

Testimony of ACLU-MN
Opposing HF89, HF210
House State Government Finance Committee
February 28, 2011

The American Civil Liberties Union of Minnesota is funded and supported by over 8,500 members statewide. Our mission is to defend constitutional rights under the United States and Minnesota constitutions.

Voter ID will incur legal costs to the State of Minnesota. First, the State must ensure that a voter ID requirement is not a poll tax. Second, the bills under consideration are subject to legitimate equal protection challenges which, win or lose, will create considerable legal expenses.

Poll Tax Prevention

Poll taxes, that is, requiring citizens to pay in order to vote, are prohibited by the 24th Amendment to the Constitution. Therefore the State must ensure that any qualified voter can vote without having to pay to vote. The proposed bills offer free IDs. However, what exactly does it mean to offer a “free” ID?

Consider these costs that the State would have to provide for the indigent person:

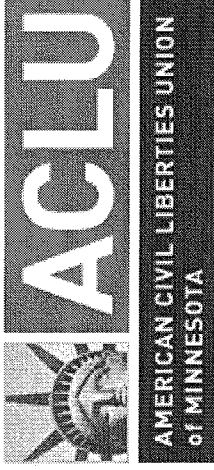
- The cost of providing a free ID
- The cost of a birth certificate
- The cost of a marriage certificate
- Transportation to the office issuing a free ID

Also consider the costs to the State of providing a free ID:

- The cost of creating a provisional ballot system
- The cost of administering a provisional ballot system
- Extended government office hours
- Unanticipated complications

Litigation Costs

You must also consider the costs of protracted litigation challenging the legitimacy of a voter ID law. The Georgia litigation on voter ID lasted four years. Indiana’s constitutional challenge lasted three years. Complications under Indiana’s law are still being litigated. Because the issue affects rights under both the Minnesota and the United States constitutions, cases could be brought in both state and federal court.



Voting is a fundamental constitutional right. The right to vote is protected by more constitutional amendments - the First, Fourteenth, Fifteenth, Nineteenth, Twenty-fourth and Twenty-Sixth - than any other right we enjoy as Americans. A fundamental constitutional right cannot be taken away by a vote of the majority.

Preventing voter fraud is a compelling state interest. However, what is a minor requirement for a majority of people is a severe burden for a minority of people. Put another way, voter ID may be a minor requirement for a majority of people but would severely burden a minority of people.

If a voter ID bill were to become law, the fundamental right to vote would be defended in the courts. Despite the Crawford decision which stated that the Indiana voter ID law was constitutional, the issue is not settled. For example, the State of Missouri found its voter ID law unconstitutional under the Missouri constitution.

Minnesota is not Indiana. The bills currently before your committee will also have to pass muster under the Minnesota constitution.

- Our constitution contains protections greater than that provided by the United States constitution.
- An oath is sufficient to ensure voter eligibility under the Minnesota constitution.
- HF 210 is more restrictive than the Indiana voter ID law and would reopen litigation closed by a federal consent decree in 2005.

Any or all of the long list of groups who testified against voter ID in the Government Operations and Elections committee would have standing to challenge voter ID in court. These groups include Common Cause, the League of Women Voters, and the ACLU of Minnesota. Furthermore, impacted individuals, whether they are disabled, a racial minorities or a battered woman, would also have standing to sue.

Voter ID is costly, harms a fundamental right and there is no measure of its need or effectiveness.

We urge you to protect the fundamental right to vote, and defeat voter ID.