



STATE OF MINNESOTA
Office of Minnesota Secretary of State
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Mr. Chairman, thank you for this opportunity to reflect on the 2010 elections.

First, I want to thank you again Chairman Harper, for speaking before our National Association of Secretaries of State (NASS) winter conference last month. We very much appreciate every opportunity to share ideas and perspectives and hope that we can count on your participation again. I also want to greet my friend and former colleague in NASS, Congressman Rokita – a wonderful addition to this Committee with deep experience in the real world of election administration. While I currently serve as the President of the National Association of Secretaries of State, I am here today to testify as the chief elections officer for the great State of Minnesota. Our experience in last year's elections was very positive, providing a number of lessons that may be of interest.

First, although we did not have a US Senate race we still had excellent citizen participation. We retained our position as the nation's leader in voter turnout – with 56% of our eligible voters going to the polls. Why are we always so high? We know there are at least three reasons. First, Minnesotans trust in our system and show it through their extremely high levels of civic engagement. Second, at all levels of government we have policies that are designed to encourage instead of discourage participation. From township level voting to Election Day registration we work hard to live up to the Constitutional guarantee of the right to vote to every eligible citizen. Third, we do a lot of work to make sure our residents, especially our young adults just turning 18 and new folks who have recently moved into our state, know the importance of participation in our Democracy. Our Vote in Honor of a Veteran program, which reached nearly 100,000 Minnesotans in 2008 and 2010, is a good example of the kind of outreach effort that we organize to remind everyone of the importance of public service including participation in our armed forces and in our elections.

Year after year we set new records for turnout and overall civic engagement in Minnesota. But I am aware that this is not the case in all parts of the country. While I was happy to see our large turnout, it was alarming that 44% of Minnesotans did not participate and to see so many other states experiencing significant drops in voter turnout, especially in the Midwest, that normally have higher turnout rates fell down into the 20 and 30 percentage range. As a nation our participation rate was down to only 40%. I have attached the data collected by George Mason University for your reference.

In terms of the goals for the hearing today- - looking back at what went right and what went wrong – it is clear that in a lot of states something went terribly wrong in terms of citizen participation. This hearing is an excellent opportunity to look at ways to address this serious problem.

The second lesson we can draw from our 2010 election is the tremendous difference that moving our primary from September to August made for our military and overseas voters – and for our local election administrators. The extra time gained allowed UOCAVA voters to successfully cast their ballots at much higher rates. When I came into office 4 year ago, there was a letter sitting on my desk from the Pentagon's Federal Voting Assistance Program (FVAP). The letter said, in very polite terms, that Minnesota was doing a poor job of helping our UOCAVA voters. I was very familiar with these concerns because my chapter of the Association for the US Army

made this a key issue and I was already considering ideas for new legislation to address this concern even before I saw this letter.

To my dismay, I learned that FVAP had been sending a similar letter to Minnesota year after year for almost a decade, but the Governor and the legislature had done nothing in response.

The FVAP letter included a short list of recommended legislative initiatives to help UOCAVA voters. Our office went to work right away with state legislators from both sides of the aisle to turn these suggestions into legislative language which were then passed but unfortunately vetoed the first time around.

However, we reintroduced them again in early 2008 and passed them again with unanimous support in both Houses and this time they were signed, just in time to implement most of the provisions for the 2008 elections.

Unfortunately, one legislative initiative that was not approved was the very strong recommendation from the Pentagon that Minnesota create a minimum of 45 days for getting out our absentee ballots before our primary and general elections. With our very late primary, we had only a 30-day requirement in our state law. Legislation to move our primary to allow the full 45 days was vetoed and it was not possible to overcome this opposition until Congress passed the MOVE Act, the Military and Overseas Voter Empowerment Act, which was very important.

With the help of the MOVE Act a compromise was reached to move our primary to August and required absentees to be sent 46 days before both elections. This simple change made a big difference. For example, in 2008 we had 535 late UOCAVA ballots, in 2010 that number fell to 140 with only 35 late military ballots in that total. In 2008 the rejection rates due to errors made by voters, such as a missing signature or address information, was 3.5% for domestic absentee ballots and 2% for UOCAVA voters. In 2010, thanks to the extra time mandated by Congress, the rejection rates for all absentee ballots dropped by half. In fact, only 5 military ballots were ultimately rejected due to errors on the part of the voters in 2010. We learned many valuable lessons in 2010 in regards to military voters. The two most important were that the new 45 day mandate made it possible for many more voters to get their ballots back in time and this extra time gave local election administrators time to contact absentee voters who made small but crucial mistakes on their balloting materials and to get these corrected in time for their votes to be counted.

