SECOND REPORT AND FURTHER RECOMMENDATIONS OF THE MINNESOTA TASK FORCE ON ELECTION INTEGRITY

January 15, 2013

By Executive Order 11-18 dated May 26, 2011, Governor Mark Dayton established the Task Force on Election Integrity pursuant to Minnesota Statute, §15.0593. As required by this Executive Order, fifteen members were appointed and are actively participating on the Task Force. Secretary of State Mark Ritchie and Joseph Nuñez (appointed by Governor Dayton) were elected co-chairs from among the members of the Task Force. The purpose of the Task Force is to study and recommend to the Legislature by January 15, 2013, proposals to modernize the State's elections, while protecting citizens' fundamental right to vote. The Executive Order also highlighted special issues concerning the confusion often associated with the restoration of voting rights as they affect Minnesotans convicted of felonies. Scheduling and completion of Task Force work was especially challenging due to the fact that it coincided with the 2012 redistricting and Presidential election (two events that coincide every twenty years) in which all legislators were up for election on the ballot in redistricted house and senate districts in addition to a constitutional amendment question on an election process – all of which placed an extraordinary demand on the energies of election officials and elected officials on the Task Force.

On January 30, 2012 the Task Force issued a Preliminary Report and Initial Recommendations (the **"First Report"**). In accordance with the Executive Order, the Task Force has studied Minnesota election laws, processes and protocols, including those within the Office of the Secretary of State and within counties, cities and townships. The Task Force initially focused on understanding the current processes, protocols and challenges involved in notifying or otherwise preventing felons from voting, and the various agencies and departments that currently have some ability to participate in such notifications. The Task Force also developed an understanding of the challenges and expense in the investigation and enforcement efforts by county attorneys throughout the state in connection with alleged voting law violations. Finally, the Task Force developed an understanding as to the technological capabilities and limitations at voting locations throughout the state, and the technology and processes that have the potential to modernize Minnesota election laws and systems.

The First Report provided the Governor and Legislature with observations with respect to current Minnesota law and protocols regarding the process of taking away and restoring civil rights to Minnesotans convicted of felonies. A series of initial recommendations were approved on a consensus basis and included in the First Report. Generally, the Task Force found that current Minnesota law has resulted in significant confusion to the courts, law enforcement and probation officials, and to individuals convicted of a felony. Based on our recommended steps to address this confusion legislation was drafted and introduced in the Minnesota House (HF 2327) and Senate (SF 2043). This legislation also provided election officials with enhanced access to Minnesota Department of Corrections databases and provided for modernization of the statutes relating to the investigation of potentially unlawful registration and voting by individuals on parole or on probation who have not yet had their civil rights restored.

The purpose of this Second Report and Further Recommendations is to provide the Governor and Legislature with additional observations with respect to how Minnesota election laws and systems could be modernized. Over the past year, the Task Force heard from election officials and other experts from both within and outside of our state in connection with our examination of both the voting process and our election systems, including technology opportunities for modernization of voter registration and polling place management. We also heard about the challenges of managing

the steadily increasing number of absentee voters and about opportunities for efficiency gains through the adoption of new technology. The Task Force believes that Minnesota's election system is the finest in the nation and our election professionals are dedicated, hard-working public servants. However, the Task Force also believes that various parts of our election system are in need of modernization.

The Task Force has consistently worked toward a consensus for its recommendations, and this Second Report maintains that consensus. The following are the additional recommendations of this Task Force on Election Integrity, which supplement those contained in the First Report:

1. Issues regarding the Restoration of Civil (Voting) Rights.

The Task Force dedicated significant time to learning about the approach used in other states to address the issue of voters on probation or parole. We solicited the input of current and former Secretaries of State from North Dakota, South Dakota, and Rhode Island and gathered data from other states. We found that there was general satisfaction with systems that provided clear guidance to election judges. For example, in North Dakota the determination of whether a voter convicted of a felon is disenfranchised is simply a matter of whether or not the felon is incarcerated as of the date of an election. This model provides that otherwise eligible voters are ineligible to vote while incarcerated, but they become re-eligible to vote once they leave prison. We benefited from a presentation by University of Minnesota Professor Christopher Uggen on his research concerning the premise that re-engagement in community by persons convicted of felony crimes, including re-enfranchisement, enhances their re-integration into society and thereby reduces recidivism. The Task Force also heard from one victim's rights organization as to how they might feel about the Incarcerated/Non-Incarcerated (North Dakota) model, and although this input was not based on a scientific survey, the Incarcerated/Non-Incarcerated model seems to have general support among and within victims groups but not among law enforcement.

After much study and deliberation the Task Force is somewhat divided with many (including all Task Force members who play a role in administering the current process) in full support of the Incarcerated/Non-Incarcerated model and only a few withholding their recommendation. **However, the whole Task Force does recommend that the legislature take testimony from all stakeholders and include this model with others in the discussions to find long-term election integrity solutions in connection with Minnesota election law regarding felon disenfranchisement and re-enfranchisement.**

If the legislature decides not to adopt the North Dakota model at this time, the Task Force recommends the re-introduction of the HF 2327 and SF 2043, which we believe will enhance the notification to felons as to their voting rights under current Minnesota law and alleviate undue burdens on County Attorneys under current law.

2. Modernizing Polling Place Management: Poll Book.

The Task Force studied the use of electronic polling place roster and management systems, including Iowa's poll book system as used in Cerro Gordo County. The Task Force also heard from the City Clerk of Minnetonka who has used electronic poll books on an experimental basis in recent elections to facilitate same day registration. The Task Force believes that use of an electronic polling place management system would provide significant enhancements to Minnesota election system while protecting the right to vote.

If used to process same day registrations, the benefits include:

- Confirmation that voters are in the correct polling place, and the immediate delivery to a voter not in the correct polling place of written instructions directing the voter to the correct location;
- Time savings for voters who do not have to fill out forms by hand;
- Electronic upload of voter registration information, significantly reducing the need for post-election data entry and resulting in significant time and cost-savings.

If used to process pre-registered voters, additional benefits may include:

- Enhanced accuracy of voter cataloguing and voter verification by election judges;
- Faster roster/vote auditing by election judges;
- Electronic upload of information about voter participation, allowing this process to be completed more quickly.

The Task Force recommends that the legislature enact enabling legislation and provide funding for the use of a poll book system throughout the state of Minnesota.

In addition to these two major areas of attention, the Task Force heard from a number of election officials about various other ideas for modernization and enhancements to the current system, each of which supports the goal of enhancing the ability of every eligible voter to register and cast a vote and can be designed to modernize and maintain (and enhance) the integrity of Minnesota's election system.. **The Task Force identifies these ideas without recommendation but we believe each merits discussion and consideration by the legislature:**

- On-line voter registration;
- Same day voter registration proof of residency alternatives and improvements;
- Absentee voting procedure improvements;
- Options for increasing access to voting, such as early voting and vote centers;
- Providing election officials with access to additional information from government databases within and beyond the borders of Minnesota for data matching and voter integration purposes, as well as providing funding for enhancement and accuracy of these data bases.

Respectfully submitted this 15th day of January, 2013

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