns on Election Day that poll workers have to contend with. Right now, no matter what technical problems may arise at the polls, you get to vote and your vote gets counted. This new system creates an entirely new front end that blocks votes from being counted under a variety of circumstances for a variety of anticipated and unanticipated reasons.

It's vitally important that MN voters understand that the voter ID requirement created by this constitutional amendment does NOT simply "add" photo ID to the current system. This requirement completely restructures and changes the way we do elections in MN. It will disenfranchise the most vulnerable voters in the state, it will cost tens of millions of dollars to implement, and there is actually no evidence that it will even prevent voter fraud.