



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

February 9, 2021

Civil Law and Data Practices Policy Committee
95 University Avenue West
St. Paul, MN 55155

Dear Members:

I am writing today to express my concerns with Senate File 173.

This country has seen a tidal wave of disinformation about our democracy, voting, and the last election. Because lies designed to manipulate and mislead people have been perpetuated by trusted leaders again and again, it is our responsibility as elected officials to increase faith in our democracy. Although this bill was introduced with the stated intent of increasing faith in our democracy, this bill does no such thing. What will increase faith and confidence in our system is for Minnesota's leaders, such as yourselves, to tell Minnesota voters the truth: The 2020 election was fundamentally fair, honest, accurate, and secure. Period. State and federal courts have evaluated and re-evaluated claims to the contrary, with zero findings of material fraud or misconduct. Similarly, previous elections have seen no evidence of widespread voter fraud that would justify the changes this bill proposes.

We increase faith in our democracy by being honest about our election system, not by potentially shutting out hundreds of thousands of voters like this bill does. Minnesotans voted against Voter ID in 2012 because they know it puts the votes of students, seniors, and other eligible Minnesotans in danger. Despite the surface appeal of Photo ID, this is a case of "the more you look, the less you like."

Not everyone has current government issued photo identification. Many seniors in nursing homes or assisted living settings who have stopped driving no longer have government issued identification. They have no need for one, and it would be a burden for them to obtain one – even if free of cost. These are *eligible voters* who would be disenfranchised because of this bill, which is only part of the reason why I urge members to vote no today.

In addition to requiring a current photo ID to vote, this bill would create new bureaucracy with provisional balloting. For the first time in Minnesota, it would create a "maybe" pile of ballots – which may or may not be counted. Provisional balloting is federally mandated by section 15482 of the Help America Vote Act of 2002 (HAVA) as a way to protect voters and ensure that no voters were turned away at the polls in states that did not allow voters to register at the polling

place on election day. Thankfully, however, HAVA explicitly exempts Minnesota and a number of other states from this requirement because we already have a protective measure in place for Minnesota voters, and have since 1974: same day voter registration. Senate File 173 effectively eliminates same day voter registration as we know it and replaces it with provisional balloting.

Provisional balloting would not only delay the official election results, but would be harmful to Minnesota's voters and costly to Minnesota's election administrators. Introducing provisional ballots in Minnesota would put a burden on local governments to administer, and add additional forms, paperwork, and hassle for local election staff and election judges in the polling place.

Furthermore, Senate File 173 puts the burden on the voter to prove their eligibility after the election by returning to their local elections office days after the election. For many people in Greater Minnesota, this trip could take hours. Voters with a disability may need to arrange and pay for travel, and most voters may need to take time off of work. Because of those additional burdens, and because the vast majority of election outcomes are known on election night, very few people nationally ever follow up with the required visit.

Finally, the new requirements in this legislation are unnecessary, as there are already a number of safety measures in place during the voter registration process to ensure the integrity of the system:

- First, every voter who fills out a voter registration application swears under oath that they are eligible to vote and acknowledges that it is a felony to falsify information on their voter registration application. And if a voter is utilizing same day registration, the voter needs to provide one of the approved combination of documents that corroborate their name and residence.
- Second, Minnesota uses a centralized database, the Statewide Voter Registration System (SVRS), to ensure each voter only has one registration in the system. When entering voter registration applications, county auditors first look to see if the person already is registered. If so, then they update that person's registration; if not, then they create a registration for the person in the system. This practice helps ensure that each voter is accurately registered in the system.
- Third, voter registration information is verified against Driver and Vehicle Services (DVS) or Social Security Administration (SSA) databases. When voters register to vote or update their registration, they are required to provide a Minnesota driver's license or state ID number or the last four digits of their Social Security Number, if they have one. This data is verified against the Driver and Vehicle Services or Social Security Administration database. If it cannot be verified, the voter's record is flagged for review.
- Fourth, voter addresses are verified. After voter registrations have been entered, each voter is sent a non-forwardable postcard, called a Postal Verification Card, to verify that they live at the address provided. If the postcard is returned as non-deliverable for same day registrants, county auditors must verify the voter's eligibility. If the auditor is unable

to do so, or the over is otherwise identified as ineligible to vote, their case must be forwarded to the county attorney for further investigation and potential prosecution.

After voting, voters' records are marked to indicate that they voted within the Statewide Voter Registration. As this information is being entered, the system checks for anyone who voted more than once and provides a warning if a voter is already recorded as having voted in the election. Usually this is a result of a data-entry error; any actual incidents are turned over to the county attorney for further investigation and possible prosecution. Similarly, if an individual registered or voted when they were not eligible, their record is flagged and their case is turned over to the county attorney for further investigation and potential prosecution.

I encourage all members of this committee to oppose any legislation creating a provisional ballot system or requiring a mandatory government issued voter ID in Minnesota. Minnesotans are rightfully proud of our state's election system, and we continue to lead the nation in voter participation because our voters have a fundamental confidence in our election system and the integrity of our vote. Requiring a mandatory government issued photo ID, eliminating same day voter registration as we know it today, and exchanging it for provisional balloting will have a detrimental effect on voter participation. Minnesotans expect us to protect their right to vote, not put it at risk.

Sincerely,

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

Steve Simon
Minnesota Secretary of State