One other factor that we know made a difference in getting such a good result was the heavy traffic on our special customized website built for our military voters by the Overseas Vote Foundation. Overall, we are really pleased with the results of these changes thus far and know that this success will help us in our work to turn-around the long-held belief by many of our military voters that they shouldn't even try to get their ballot in on time. With a continued commitment to intensive outreach to families and individuals we will keep making progress on making sure our military and overseas voters know that many of the previous barriers have been lifted. We still have a long way to go but we are making significant progress.

Congress could help with this in one specific way. Right now Minnesota and a number of other states do not have provisions that clarify how US citizens who live overseas, like the children of missionaries or military personnel, and who have not yet established their own residency can legally vote. National legislation would be a tremendous help in addressing this shortcoming.

The final set of lessons I would like to draw your attention to are the tremendous advances that are now possible with the new opportunities for data matching. Thanks to technology developments and changes in legislation we were able to make use of publicly available databases that have given us access to much better data.

For example, we now have authority to use the national Social Security death registry. Many Minnesotans spend part of each year living outside of our state, primarily in the winter. When one of our voters dies outside of the state it is not always easy to get this information into our system. I am guessing you can relate to the experience that I and others who run for office have when we call someone to ask for their support and find out, through a very awkward conversation with a surviving spouse or other family member, that the voter we were trying to reach had died the previously year or perhaps a few years before. Using the national list we have been able to keep our voter list current.

Another example is the difficulty of keeping current with felony convictions. Minnesota's rules on felon voting are different than some of our neighboring states. In North Dakota, for example, if someone is out of prison they can vote no matter where they are in their parole or probation cycle. In Minnesota a convicted felon cannot vote until fully "off paper" meaning fully completed in the serving of their sentence including parole.

In the past we did not have the authority to access certain databases and the ones that we could access were not electronic, creating incredible difficulties for our local election officials. In 2010, thanks to new technology and changes in laws we were able to use electronic databases to update our voter lists before the elections. This meant we could flag newly convicted felons who had been legal voters prior to their convictions and remove challenges from former felons who were "off-paper" and therefore eligible again to vote. After the election, we were also able to use the electronic databases to determine if anyone appeared to have voted while still on paper. As a result, there have only been a handful of cases turned over to the county attorney for investigation and potential prosecution.

Using another database we have been able to search for non-citizens who may have registered and/or voted. We have done multiple data matches since the election and thus far we have not found any non-citizens who voted last November.

The lessons for us are twofold. First, the new digital tools make it possible to have much cleaner and more accurate pre-election voter lists. If we want to have exceptionally clean voter lists, then we need to get every single eligible citizen pre-registered through some of the proposed universal, portable and automatic voter registration systems.

Second, we have learned that the data matching challenges, especially the work that this can create as unfunded mandates to local election officials, can be overcome with a relatively small amount of investment in new digital technology. National Change of Address data from the US Postal Service, costs our office after the initial investment about \$15,000 per year. This data allows us to save a tremendous amount of work at the local level by automatically updating addresses when voters move. In Minnesota you must re-register even if you move across the hall inside the same apartment building. We reduced the need for data entry on over 100,000 voters in 2010 alone and anticipate that this number will grow significantly in 2012.

We were also able to help save our local officials some money by reducing the number of calls their staff had to field by putting more information on-line. New technology and on-line tools made it possible for voters to find out where and when to vote, to view a PDF of their actual ballot, and to get links to candidate information. Our new absentee ballot tracking tool was very popular and significantly reduced calls to local officials. Another new tool we developed was a way for voters to check their voter registration status on line- a tremendous help to local officials who had to field many calls on this in the past. What we have not done, I am sorry to say, is to follow the example of Indiana, Arizona, Utah, Washington and other states to move to on-line voter registration. A push from Congress on this would be greatly appreciated.

In 2010 we were proud to retain our position as number one in the nation for voter participation, even though we did not have a high profile national race. We are also proud that the changes we made in our primary election law, thanks to the MOVE Act, helped our military and overseas voters. And many of the new digital tools now available have made it possible to incorporate data matching that has made a huge difference in our ability to keep our records up to date.

Mr. Chairman, I am pleased that under your leadership you are looking to the past for lessons and insights and to the future to make positive changes. If you can find ways to help more states improve their voter participation rates you will have made a huge contribution to the well being of our nation. I appreciate this opportunity to bring these ideas forward today and look forward to further discussions.