



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

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

April 24, 2012

The Honorable Kurt Zellers  
Speaker of the House  
State Office Building, Room 463  
100 Rev. Dr. Martin Luther King, Jr. Blvd.  
St. Paul, Minnesota 55155

Dear Mr. Speaker:

I have vetoed and am returning Chapter 221, House File 1976, a bill which requires appointing authorities in the legislative, executive, and judicial branches to use the federal E-Verify program for all newly hired employees. It also requires the Commissioner of Management and Budget to conduct audits of executive branch appointing authorities to ensure their compliance.

The Immigration Reform and Control Act of 1986 requires all employers to assess and document identity and legal employability for all new hires by personally viewing official documents establishing an applicant's ability to work in the United States and completing an Employment Eligibility Verification Form. The federal government conducts periodic audits of employer records to ensure compliance with the Act. Minnesota's current process follows all federal mandates to ascertain identity and employability for all new hires.

This bill would require the State to use E-Verify to confirm an employee's eligibility to work in the United States, after the State has already completed the Employment Eligibility Verification Form. In December 2010, the federal Government Accounting Office assessed the accuracy and fraud challenges of the E-Verify system. GAO concluded that while there were improvements, there continue to be significant problems with fraud vulnerabilities and data accuracy. They also concluded that the errors disproportionately affect particular segments of the population.

Additionally, I am aware that there is a broad group of opponents to the program, including the Minnesota Chamber of Commerce, who have voiced their concerns in committee hearings. They have stated their preference for a federal approach to immigration reform.

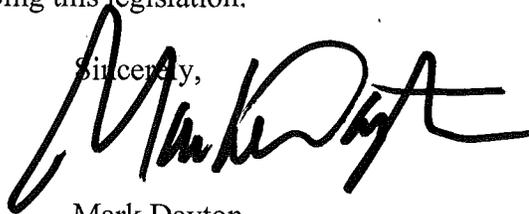
Requiring use of the E-Verify system would result in an inefficient and duplicative process, which could create appearances of unfair treatment and, thereby,

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cause an increase in employment litigation. I also believe that requiring the use of E-Verify in the State's hiring process would decrease our ability to provide fair and legal scrutiny of employability for applicants, as we do now.

For those reasons, I am vetoing this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Mark Dayton  
Governor

cc: Senator Michelle L. Fischbach, President of the Senate  
Senator David H. Senjem, Senate Majority Leader  
Senator Thomas M. Bakk, Senate Minority Leader  
Senator Al DeKruif  
Representative Paul Thissen, House Minority Leader  
Representative Ernie Leidiger  
The Honorable Mark Ritchie, Secretary of State  
Mr. Cal R. Ludeman, Secretary of the Senate  
Mr. Albin A. Mathiowetz, Chief Clerk of the House of Representatives