

Patrick H. O'Connor  
10/22/2004 11:51 AM

To: chris.herren@doj.gov  
CC:  
Subject: Reminder Items for the Primary Election

The Minnesota Secretary of State communique on use of Tribal ID on election day..as requested. Call me if you need any addl info.

612/348-4084

— Forwarded by Patrick H. O'Connor/TX/Hennepin on 10/22/2004 11:50 AM —



Elections Dept  
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09/10/2004 09:08 AM

To:  
cc:  
Subject: Reminder Items for the Primary Election

**Office of the Secretary of State  
Election Division**

To: County Auditors and Election Staff  
From: Election Division  
Re: Reminder Items for the Primary Election

Thank you for all your efforts to make this election successful. We are providing you with some responses to some common questions we have received. We hope these will help you.

**1. Use of Tribal Identification Cards on Election Day**

Minnesota Statute 201.061 subdivision 4 "Registration On or Before Election Day", states in part, the following:

"For tribal band members **living on an Indian reservation**, an individual may prove residence for purposes of registering by presenting an identification card issued by the tribal government of a **tribe recognized by the Bureau of Indian Affairs**, United States Department of the Interior, that **contains the name, street address, signature, and picture of the individual**. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrants accepted under this section." (*Emphasis added*)

The statute outlines several important criteria upon which a tribal member may use the authorized tribal identification:

First, the tribal member must be living on an Indian Reservation. The tribal identification, according to statute, **cannot be used for proof of residency for tribal members that do not reside on an Indian reservation.**

Second, although a tribal member may reside on Indian reservation, the tribal identification can **only be used** if it is a tribe that is:

- a) recognized by the Bureau of Indian Affairs, United States Department of Interior;
- b) and the tribal identification contains the name, street address, signature and picture of the individual.

## **2. Media in the polling place on Election Day**

As context, here is the new law from this spring:

Minnesota Statutes 2002, section 204C.06, is amended by adding a subdivision to read:

Subd. 8. [ACCESS FOR NEWS MEDIA.] The county auditor or municipal or school district clerk, or their designee, may, by written authorization, permit news media representatives to enter polling places for up to 15 minutes during voting hours to observe the voting process. A media representative must obtain prior authorization and present photo identification to the head election judge upon arrival at the polling place and must not otherwise:

- (1) approach within six feet of an election judge or voter;
- (2) converse with a voter while in the polling place;
- (3) make a list of persons voting or not voting; or
- (4) interview a voter within the polling place.

**Q: Can news media be inside the polling place during Election Day?**

A: Yes, with prior written authorization from the clerk they may enter for up to 15 minutes to observe Election Day activity. However, they must not approach within 6 feet of an election judge or voter; talk to voters while in the polling place; make a list of people voting or not voting; or interview a voter within the polling place. (M.S. 204C.06)

**Q: Can the news media be inside while counting is going on in the evening?**

A: Yes, after the last voter has voted after 8 p.m. the counting of results is open to the public to observe. (See M.S. 204C.19, Subd. 1) This includes those who work for the media.

**Q: Who can be in the polling place while voting is taking place?**

A: Only those persons authorized under Minnesota can be in the polling place while voting is taking place. These include persons who are:

- \* Voting
- \* Registering to vote
- \* Serving as an Election Judge
- \* Filing an official complaint
- \* Observing on behalf of the Secretary of State's Office or Clerk (including media)
- \* Students in elementary or secondary school (with supervising adults) authorized by the Secretary of State's office to observe for educational purposes
- \* An appointed sergeant-at-arms
- \* A peace officer if summoned by Election Judges and
- \* Voter registration "challengers"
- \* Fire, medical, or other emergency response persons may also be in the polling place while responding to an emergency.

## **3. "Challengers" in the polling place**

**Q: What are "challengers"?**

A: "Challengers" are appointed by major political parties or candidates. Their purpose is to question the eligibility of a voter to vote at that precinct if the challenger has reason to believe the voter is not eligible to vote. Challengers may not handle election materials, influence the election, or converse with voters except in doing so (with an election judge) to determine the voters eligibility to vote in that precinct. (see M.S. 204C.07)

**Q: If someone is a "challenger" and they see something terribly wrong taking place in the polling place during voting hours what, if anything, can they do?**

A: They may leave the poll to report the problem or make a complaint in their capacity as a citizen who saw something while in the polling place in an authorized capacity. This is just as if they witnessed the same thing while in the polling place to vote. While they have no additional authority by virtue of being a "challenger" they also do not loose any of the rights they otherwise have as a citizen.

**Q: Why can't I be a "poll watcher" in Minnesota?**

A: Because Minnesota does not have "poll watchers". Lawmakers have made no provision for individuals other than those specifically authorized to be in the polling place. Poll watchers are not so authorized. Voter registration "challengers" are often mistaken for poll watchers but they have very limited duties.

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