

Order broadens use of Indian IDs

Pat Doyle, Star Tribune

In a ruling that removes restrictions on voting for many Minnesota Indians, a U.S. District judge on Friday ordered poll judges to recognize tribal identification cards as documentation for Indians living off reservations who register to vote on Election Day.

Indians and their advocates said the ruling could clear the way for registration by thousands of Minnesota Indians who would have been rejected because they don't live on a reservation and lack a state driver's license or other documentation establishing identity and residency.

The order by Judge James Rosenbaum overrules a decision by Secretary of State Mary Kiffmeyer, who had said the tribal cards were valid for registering to vote on reservations but not off, where tens of thousands of Minnesota Indians live.

"Now I can vote," said Bonnie Dorr-Charwood, 50, a Mille Lacs Chippewa living in south Minneapolis, who reacted to the decision in the hallway outside Rosenbaum's courtroom. Dorr-Charwood said she does not have a Minnesota driver's license.

The Legislature allowed Indians living on reservations to register to vote using tribal identification cards containing their name, photo, address and signature, but did not authorize the cards' use outside reservations. Rosenbaum ruled that the law appears to violate the equal protection clause of the U.S. Constitution.

"There is no legislative history ... that provides a rational basis to differentiate between the validity of a photographic tribal identification card used by American Indians living on their tribes' reservations and the invalidity of a photographic tribal identification card used by American Indians living off their tribes' reservations," he wrote.

The ruling gives tribal identification cards that contain name, address, signature and picture the same status as a Minnesota driver's license in establishing sufficient eligibility to vote.

Moreover, the court ruled that tribal ID cards with a picture but no address can be used with a current utility bill to establish voting eligibility.

Rosenbaum issued a temporary restraining order that prevents state elections officials from rejecting tribal identification cards through the election, saying the Indians were likely to win their case if it went to trial. Attorney General Mike Hatch, who represented Kiffmeyer in the case, said afterward that he would recommend that she not take up the issue after the restraining order expires in 10 days.

The ruling was a victory for the National Congress of American Indians, the Minnesota Civil Liberties Union and voting drives organized by the Mille Lacs band of Chippewa and the Prairie Island Dakota.

As many as 32,000 American Indians in Minnesota live off-reservation in the Twin Cities, the lawsuit said. Perhaps 5,000 of them are adults who do not have driver's licenses, said Judy Hanks, the statewide coordinator for voting efforts by the Mille Lacs band.

Using a tribal ID card as a substitute for a driver's license when registering to vote eliminates the need for Indians to find other photo IDs to use in combination with current utility bills.

In addition to ruling on Election Day registration by Indians, Rosenbaum ruled that tribal identification cards could be used to verify voter registrations sent in by mail.

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