



# 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,

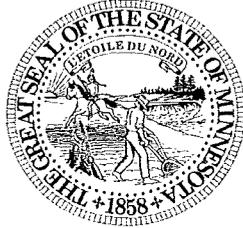
A handwritten signature in black ink that reads "Mark Dayton". The signature is written in a cursive, flowing style.

Mark Dayton  
Governor

cc: Senator Amy T. Koch, Majority Leader  
Senator Thomas M. Bakk, Minority Leader  
Seantor 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

# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

**Executive Order 11-18**

### **Election Integrity**

**I, Mark Dayton, Governor of the State of Minnesota**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**Whereas**, the right to vote is a fundamental right guaranteed by both the United States and Minnesota constitutions; and

**Whereas**, the State of Minnesota consistently has the nation's highest voter turnout rates; and

**Whereas**, the State's policies should encourage all eligible voters to participate and make it easy for them to do so and discourage those who are not eligible; and

**Whereas**, election processes can always be improved, even in a state that is widely regarded as having one of the best election systems in the country; and

**Whereas**, there are proposals to streamline election processes that will provide additional convenience to eligible voters and result in cost savings for local election officials and the property taxpayers who fund their budgets, without disenfranchising eligible voters; and

**Whereas**, election law proposals developed and agreed to by legislators from both political parties are inherently more trustworthy; and

**Whereas**, officials who administer the State's elections need to be part of the conversation to provide input on the impact of potential changes; and

**Whereas**, after a series of meetings, an informal group consisting of legislators from both political parties and state and local election officials was able to come to consensus on election reforms that were enacted into law in 2010; and

**Whereas**, attorneys for the candidates on both sides of the 2008 U.S. Senate recount spent millions of dollars looking for fraud found none; and

**Whereas**, out of the 2.9 million individuals who voted in the 2008 general election, fewer than 80 have been convicted under Minnesota Statutes, section 201.014, of voting when they were not eligible; and

**Whereas**, individuals who have been convicted of felonies lose their civil rights until they have completed their felony sentences, including probation, parole, or other supervised release; and

**Whereas**, nearly all those convicted of voting when they were not eligible were ineligible because they were living in the community while serving a sentence for a felony conviction; and

**Whereas**, better notice to those persons that they were not yet eligible to vote might have reduced the number of those persons who attempted to vote; and

**Whereas**, providing state and local election officials with additional data about persons serving felony sentences might have prevented those persons from voting; and

**Whereas**, better notice to those persons when their right to vote is restored may encourage them to participate in the process;

**Now, Therefore**, I hereby order that:

1. The Task Force on Election Integrity is created under Minnesota Statutes, section 15.0593.
  - a. The task force consists of 15 members, appointed as follows:
    - i. One member appointed by the Governor;
    - ii. Two members of the Senate, one appointed by the Majority Leader and one appointed by the Minority Leader;
    - iii. Two members of the House of Representatives, one appointed by the Speaker and one appointed by the Minority Leader;
    - iv. A member appointed by the Secretary of State;
    - v. A member appointed by the State Court Administrator;
    - vi. A member appointed by the Commissioner of Corrections;
    - vii. A county attorney appointed by the Minnesota County Attorneys Association;
    - viii. Two local election officials appointed by the Association of Minnesota Counties;

- ix. Two local election officials appointed by the League of Minnesota Cities; and
  - x. Two local election officials appointed by the Minnesota Association of Townships.
- b. The Task Force shall elect a chair from among its members.
  - c. The Task Force shall study and recommend to the Legislature by January 15, 2013, proposals to modernize the State's elections, while protecting citizens' fundamental right to vote.
- 2. The Commissioner of Corrections, in cooperation with the State Court Administrator and county probation officers, shall develop a protocol to be used by probation officers to inform felons, before their sentence is discharged, that their right to vote will be restored when their probation or supervised release ends and their sentence is discharged.
  - 3. Within the limits of available appropriations and the data privacy requirements of Minnesota Statutes, section 241.065, the Commissioner of Corrections shall work with the State Court Administrator and county officials to improve the timeliness and accuracy of reports to the Secretary of State required by Minnesota Statutes, sections 201.155 and 201.157, on each person who has been convicted of a felony and on each person previously convicted of a felony whose civil rights have been restored.

Under Minnesota Statutes, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the State Register and filing with the Secretary of State.

**In Testimony Whereof**, I have set my hand on May 26, 2011.



**Mark Dayton**  
Governor

Filed According to Law:



**Mark Ritchie**  
Secretary of State

