**Minnesota Constitution Amendment: Voter ID**

**Abstract:**

This lesson focuses on the proposed amendment to the Minnesota Constitution requiring a photo ID to vote. There is a brief discussion of the values of voting and democracy in general, the law as it currently exists, voter ID laws in others states; asking students if they are willing to share their voter ID status and what that means to them, and finally discussing the amendment. Because of the binary nature of the topic, it is well suited for a snap debate exercise. At the end of the period, the whole class will vote on their opinions of the amendment and discuss their reasoning.

**Useful background:**

It will be helpful if students have some knowledge of Minnesota’s voting procedure, including same-day registration, before doing this lesson. Students should be aware of the mechanics of what happens when voters go to the polls under the current law.

**Objectives:**

The goals of this exercise are as follows:

1. Consider the greater values of democracy and evaluate which is the greater threat to a democracy: voter fraud or lack of voter participation
2. Educate students on the arguments for and against the proposed constitutional amendment and the wisdom of those arguments. This lesson is designed for a high school class where many of the students will be eligible to vote for or against the amendment in November.
3. Get students to think of arguments for a side regardless of whether they agree with it. This is an important skill because it broadens thinking, and also enables students to more fully defend their views having considered what those who think differently will say.

**Grade level: Grades 12**

**Time to complete:** One 60 minute class period.

**Materials needed:** Computer, etc. for power point.

**Procedure:**

Introductory Discussion: Begin the lesson by going over the key democratic value underlying elections – that elections should reflect the will of the people governed. From that starting point, ask students to consider whether the greater threat posed to this value comes from a lack of voter participation or from unlawful participation by those not entitled to vote, or those voting in ways prohibited by law. It would serve the discussion well to note that while democracy is best served by encouraging all those legally entitled to vote for the candidate of their choosing, without vigilance, those not entitled to vote may begin participating. Likewise, attempts to prevent this unlawful participation may go too far and interfere with the fundamental right of citizens to cast ballots. If there is time, the teacher may go over examples of each type of threat.

Snap Debate: Assign roles: four students (or another even number) will be judges, the rest will be split evenly between arguing for or against the amendment. The students will be given a few minutes to discuss and record arguments and select spokespeople. After this time is up, the sides will convene. Each side will give basic arguments to the judges for 1 minute (what they want to do – main reason why). Each side will then have different people present more in-depth arguments for two minutes. This will be followed by each side being given two minutes to argue against the points made by the other side. Finally, the sides will take turns asking questions of each other (judges and teachers will also ask questions of each side) for 6 minutes. After this, each side will have a student present a one-minute summary of their arguments in closing. Finally, the judges will select a winner. If they split 2-2, those who argued against the amendment win (as with Minnesota constitutional process where ties and non-votes are treated as "no" votes, thus defeating the amendment.)

**Resources for Teachers:**

The success of this lessons depends on an understanding of the facts and arguments for and against the proposed amendment (or, if used in conjunction with a lesson on voting generally, on voter fraud). The attached power point can serve as a starting point for in-class discussion, but it is important for teachers to consider and be able to articulate a long list of arguments (even weaker ones) for and against the amendment. The following sites can help give good background on what is being said about the proposed amendment:

* Minnesota League of Women Voters is a nonpartisan group that has put out a video advocating against the amendment and showing its harmful effects on voter participation and the functioning of democracy.
* The website for Minnesota’s Secretary of State Mark Ritchie (D) provides information on the state’s election laws and the constitutional amendment process.
* Minnesota Majority is a conservative political action group that advocates for a host of conservative causes, voter ID among them. They note that 113 felons were convicted of voting in the 2008 election in Minnesota, and that up to 1,100 may have voted in the U.S. Senate election which was decided by 312 votes
* Ballotpedia: A wiki-based website of ballot issues throughout the country has a page on the amendment (\*warning – subject to the same concerns about accuracy as Wikipedia itself)[[1]](#footnote-1).

QUESTIONS TO CONSIDER ALONG WITH POSSIBLE RESPONSES:

