

# Voter Identification Requirements

Minn. Stat. §§ 201.061; 204C.10; Minn. Rules, part 8200.5100

HOUSE RESEARCH

## What identification is required to vote on Election Day?

Voters who have **previously registered to vote in Minnesota**, either by mail or by registering at the polling place on a previous election day, are required to state their name to the appropriate election judge and sign a polling place roster. The election judge may ask voters to confirm their address and/or date of birth.

By signing the polling place roster, voters confirm their eligibility to vote and their understanding of the penalty for providing false information. The eligibility requirements and penalties for false information are written on each roster page.

Voters who have **not previously registered to vote using their current Minnesota address** may register at the polling place on election day. To register, voters must complete an application, make an oath, and prove their residence. To prove residence, a voter must present *one* of the following:

- A valid Minnesota driver's license, learner's permit, Minnesota identification card, or a receipt for one of these documents, provided that the document presented contains a valid current address in the precinct
- A valid registration in the precinct under a different name or address
- A notice of late registration sent to the voter from the county auditor or municipal clerk
- A tribal identification card issued by the government of a tribe recognized by the Bureau of Indian Affairs that contains the name, address, signature, and picture of the voter
- A Minnesota driver's license, identification card, U.S. passport, U.S. military identification card, tribal identification card that contains the voter's signature, or Minnesota postsecondary institution identification card, along with a bill that contains the voter's current address in the precinct, dated within 30 days before or after the election

The following types of bills meet this requirement: electric, gas, water, solid waste, sewer, telephone, television, and Internet. Instead of a utility bill, a voter may present a rent statement from the voter's landlord if it contains itemized utility expenses, or a student fee statement that contains the student voter's valid address in the precinct

- Another voter who is registered to vote in the precinct, or who is employed by a residential facility in the precinct and vouching for a resident in the facility, who knows that the registering voter is a resident of the precinct and who will vouch for that fact
- A current student identification card with a photo, if the college or university has provided a student housing list to the appropriate election officials. Historically, student housing lists have been provided by most major public and private four-year colleges and universities in the state.

## **Has the Supreme Court ruled on whether requiring photo identification of all voters is constitutional?**

The United States Supreme Court recently addressed voter identification requirements in *Crawford v. Marion County Election Board*, 128 S.Ct. 1610 (2008).

The case arose after Indiana passed a law requiring voters to show photo identification at the polls. The law requires voters to present a government-issued photo identification document before receiving a ballot in a polling place. An exception is provided for residents of certain state-licensed nursing facilities. The identification requirement also does not apply to voters who submit an absentee ballot by mail.

If a voter does not have a sufficient form of identification—regardless of the reason for not having it—the Indiana law permits the voter to cast a provisional ballot. In order for the provisional ballot to be counted, the voter must appear before the appropriate circuit court clerk within ten days following the election. The ballot is counted if the voter presents the clerk with an acceptable form of photo identification, or if the voter submits an affidavit attesting to the voter's indigent status or religious objection to being photographed.

In Indiana, a free photo identification card is provided to voters who establish their residence and proof of identity. To do this, at least one "primary document" must be submitted. A primary document may be a birth certificate, certificate of naturalization, U. S. veterans or military photo identification, or a U.S. passport.

Those opposed to the law argued that it imposed an unconstitutional burden on some voters, particularly poor and minority voters who may not have photo identification.

In considering the challenge, the court balanced the interests asserted by the state to justify the law with the potential burdens that may be imposed on voters as a result of the law.

In a 6-3 decision, the Supreme Court upheld the new requirements as constitutional, finding Indiana had asserted several legitimate interests relevant to protecting the integrity and reliability of elections, and that these interests outweighed the potential burden on voters created by the new requirements. These interests included: (1) deterring and detecting voter fraud; (2) improving antiquated election procedures; (3) preventing fraud made possible by the names of deceased people and nonresidents that are still on voter rolls; and (4) protecting public confidence in elections.

The court's decision in *Crawford* does not mandate that all states enact a law requiring photo identification at the polls and does not impact the requirements for voting in Minnesota. Current Minnesota law does not require a voter to present photo identification in order to vote. However, if the Minnesota Legislature were to enact a photo identification requirement in the future, courts would look to the *Crawford* decision as precedent if the law were challenged on constitutional grounds.