Transforming elections

Changes in state law have more people registering online, voting early and casting ballots in centralized locations

by Ilene Grossman (igrossman@csg.org)

To explain Minnesota’s nation-leading election figures — high percentages of eligible voters who are registered, for example, and who turn out on Election Day — Rep. Steve Simon doesn’t start by talking about his home state’s laws.

He begins with a factor that is unwritten and transcends generations. “Minnesota has a civic culture that encourages and celebrates voting,” he says. “It isn’t something you can legislate.”

Across much the Midwest, in fact, that tradition of civic engagement is strong; voter turnout rates, for example, are higher than the national average — sometimes much higher in states such as Minnesota, Iowa and Wisconsin.

But while state election laws don’t tell the whole story, their importance in the nation’s democratic system is widely understood, with the recent political and legal battles over voter identification being perhaps the most prominent recent example.

These laws have also been used to explain differences in voter participation among the states. Supporters of same-day election registration, for example, say it is no coincidence that high-turnout states such as Iowa, Minnesota and Wisconsin also allow for individuals to register and then cast a ballot on Election Day.

(“We want] to make voting as accessible and trouble-free as possible for all eligible voters,” says Rep. Simon, who is now running for secretary of state, “since elections are about who has a say and who doesn’t.”

State policymakers serve as the nation’s election gatekeepers, and they have been busy in recent years enacting new laws that have reshaped the U.S. election process. In the shadows of the voter-ID debate, states have been changing how people can register to vote and where they actually cast ballots. They also have begun to work more closely together to improve election management.

More early voting, data sharing

Doug Chapin, director of the Program for Excellence in Election Administration at the University of Minnesota’s Humphrey School of Public Affairs, identifies several major trends in U.S. elections.

For starters, fewer voters are using traditional polling places.

Due in part to changes in state law, he notes, voters “are expanding Election Day, either by voting before or by opting to vote in a different location than their neighborhood polling place.”

With the exception of Michigan, every state in the Midwest now allows some version of in-person early voting, and in states such as Iowa, Kansas and Ohio, one-third or more of ballots were cast early in the 2012 election (see sidebar and table on page 6).

Second, Chapin says, states are giving...
Economic Development

Universities’ role in innovation economy now firmly established

Leaders at Wichita State University have a vision for boosting innovation development and high-tech commercialization in Kansas. This year, the state Legislature bought into that vision, allocating $2 million (as part of HB 2506) for a new Innovation Campus that will house early-stage entrepreneurial companies and partner with high-tech businesses. Lawmakers also restored $500,000 for the university’s National Center of Aviation Training, a welcome decision for the state’s aviation manufacturers and related industries that have clustered in Kansas.

These actions in Kansas underscore a major trend in U.S. higher education — the growing role of universities in technology-led economic development. Ten years ago, this role was just beginning to be understood and encouraged. Today, it has been widely accepted.

However, these universities’ success in cultivating innovation can vary by school and by state, according to authors of the recent study “Innovation U 2.0.”

The study’s authors focus on “12 case studies of exemplary, innovation-producing universities.”

One of these (the only one from the Midwest) is Purdue University. As just one example of the school’s efforts, it has opened an Innovation and Commercialization Center that helps get university-based inventions and discoveries to the marketplace.

The center, the study’s authors note, continues a long-time leadership commitment at Purdue in support of innovation — from adopting entrepreneurship curriculum and certification programs, to developing research parks across the state, to creating technology-based business partnerships with the state’s industries.

“I’m coming around to the point of view that leadership and culture trump everything else,” says Louis Tornatzky, one of the report’s two principal authors. “It means very loudly and consistently championing innovation, entrepreneurship and industry partnering.”

That was certainly the case in Kansas, where university leaders took an active role in convincing legislators to pass HB 2506.

Universities, meanwhile, have begun to nurture innovation in more ways. More attention is being paid to student entrepreneurship, rather than simply on faculty research and industry partnering.

“Entrepreneurship as ... a focus of study and research, a curricular offering in terms of majors or courses, and as ‘co-curricular’ activity [such as contests and business incubators] has become one of the fastest-growing activities in universities,” says Tornatzky, a retired professor who co-directs the Center for Innovation and Entrepreneurship at California Polytechnic State University.