* Although Minnesota had among the highest voter turnouts in the nation in the last general election (2010), the percentage of voters casting ballots was still only 67.9%[[2]](#footnote-2). Over 1 million registered voters in the state didn’t participate. Wouldn’t a measure which further suppresses voter turnout be harmful to ensuring that the will of the people governs?
  + People have many reasons for not voting, and rather than pushing people to the ballot box, the state should ensure that elections represent the will of the people who do vote by ensuring that they are fair and honest.
* The amendment requires the state to provide ID cards for free to any voter who lacks them, and voters without ID are allowed to cast provisional ballots which will be counted if and when they obtain ID. Is this really an impediment to voting?
  + Up to 200,000 voters in the state lack the proper form of ID, and obtaining the proper documentation (certified birth certificate, and if name changed, a certified marriage certificate) can be expensive and time consuming. Additionally, many people, such as the elderly, the indigent and the disabled, lack the mobility to get the ID itself, much less to get the necessary documentation which they may lack.
* By requiring the state to provide free IDs, isn’t this imposing an unfunded mandate (up to $50 million for the city of Minneapolis)[[3]](#footnote-3) on governments that are already struggling with budget shortfalls?
  + Providing state IDs to citizens can help make them more employable and increase the tax base.
* Voter ID laws disproportionally affect racial minorities. Is this a violation of the Equal Protection Clause of the 14th Amendment?
  + The stated purpose of the law is to ensure fairness in elections. Correlation is not (necessarily) causation. It would take more evidence to prove that discrimination is afoot, and the Supreme Court has set the bar fairly high.
* Elections in the state have been very close lately. If up to 1,100 felons illegally voted in an election decided by only 312 votes, can that election really be seen as legitimate?
  + The voter ID amendment doesn’t address the issue of felons or illegal immigrants voting. It is only meant to prevent voter impersonation, which hasn’t been known to be a problem. The state already has a method to address voter impersonation, requiring either proper documentation or vouching by a neighbor under penalty of perjury – a felony. The penalties for voter impersonation are severe and serve as a deterrent. They may not be perfect, but likewise, there are thousands of gun murders per year, but the right to gun ownership is still protected by law.
  + For a closer look into the issue of whether felon voting restrictions are appropriate or whether they are discriminatory, a good resource is <http://felonvoting.procon.org/view.answers.php?questionID=000667>
* After the ACLU put out a reward for anyone who could prove an instance of voter fraud that would have been prevented by the amendment, Minnesota Majority began an intensive scouring of court records. They uncovered only a single case[[4]](#footnote-4) of voter impersonation which would have been prevented by the new ID amendment. Isn’t this a solution to an imaginary problem?
  + The absence of evidence isn’t necessarily the evidence of absence. While only one person has been convicted, that doesn’t mean that other people aren’t committing voter impersonation. In the right circumstances it might be quite easy to do and get away with. The goal of the amendment is to make it harder to impersonate a voter, not harder to vote legally.
* The right to vote is a fundamental guarantee of the constitution. However, because IDs are provided for free, and voters are given leeway to get the IDs even for a period after election day is the law really an undue burden on this right, especially given that there is a compelling interest in ensuring that elections are fair and free of fraud?
  + Less restrictive options are available to prevent voter fraud and impersonation. Opponents of the amendment suggested that a photo ID database could be created based on DMV records and photos taken at the polls, and in the future, poll workers would be able to look at the photos in the database and compare them to the voters present. Also, the law as it currently stands provides for perjury prosecution for those committing voter impersonation. The whole point of criminal law is to deter criminal behavior as much as possible, and no law is 100% effective, though the voter impersonation law has been pretty close.

REQUIREMENTS TO REGISTER TO VOTE IN MINNESOTA[[5]](#footnote-5):

* U.S. Citizen
* Over 18
* Resided in Minnesota for at least 20 days immediately preceding election
* No felony convictions unless expired, discharged or completed
* No court-ordered guardianship revoking voting rights
* Not ruled incompetent by a court of law.

REQUIREMENTS FOR SAME DAY REGISTRATION[[6]](#footnote-6):

Under the current system, voters can register on election day by presenting a valid Minnesota driver’s license, a valid student ID card if the university has provided a housing list to the polling place, a tribal ID card, a valid registration in the same precinct under a different name or address, a notice of late registration, or a signed oath of residency from a voter in the precinct or an employee of voter’s residential facility. Additionally, voters can register by presenting an out-of-date driver’s license or state ID card, a passport, military ID card or student ID card along with a current utility bill, statement of rent which itemizes utilities or a current student fee statement.

1. <http://ballotpedia.org/wiki/index.php/Minnesota_Voter_Identification_Amendment_(2012)> [↑](#footnote-ref-1)
2. <http://electionresults.sos.state.mn.us/20101102/PrecRpt.asp?M=TPR> [↑](#footnote-ref-2)
3. <http://minnesota.cbslocal.com/2012/08/01/city-releases-report-on-voter-id-amendment-costs-changes/> [↑](#footnote-ref-3)
4. <http://www.startribune.com/politics/statelocal/141590563.html> [↑](#footnote-ref-4)
5. <http://www.sos.state.mn.us/index.aspx?page=204> [↑](#footnote-ref-5)
6. Id. [↑](#footnote-ref-6)