



**MID-MINNESOTA LEGAL AID
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December 20, 2013

VIA Email: rulecomments.oah@state.mn.us

Administrative Law Judge Eric L. Lipman
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

RE: Comments to Proposed Amendment to Permanent Rules Relating to Elections

Dear Judge Lipman:

Please consider the following comments to the proposed amendment to the election rules, which I am submitting on behalf of the Minnesota Disability Law Center (MDLC) of Mid-Minnesota Legal Aid.

Mid-Minnesota Legal Aid is designated pursuant to federal statute as the Protection and Advocacy entity for individuals with disabilities in Minnesota, and it performs this function through its statewide program, MDLC. As part of the Help America Vote Act of 2002 (HAVA), Protection and Advocacy entities like MDLC are mandated to help ensure that individuals with disabilities participate in the electoral process. Because of this work, MDLC has an interest in and knowledge of the electoral process as it affects individuals with disabilities.

8200.5100 Subpart 1 E, lines 4.3-5.5:

MDLC supports the proposed amendment. Voters with disabilities who live in one of the residential facilities covered by this section frequently require staff to vouch for them in order to vote, because due to their living situation and disability, they do not have any of the documents that would enable them to register on election day like a typical voter. Voters with disabilities who live in residential facilities are often transported to and assisted at the polling place by staff of the residential facility. The current rule recognizes this and attempts to enable such voters to register nonetheless.

However, under the current rule, there are circumstances where the voter still faces a barrier to registering. Under the current rule, if a residential facility employer fails to send in the required letter to the county auditor at least 20 days before the election, the voter with a disability who needs an employee to vouch for her in order to register on election day would be prevented from doing so. The current rule does include a back-up process that allows the residential facility employer to correct this oversight by providing a statement on the facility's letterhead that meets the rule's requirements. However, where the employer fails to complete this corrective step, the voter who needs an employee to vouch for her would not be able to register.

Even where an employer submits the required letter to the county auditor 20 days before election day, because of the high turnover of staff in residential facilities, it is common for a new employee's name not to appear on the list if they were hired within 20 days of the election. In that circumstance, if the employer fails to submit a statement on the facility's letterhead that the newly hired individual is an employee, the voter with a disability will not be able to register.

The proposed revision closes these troubling gaps that create barriers to registration for voters who live in residential facilities. By adding the employee identification badge as an accepted proof of employment at the residential facility, even where residential facility employers have failed to provide the other forms of documentation of employment, individuals with disabilities will be able to register at the polls with an employee vouching. With this change, voters with disabilities who live in residential facilities will not be penalized by the residential services employer's administrative shortcomings, and the purpose of the rule is well served. Moreover, the requirement of an employee identification badge protects the integrity of this special form of vouching, ensuring that it is restricted to bona fide employees of residential facilities who have personal knowledge of the voter for whom they are vouching. For these reasons, MDLC supports the proposed amendment.

8200.5100 Subpart 2, lines 5.11-6.19:

MDLC supports the proposed revision. Voters with disabilities often find the current rules confusing as to why driver's licenses and ID cards from other states are not acceptable forms of identity. The proposed change would remove that confusion. In addition, many young people with disabilities age 18 and older do not drive, but they continue to attend high school where they receive special education services beyond the age of 18. The addition of high school ID's as an acceptable form of identification will enable many young voters with disabilities in this situation who do not drive to prove their identities.

The proposed updates to proof of residence will also remove barriers to voting for people with disabilities. Many people with disabilities find the current rules that do not allow rent or mortgage statements and residential lease/rental agreements as proof of residence confusing. In addition, many individuals with disabilities share housing with another tenant who has the utility bills under their name, so they lack utility bills as a form of residence proof.

The revision allowing banking or credit card statements will also allow more individuals with disabilities to register and vote. Many voters with disabilities live with family members or other

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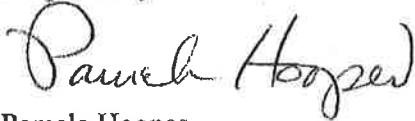
roommates, and do not possess the other currently required forms of proof of residence, but they do have a credit card or bank account that shows their name and address. Vouching would be their only other method of proving residence in many instances.

The proposed revision will protect election integrity while removing barriers to registering and voting for voters with disabilities. For these reasons, MDLC supports the proposed revision.

Please notify me of the date when your report on the rule revisions will become available.

Thank you for considering these comments.

Respectfully submitted,

A handwritten signature in cursive script that reads "Pamela Hoopes". The signature is written in dark ink and is positioned above the printed name and title.

Pamela Hoopes
Deputy Director/Legal Director
Mid-Minnesota Legal Aid/Minnesota Disability Law Center

PSH:nb

cc: Julie Strother, Office of the Secretary of State [via email (Julie.strother@state.mn.us)]