

Contact: Barbara Peck  
614.292.0283  
peck.5@osu.edu  
electionlaw.osu.edu

### **Minnesota Election System Receives Positive Review**

COLUMBUS, OHIO – In a state well-known for its civic involvement and electoral integrity, a recent study gives Minnesota a positive review in its ability to effectively administer elections. Researchers at *Election Law @ Moritz* at The Ohio State University Moritz College of Law conducted a comprehensive study of the election administration systems in five key Midwestern states – Ohio, Illinois, Michigan, Wisconsin and Minnesota, focusing on how voters register, ballots are cast, and recounts are conducted. Overall, Minnesota received the highest marks, while significant problems were found in Ohio and Illinois.

“In many aspects, Minnesota is a model for other states,” said Edward B. Foley, director of *Election Law @ Moritz*. “Minnesota’s success is attributable in large part to its political culture, which historically has emphasized fairness of competition between candidates and parties.”

While nonpartisanship has been part of Minnesota’s culture, the researchers did note that partisan politics are beginning to seep in and affect election administration. The researchers suggested that overall responsibility for election administration be removed from the partisan secretary of state and placed instead with an appointed elections director.

“The national trend of partisan polarization is starting to show up in Minnesota,” Foley said. “The state should look to ways to avoid having its key officials responsible for administering election laws at the state and local level, including its judges, being themselves elected on a partisan basis.”

The study also recommended that Minnesota undertake an initiative to recruit young people as poll workers.

“Across the nation, there is a shortage of willing, qualified poll workers, and Minnesota suffers from this difficulty,” Foley said. “We believe Minnesota is well suited to develop a youth elections corps system.”

The researchers also cautioned that problems could occur in absentee voting, which is more vulnerable to abuses, and recommended that the state implement an early in-person voting system, rather than “no excuse” absentee voting, to accommodate voters.

#### **ELECTION LAW @ MORITZ**

Drinko Hall 55 West 12th Avenue Columbus, OH 43210-1391  
Phone 614-292-6820 Fax 614-688-9422 [www.electionlaw.osu.edu](http://www.electionlaw.osu.edu)

Each of the five states included in the report has a unique election system, and collectively they represent the variety of systems used across the nation.

“What really stood out is that states with strong, nonpartisan oversight had significantly fewer problems,” said Dan Tokaji, associate director of *Election Law @ Moritz*. “The registration process still functions as a barrier to participation in some states. On the other hand, Minnesota and Wisconsin have great Election Day Registration systems that increase turnout while reducing the need for provisional ballots.”

The study makes several key recommendations for election systems across the country:

1) **Enhance registration options.** States should work to improve access to voting by relaxing barriers to voter registration. Both Minnesota and Wisconsin allow Election Day Registration and the study found no increased fraud under these systems. Other states reluctant to embrace this reform might consider Michigan’s system of affidavit voting, which protects voters whose names are not on the voter rolls even though they have attempted to register.

2) **Favor early voting.** States should consider in-person early voting instead of expanded absentee voting. Absentee voting is the area of election administration most vulnerable to fraud, with serious allegations occurring in Michigan and Illinois.

3) **Clarify provisional voting standards.** States should provide clear guidance on when provisional ballots should be cast and counted. In many states, including Ohio and Illinois, individual counties hand out and count provisional ballots using different rules, calling into question the integrity and equality of the state’s system.

4) **Improve poll worker programs.** Poll worker recruitment and training should be enhanced. This area was a problem in all five states studied and can lead to long lines at the polls, polling places opening late, and the mishandling of ballots and electronic voting machine memory cards.

5) **Reform post-election dispute processes.** The process for evaluating post-election disputes, including recounts, should be reviewed. None of the five states had a final arbiter of disputes in place that was perceived as fair and evenhanded. While disputes should be rare in a solid system, they do occur in close races, when tensions are running high. In these situations, a trustworthy system for handling these disputes is ideal. In addition, Congress should consider giving states more time to evaluate and settle disputes in presidential elections. The current timeline of 35 days is not enough time for most disputes to work their way through a state’s legal system.

The study was conducted with the financial support of The Joyce Foundation. The full analysis and recommendations are available in the book *From Registration to*

#### ELECTION LAW @ MORITZ

Drinko Hall 55 West 12th Avenue Columbus, OH 43210-1391  
Phone 614-292-6820 Fax 614-688-9422 [www.electionlaw.osu.edu](http://www.electionlaw.osu.edu)

*Recounts: The Election Ecosystems of Five Midwestern States.* To read the book and a state-by-state breakdown of the analysis, visit [www.electionlaw.osu.edu](http://www.electionlaw.osu.edu).

