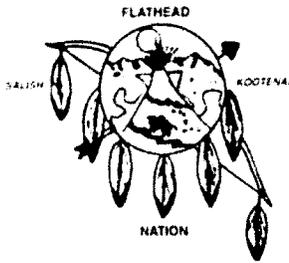


EXHIBIT 10  
DATE 01/16/2013  
HB 108

THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION

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A Confederation of the Salish,  
Pend d' Oreilles  
and Kootenai Tribes

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House of Representatives  
State Administration Committee  
Hon. Pat Ingraham, Chairman  
63<sup>rd</sup> Montana State Legislature  
Capitol Building  
Helena, Montana

January 16, 2013

**RE: House Bill No. 108 "Revise registration and proof of identity requirements for voting"**

Chairman Ingraham and Committee Members:

The Confederated Salish and Kootenai Tribes (CSKT or Tribes) oppose the passage of HB 108, a bill that would unreasonably burden the right to vote by eliminating several forms of currently acceptable identification. It has been argued that HB 108 is necessary to prevent voter fraud. However, the CSKT are opposed to this bill because it makes it more difficult for low-income voters and college students to exercise their right to vote. Moreover, the CSKT believe that the alleged problem of voter fraud is unsubstantiated, which certainly does not warrant closing the door on Montana's open election laws.

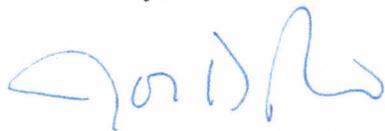
Under HB 108, the only acceptable proofs of identification to vote would be a Montana driver's license, a tribal photo identification card, or a Montana identification card. For individuals who do not have either of the first two items, this amounts to an \$8.00 fee to be able to cast a ballot on Election Day, which is the cost of obtaining a Montana ID card. For most of us fortunate enough to play a role in shaping these laws, \$8.00 may be negligible. However, for the more than 14% of all Montanans and 29% of American Indian families in Lake County below the poverty level, an \$8.00 fee is not so negligible. (See Montana Poverty Report Card, Dec. 2011, Montana Department of Public Health and Human Services; US Census 2005-07.)

Although HB 108 provides that anyone over 18 who lacks a driver's license may obtain a "free identification card," the time-consuming process of obtaining that ID remains unchanged and may contain its own hidden fees. Currently, to obtain a Montana ID card, an individual must present their local motor vehicle office with certain other proofs of identification, such as a birth certificate, passport, or permanent resident card. (Montana Department of Justice, Motor Vehicle Division; Required Documents, *available at* <https://doj.mt.gov/driving/required-docs/#proofidentity>.) For individuals who have never had an official form of identification such as a driver's license or passport, they will most likely have to provide an original or certified copy of their birth certificate. *Id.* Furthermore, if an individual does not have such documentation of their birth certificate, he or she will obtain one by paying a \$15 fee *and* providing further proof of identification before waiting two weeks to receive it in the mail. (See <https://dphhs.mt.gov/certificates/ordercertificates.shtml>.) Needless to say, HB 108's "free identification card" would not be "free," especially for lower-income individuals who may not have any official records in their possession. Rather, HB 108 essentially penalizes these individuals by placing numerous, time-consuming, and fee-laden administrative hurdles between them and the voting booth.

The Tribes also believe that HB 108 is an inappropriate solution to a potentially nonexistent problem. According to a 2006 study by New York Law School's Brennan Center for Justice, fraud on the part of individual voters is "extremely rare," and any claim of voter fraud should be carefully tested before becoming the basis for action. ([http://www.brennancenter.org/content/resource/policy\\_brief\\_on\\_the\\_truth\\_about\\_voter\\_fraud/](http://www.brennancenter.org/content/resource/policy_brief_on_the_truth_about_voter_fraud/)) The rarity of voter fraud is associated with the fact that voter fraud carries stiff penalties including incarceration and fines. *Id.* To the Tribes' knowledge, there has been no authoritative study conducted to show that voter fraud exists in Montana to any degree warranting HB 108's restrictions on the right to vote. The Tribes would urge this Committee to demand conclusive evidence of voter fraud before considering passage of this bill.

In essence, HB 108 fixes an imaginary problem by disenfranchising certain groups in Montana. The Confederated Salish and Kootenai Tribes oppose HB 108 and strongly encourage this Committee to not pass this bill to the House floor.

Sincerely,



Joe Durglo  
Tribal Council, Confederated Salish and Kootenai Tribes