The role of state legislators in fostering innovation-producing universities is not always as direct as this year’s example from Kansas. Tornatzky says overall higher-education funding is critical as well, and that legislators should also try to understand how their university system operates and push its leaders to prioritize innovation.

Great Lakes

Michigan legislators intensify fight against proposed nuclear-waste disposal site near Lake Huron

A proposal to store nuclear waste less than a mile from Lake Huron is drawing increased scrutiny and opposition, with Michigan lawmakers again weighing in with a new round of legislation and resolutions.

If its project is approved by Canadian regulators, Ontario Power Generation would build a 2,230-foot-deep geologic repository that would hold low- and intermediate-level radioactive waste. The waste would come from reactors at Bruce (located on the shore of Lake Huron) for more than 40 years.

But the idea of permanent disposal worries Sen. Phil Pavlov, who represents a part of Michigan’s “Thumb” region (named for the peninsula that juts out into Lake Huron) and whose district touches the lake.

“The time to raise alarm bells and get engaged in this process is now, because once this project begins, you can’t undo it,” he says. “And the alarm bells should be going off beyond just the Thumb, but for everyone in the Great Lakes. It’s hard to believe that putting this waste 1,000 yards away from Lake Huron is the best option.”

The options for states to try to stop the Canadian proposal, however, are limited.

Last year, Michigan Rep. Sarah Roberts and Sen. Hoon-Yung Hoppough (both are members of the Great Lakes Legislative Caucus, and Pavlov is as well) testified before the three-member joint panel in Canada that is currently reviewing the proposal.

The two lawmakers also proposed resolutions urging a “careful review” of the planned repository (SR 58) and asking the U.S. to oppose the repository and Canada to find alternatives (HR 7).

The most recent resolutions in Michigan (SR 151 and HR 380) ask the president and U.S. Congress to “invoke the participation” of the International Joint Commission — the binational agency that addresses disputes between the U.S. and Canada over boundary waters. Pavlov and other Michigan lawmakers want the IJC to evaluate the disposal project. Two other resolutions (SR 150 and HR 379) call on the Great Lakes Commission (an interstate compact agency) to study the plan and take a position on it.

Pavlov’s legislation (SB 948), meanwhile, calls for the state of Michigan to act as well. First, the state would form an advisory board to assess the health impacts and other potential consequences of the disposal plan.

Second, Michigan would prohibit the importation of radioactive waste and extend its current ban on nuclear waste disposal to include Class C waste, the most dangerous form of low-level nuclear waste — and the type of waste, Pavlov says, that would be permanently disposed at the Ontario site.

He has also created an online petition www.ProtectLakeHuron.com.
### Agriculture & Natural Resources

#### Proposed labeling of genetically modified foods gets passage in first state; legal showdowns likely

For the first time, state legislatures are passing measures to require labeling of foods that contain products from genetically engineered crops — part of a recent upswing in food regulation that has producers challenging the rules as unconstitutional.

Vermont has become the first U.S. state mandating the labeling of genetically modified foods. (Laws passed in Connecticut and Maine only take effect if at least four other states adopt similar measures).

In the Midwest, GMO-labeling bills have been introduced in six states. Though none has become law, some of these measures have captured considerable attention, as shown by the large turnout for an informational hearing held earlier this year on Minnesota's HF 850.

And Rep. Phyllis Kahn, co-sponsor of HF 850, says the topic will likely arise again in her state.

Proponents of these laws say consumers should have a right to know whether the products they buy have been genetically modified. Kahn says she is not against genetically modified crops, but she hopes companies will begin voluntary labeling.

But the laws' opponents say that government-mandated labeling carries an implicit message that genetically engineered foods are unsafe.

The Vermont law is significant because it is the first in state policy, likely to lead to litigation and court decisions that guide future actions by state legislatures. The law, which takes effect July 1, 2016, exempts the dairy industry — by excluding products such as milk from cows fed genetically engineered grain — as well as restaurants and medical foods from labeling. (Minnesota's HF 850 contained similar exemptions.)

Despite these and other exemptions, Vermont's law will still impact an estimated 80 percent of food sold in the state. For example, products containing corn syrup, vegetable oil from soybeans, or sugar from sugar beets will likely have to be labeled as genetically engineered.

In anticipation of a legal challenge, legislators created a $1.5 million defense fund within the measure that allows outside groups to donate to the state. The law is the latest example of the increased legal activity surrounding how the nation produces its food, with other notable issues being new federal country-of-origin labeling rules for meat and California's new standards for the housing of egg-laying hens. Food producers are challenging the constitutionality of these rules.

