



STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 26, 2011

The Honorable Michelle L. Fischbach
President of the Senate
226 State Capitol
St. Paul, Minnesota 55155

Dear President Fischbach:

With this letter, I am vetoing and returning Chapter 69, Senate File 509, a bill requiring voters to provide photo identification with their current address before receiving a ballot, establishing a new provisional voting system, and making other changes to election administration.

Minnesota's election system is the best in the nation. We have the highest voter turnout year after year and under intense, bipartisan scrutiny, the recent statewide recounts have highlighted how reliable the results are. Much of the strength of the system derives from over 150 years of bipartisan work and its federated nature – the 87 county auditors, hundreds of municipal clerks, and 30,000 volunteer election judges who administer Minnesota's elections and ensure they are free and fair.

The right to vote is embedded in both the United States and Minnesota Constitutions. In accordance with my oath to uphold both of these foundational documents, it is my duty as Governor to ensure every eligible Minnesota voter is able to exercise this fundamental right and does not face barriers to doing so.

The push to require photo identification in order to vote has been based on the premise that voter fraud is a significant problem in Minnesota. I do not believe that to be the case. In particular, the offense most often cited – felons voting illegally – will not be addressed by a photo identification requirement; felons often have a driver's license, which has a photo but does not indicate their voting eligibility status.

This bill would put Minnesota in violation of the federal Military and Overseas Voter Empowerment Act (MOVE), which requires absentee ballots to be sent to military and overseas voters at least 45 days before each federal election. Last year the Legislature moved the date of the state primary to ensure the state could fulfill this requirement. Delaying the canvassing date for the state primary by a week will delay preparation of the general election ballots beyond the federal deadline. As a result, the United States Department of Justice will almost certainly force Minnesota to accept absentee ballots from those voters that arrive after Election Day, which will further delay election results. I cannot sign legislation that does a disservice to military and overseas voters and is so clearly in violation of federal law.

The Honorable Michelle L. Fischbach
May 26, 2011
Page 2

In addition, this bill is an unfunded mandate on local units of governments at all levels—counties, cities, townships, and school boards. There is a \$23 million cost, documented with a local impact note from the Department of Management and Budget, that has been totally ignored. At a time when local governments are facing dramatic cuts, adding another mandate without any financial assistance is irresponsible.

I am most concerned with the lack of bipartisan involvement in developing such major changes to our election process. As stated by Governor Pawlenty, “Election laws set forth rules relating to the fundamental right to vote and the government’s administration of those rights. The details of these laws matter, and the manner in which they are adopted matters as well. Omnibus election bills making changes to our election process should be bipartisan.” I will not sign an election bill that comes to me without broad bipartisan legislative support.

I appreciate your willingness to add my proposal to require quarterly reporting of campaign contributions and expenditures.

I would welcome the opportunity to work with legislative leaders, along with state and local election administrators, on ways to make further improvements to Minnesota’s election system. That is why I am issuing an Executive Order that creates a task force to study and recommend ways to streamline the process for voters, lower the costs to local governments, and prevent from voting those who should not be voting. I look forward to those discussions.

Sincerely,

A handwritten signature in black ink that reads "Mark Dayton". The signature is written in a cursive, flowing style.

Mark Dayton
Governor

cc: Senator Amy T. Koch, Majority Leader
Senator Thomas M. Bakk, Minority Leader
Senator Warren Limmer
Representative Kurt Zellers, Speaker of the House
Representative Paul Thissen, Minority Leader
Representative Mary Kiffmeyer
The Honorable Mark Ritchie, Secretary of State
Mr. Cal R. Ludeman, Secretary of the Senate
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives