



STATE OF MINNESOTA

Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 7, 2007

The Honorable James Metzen
President of the Senate
75 Rev. Dr. Martin Luther King Jr. Blvd.
322 State Capitol
Saint Paul, Minnesota 55155

Dear President Metzen:

I have vetoed and am returning Chapter 56, Senate File 1997.

The basic structure of the bill is flawed. It relies on unrealistic revenue projections to increase spending beyond sustainable levels, pumps vast amounts of funds into the Legislature's own budget, and both underfunds and undermines the work of the executive branch.

Even if these provisions were to be fixed, however, I am unable to approve this bill until the Legislature more fully identifies an overall budget plan. Only in that context can we, and the public, understand the choices involved in the remaining budget bills.

My budget included an aggressive tax compliance initiative that was estimated to net an increase of \$40 million in revenues. This bill doubles the amount, disregarding the concerns raised by the Department of Revenue that needed infrastructure and personnel will not be in place fast enough to generate the revenue projected in the bill.

The bill also uses this unrealistic revenue projection to fund a 19 percent increase in appropriations to the Legislature. At the same time, the bill eliminates appointed and unclassified employees throughout the executive branch. The work of these employees is critical in supporting the Legislature's deliberations and managing the day-to-day operations of state government. I will not support such a deliberately irresponsible action.

Even with more revenue than I recommended, Senate File 1997 fails to include many key infrastructure projects. The bill does not provide adequate direct funding for IT

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security, electronic licensing, the integrated tax system, or the grants management office. My budget placed a high priority on technology improvements so we can make Minnesota government more efficient. This bill misses a tremendous opportunity to invest in Minnesota's infrastructure and improve state government's ability to better serve its citizens and customers.

I am also disappointed in the language contained in article 2, section 14, that allows appropriations to continue beyond the end of the fiscal year if the Legislature is unable to complete work on the budget bills. This language relieves the legislative and executive branches of government from their duty to pass the legislation necessary to operate government. Extending the deadline 31 days does nothing to change the dynamic of budget deliberations other than to encourage more delay.

The bill has not removed all of the domestic partner provisions as I have previously requested. Moreover, a provision remains in the bill which would permit the unlimited expansion of employment benefits to domestic partners and others by local units of government. Again, I am opposed to any legislation concerning domestic partners benefits, including the bill's study and definition of "significant individual."

I also have serious concerns regarding the bill's creation of numerous commissions and groups which duplicate activities already available in state government. The bill expands the work of the Attorney General's office to include providing assistance to veterans in relation to accessing services. This duplicates the expertise and services already funded through the Department of Veterans Affairs. The Commission on Terrorism and Disaster duplicates efforts already undertaken by the Department of Public Safety and other legislative committees. Similarly, the proposed new Commission on Ethnic Heritage and New Americans needlessly duplicates and confuses the work of the three other existing minority councils, which receive almost two million dollars in state general fund appropriations. Each of these councils have new immigrant representation and statutory duties duplicative of those proposed for the new commission. These, and other similar provisions, move state government in exactly the wrong direction at a time when we need to focus our resources to provide services as efficiently as possible.

I am also concerned that the Legislature has not appropriated specific money to fund these new commissions and groups, and it is not clear what legislative or agency budgets will be responsible for doing so. Many of these newly created commissions and groups are given express and unlimited authority to appoint staff, hire consultants,

enter into contracts, and hire experts. Resting such unlimited spending power in these groups is fiscally imprudent and in some instances raises separation of powers issues under the Minnesota Constitution.

The provisions in SF 1997 that relate to elections are especially troublesome. Minnesota is known nationally and globally as a leader in civics and election integrity, as evidenced by our history of nation-leading voter turnout and same day registration. Most of Article 4, however, represents a substantial departure from Minnesota's current voter registration and election practices. The changes required by this bill are unnecessary and undermine the overall integrity of our current nation-leading voter registration and election system. My administration has repeatedly raised concerns over these election provisions with legislators and the Secretary of State. Unfortunately, the troubling provisions remain in the bill. My concerns include:

- Automatic Voter Registration. This bill would fundamentally alter Minnesota's voter registration system by creating "automatic" voter registration when applying for a drivers' license, shifting responsibility from the individual to the government. Under current law, the drivers' license form allows applicants to apply to register to vote. As part of this process, the individual specifically affirms each of the criteria for voting and signs the registration form. A person who knowingly falsifies the registration form is subject to criminal prosecution.

This bill would implement automatic voter registration unless a person applying for a drivers' license affirmatively opts out of registration. The Secretary of State then assumes the sole responsibility for determining whether the person is eligible to vote. However, there is no current and reliable database of information for the government to factually determine whether a person meets all of the eligibility criteria. Moreover, the process and criteria for obtaining a drivers' license is not the same as the criteria for voting and the driver's license system is not foolproof. There is significant anecdotal information that illegal immigrants are able to use falsified documents to obtain drivers' licenses.

Further, by wholly removing the individual's personal responsibility to certify each element of their eligibility at the time they register, this bill undermines our current enforcement laws which are based on those certifications. It will also likely undermine the state's ability to enforce current law prohibiting people from voting when they are ineligible to do so. Under this bill, the government will send people who have been "automatically" registered a notice that they

have been registered to vote. A person relying on the government's registration of them as a voter would likely preclude any individual responsibility for the person voting when they are not eligible. Their defense would be their reliance upon the government's determination of their eligibility.

Finally, this provision also imposes unnecessary and costly burdens on the Department of Public Safety's drivers' license system. This approach is a solution in search of a non-existent problem. Minnesota's current same-day voter registration makes the need for the automatic government registration of individuals unnecessary.

- Online Registration. The bill's online voter registration permits registration without a signature on the certification of eligibility. The result would be the inability to enforce our current laws which make it a felony for an individual to knowingly register to vote when they are not eligible to vote.
- Unlimited Expansion of Absentee Voting. This bill significantly expands absentee voting in Minnesota in a manner that could introduce fraud and unacceptable partisan coercion into Minnesota elections. Most troubling are the provisions that permit any registered voter to vote by absentee ballot regardless of their ability to vote at the polling place, coupled with the significantly expanded use of absentee ballot "agents" who can be designated to obtain, deliver, and help complete an absentee ballot on behalf of any voter, and the potential creation of electronic ballots. These provisions move Minnesota in a direction where partisan advocates can go door to door, present the voter with an absentee ballot, and pressure voters to fill out the ballot and designate the advocate as an agent to deliver the ballot. The risk of abuse of this system is magnified by the proposed automatic voter registration system, the repeal of current provisions that require records of those requesting absentee ballots, and the introduction of absentee ballots being made available electronically. The bill also allows individuals to vote in our elections despite having never lived here.

A fundamental aspect of fair elections is that they occur in the open. These provisions do not move Minnesota in the right direction.

- Unrestricted Emergency Powers. Senate File 1997 also grants extraordinary emergency powers to the Secretary of State in relation to elections. More thorough planning should occur to ensure that military members are able to

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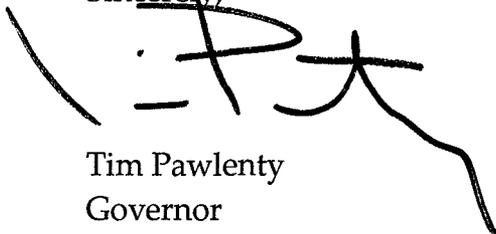
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exercise their right to vote during a period of deployment. However, the provisions of this Chapter are not limited to military absentee voting, and are inconsistent with emergency management laws and procedures applicable under current law or through the courts.

Other provisions are also problematic. For example, this bill repeals a voter complaint system that complies with the requirements of the federal Help America Vote Act ("HAVA") and replaces it with a system that does not meet all the minimal criteria set forth in HAVA. The bill also eliminates voting in the wrong precinct as a violation of election law and removes the current requirement to notify the voter of such a violation. Further, it eliminates the conditions for political party balance in election judges, the recording of those who vouch for others, and unnecessarily extends the period for purging inactive individuals from the system.

My hope is that the Legislature will present comprehensive budget targets soon so that work on this and other budget bills can proceed in a timely manner. My staff and I look forward to working with you in that regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Pawlenty', written over a horizontal line. The signature is stylized with a large initial 'T' and a long, sweeping tail.

Tim Pawlenty
Governor

Cc: Representative Margaret Anderson Kelliher, Speaker of the House
Senator Lawrence J. Pogemiller, Majority Leader
Senator David Senjem, Minority Leader
Senator Don Betzold
Representative Marty Seifert, Minority Leader
Representative Phyllis Kahn
Mr. Patrick E. Flahaven, Secretary of the Senate
Mr. Al Mathiowetz, Chief Clerk of the House of Representatives
Mr. Mark Ritchie, Secretary of State