The genetic modification and country-of-origin regulations raise First Amendment questions of whether the government is "compelling" speech, says John Dillard, an attorney for OFW Law.

Previous court decisions, he says, have set a precedent that the government must satisfy three obligations in order to compel commercial speech: it must serve a substantial governmental interest, must directly advance that interest and must be "narrowly tailored" to do so.

In the case of health warnings for cigarettes or the listing of nutrition facts on food products, the government has met this legal standard. It remains to be seen whether the new labeling rules do so as well.

The U.S. Constitution’s Commerce Clause, meanwhile, can prohibit state laws that improperly burden interstate commerce. That is the basis for a legal challenge by Iowa, Nebraska and four other states seeking to void California’s requirement that outside producers bringing eggs into the state follow its housing guidelines for hens.

Iowa alone ships more than 2 million cases of eggs into California, so its farmers would have to either change their production systems or halt shipments.

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**Legislation in Midwest regarding labeling of genetically modified food products**

- Legislation requiring labeling of food products containing genetically modified ingredients has been introduced in state.
- No such legislation has been introduced in state.

**Source:** CSG Midwest research

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### Education

#### More states in Midwest requiring teachers, school staff to be trained in prevention of youth suicide

Two hours, once every two years. Could that small commitment of time that North Dakota teachers are now being asked to make be the difference between the life and death of a young person? The state’s lawmakers believe so, which is why SB 2306 passed the House and Senate during their last legislative session without a single “no” vote.

As a result of the bill’s passage, teachers across the state, along with local school administrators, will receive biennial training on how to detect the warning signs of youth suicide. School personnel will also learn how to appropriately intervene.

“The idea isn’t to make teachers and school staff experts about youth suicide,” says Sen. Joan Heckaman, sponsor of SB 2306. “We want to raise awareness and make sure these children get the professional help they need.”

 Heckaman is a retired schoolteacher. In the tribal school where she once taught, one student lost two brothers to suicide. Her hometown of New Rockford, too, has had tragic cases of youth suicide.

As her bill first began making its way through the North Dakota General Assembly, it contained “may provide” language — school districts would not have been required to provide the training on youth suicide.

But by the time the measure reached the governor’s desk, thanks in part to powerful legislative testimony, “shall provide” language had been inserted.

A growing number of U.S. states, in fact, are mandating some type of training for teachers and other school personnel.

In addition to North Dakota, states such as Illinois and Ohio require teachers and other staff to get training on suicide prevention. In Nebraska, new teachers must now complete training on the prevention of child suicide in order to obtain their license. (The state legislature approved this requirement in 2011.)

In states such as Michigan, Minnesota and Wisconsin, school training on suicide prevention is encouraged, but not required. (School districts are provided access to materials and/or model training programs.)

Some states also now have laws requiring schools to educate young people about mental health and illness, according to a state-by-state list of statutes compiled in 2013 by the American Foundation for Suicide Prevention. For example, instruction on mental health and illness must be a part of mandatory health-education classes in Illinois.

According to the U.S. Centers for Disease Control and Prevention, suicide is the third-leading cause of death for children between the ages of 10 and 24. About 4,600 people in this age group take their own lives every year, and many more attempt suicide.

In a national survey of high school students, 8 percent of respondents said they had tried to take their own life in the last year, while 16 percent had seriously considered suicide.

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### STATELINE MIDWEST

Brief written by Tim Anderson, who can be reached at tanderson@csg.org. The Midwestern Legislative Conference Education Committee’s co-chairs are Illinois Sen. Michael Frenichs and South Dakota Rep. Jacqueline Syl.
New data track performance of state health systems, offer tools for setting goals and crafting policy

**Which states have the highest rates of avoiding preventable deaths? How does the Midwest compare to the nation in providing equitable access to health care?**

The most recent edition of a Commonwealth Fund report aims to provide policymakers with the tools to start answering these questions — and look for the best policies for maximizing health system performance.

Information about health indicators has traditionally been measured at the national level. But in “Aiming Higher,” states can learn how their individual health care systems are faring over time, says Cathy Schoen, senior vice president at The Commonwealth Fund and a co-author of the report.