\*\*\*

*Election Law @ Moritz*, an award-winning program of The Ohio State University Moritz College of Law, has rapidly become one of the country's premier centers of election law expertise. The program provides nonpartisan information and insight on election law and administration, and on important issues, developments and trends within the field. Through its web site ([www.electionlaw.osu.edu](http://www.electionlaw.osu.edu)), faculty scholarship, annual conferences, speaker series, and participation in academic and government sponsored examinations of election law, *EL@M* has become a resource to which the public, academics, and government officials turn for accurate and non-partisan information and analysis concerning election law and administration. *EL@M* has also become a resource to which the media has turned repeatedly for assistance in its attempt to educate the public on election law and administration facts, issues and developments.

#### **ELECTION LAW @ MORITZ**

Drinko Hall 55 West 12th Avenue Columbus, OH 43210-1391  
Phone 614-292-6820 Fax 614-688-9422 [www.electionlaw.osu.edu](http://www.electionlaw.osu.edu)

Contact: Barbara Peck  
614.292.0283  
[peck.5@osu.edu](mailto:peck.5@osu.edu)  
[electionlaw.osu.edu](http://electionlaw.osu.edu)

## Summary of Minnesota Findings and Recommendations

*Election Law @ Moritz* at The Ohio State University Moritz College of Law recently completed an in-depth analysis of the election administration systems in five key states, including Minnesota. During the analysis, Minnesota was found to have a solid infrastructure and the strongest system overall. Key findings and recommendations for Minnesota include:

### Findings:

- 1) Minnesota has a healthy political culture that emphasizes both civic engagement and electoral integrity. The state has the highest voter turnout in the nation, in part because of a well-functioning Election Day Registration system. Minnesota is a model for other states to follow.
- 2) The secretary of state's authority to supervise elections has the beneficial effect of increasing uniformity, equality and predictability. Historically, relations with the secretary of state and local officials have been strong. Because the secretary of state is elected on a partisan basis, however, that office can be a source of controversy. Increasing polarization of Minnesota politics, reflecting national trends, makes an elected secretary of state more vulnerable to accusations of inappropriate partisanship, and the state should consider moving to a nonpartisan chief elections officer.
- 3) Minnesota has adopted systems and procedures that reduce the risk of polling place problems that would serve as the basis for contesting the outcome of a close election.
- 4) Minnesota's new procedure for auditing election results is a welcome development, was implemented successfully, and should be replicated in other states.
- 5) Minnesota should be cautious about adopting "no excuse" absentee voting, which is more subject to abuse than in-person voting. Instead, Minnesota should consider early in-person voting to expand access to the ballot.
- 6) Like many other states, Minnesota lacks qualified, trained poll workers.
- 7) If Minnesota did have a close statewide election that resulted in a judicial contest of the result, as occurred in 1962, it is unclear that Minnesota today could resolve that kind of dispute as successfully as it did then. Whereas both sides in the fight over the 1962 gubernatorial election were able to agree upon an impartial procedure that the public recognized to be fair — in order to avoid having the dispute end up in a divided

### ELECTION LAW @ MORITZ

Drinko Hall 55 West 12th Avenue Columbus, OH 43210-1391  
Phone 614-292-6820 Fax 614-688-9422 [www.electionlaw.osu.edu](http://www.electionlaw.osu.edu)

supreme court vote, which the public would have perceived as partisan and improper — it is doubtful that a similar agreement could be achieved in today’s polarized environment, and the state’s elected supreme court remains subject to the charge that it would be unable to resolve the dispute impartially.

**Recommendations:**

1) Improve poll worker recruitment and training. Given Minnesota’s sound system, the researchers recommend that Minnesota implement an “election corps” initiative that would utilize young people to work as poll workers. If successful, this system could be used as a model in other states.

2) Experiment with in-person, early voting instead of expanding mail-in absentee voting (as stated above).

3) Develop nonpartisan institutions for administering elections and resolving disputes. Currently, election responsibilities fall under the realm of the elected secretary of state. Minnesota should consider transferring these responsibilities to an appointed, nonpartisan chief of elections. Transferring election disputes to a special tribunal instead of the state’s judiciary system would also lead to quicker and more accurate decisions. Finally, the state’s timetable for deciding election contests should be refined to make sure that it conforms with the federal timetable for presidential elections.

**ELECTION LAW @ MORITZ**