This year’s report looks at 42 indicators in five categories, including changes over five years. It is available at [www.thecommmonwealthfund.org](http://www.thecommmonwealthfund.org).

“The basic conclusion is that where you live matters,” Schoen says. That’s because health care systems are structured differently, depending on state policies governing everything from medical licensing to insurance plans and networks.

Minnesota retained its position as the highest-performing health care system in the nation. Iowa, South Dakota and Wisconsin also placed in the top quartile.

Six states in the Midwest improved or stayed the same in their overall rankings since the 2009 “Aiming Higher” report, while rankings for the five other states in the region (Indiana, Iowa, Kansas, Michigan and North Dakota) declined.

States were evaluated across five categories:

- access/cost (such as insurance coverage and out-of-pocket costs for care);
- prevention/treatment (rates of preventive screenings and measures of quality);
- avoidable hospital use (indicators of hospital use that could have been avoided with effective preventive care);
- healthy lives (such as measures of premature death and health-risk behaviors); and
- equity (differences in performance associated with patient income, race or ethnicity).

**Turning data into policy**

Schoen says that from time to time, she meets a legislator who is glad to have lots of data about health care — but they’re admittedly unsure how to start using it.

Schoen suggests to lawmakers that they choose a few states that are similar to theirs and see how their own state’s health performance matches up.

Another strategy is to pick a measure and simply think backward to what situation might have led to a particular outcome. For example, what factors impact whether adults receive a routine physical?

“Then policymakers can develop targeted policies to do better,” she says. “The data can inform action.”

Poor rates of preventive care often stem from the cost and availability of care, whether due to uninsurance, workforce shortages in health care or lack of transportation options. And that trend can have far-reaching consequences.

When patients have access to regular primary care, they can be screened for health issues and receive advice on how to take steps toward being healthier. For example, the parent of a child with asthma can learn about the effects that pets, mold and cigarette smoke can have on the disease. That one contact with a physician could have a positive impact on the whole family if, say, the parent quits smoking.

To address issues of access, states can work to increase insurance rates, most notably by expanding Medicaid under the Affordable Care Act (Illinois, Iowa, Michigan, Minnesota, North Dakota and Ohio have done so), but they can also improve access for people who already have insurance. Possible policy solutions include requiring broader insurance networks in Medicaid and state health exchanges or widening the types of care that certain non-physician health professionals can provide — thus freeing up doctors for the most complex care.

**Importance of coordinated care**

One of the top predictors of good outcomes for patients is making sure that different parts of a state’s health care system work well not just alone, but together. The medical technology and knowledge might be the same “around the country” about what to do with a person who’s had a hip replacement, but does it all get carried out?” Schoen says. “The large variations among states are usually symptoms of poorly coordinated care.”

For example, when readmission rates are high, states can consider whether hospitals are discharging patients too early or without clear instructions, whether better use of electronic records could prevent harmful drug interactions at home, or whether providers could better communicate follow-up instructions with facilities such as nursing homes.

“Medical homes” can help act as the central location for all of this information about a patient’s care. Minnesota has begun using medical homes in public programs such as Medicaid. Under this arrangement, the state offers certain providers an additional fee for ensuring that all of a beneficiary’s primary and specialty care is in sync. The goal is to avoid duplication, catch health issues early and prevent costly trips to the emergency room. The extra funding is designed to encourage physicians to hire more staff (such as a dietician or exercise specialist), invest in an electronic medical records system, or hold extended hours to serve working patients.

**Where Midwest states rank on indicators of health system performance**

**Uninsurance rates and % of at-risk adults without a routine medical visit in past two years (2012)**

**Equity in health care: Preventable deaths per 100,000 people, by race (2009-10)**

**Top quartile**

**Second quartile**

**Bottom quartile**

*Data on mortality among black patients was not available.

Source: The Commonwealth Fund

Source: The Commonwealth Fund

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From the standards they set for becoming a teacher to how they oversee the programs that train the future education workforce, state policymakers can play an important role in teacher preparation. And strengthening that oversight role has been the focus of measures passed in states such as Indiana and Wisconsin in recent years.

Starting in 2016, Indiana will have a matrix rating system that evaluates teacher-participation programs (the result of SB 409, passed in 2013, and HB 1388, passed in 2014). Each program will be evaluated and rated based on several factors — the rate at which prospective teachers successfully complete the program, for example, as well as how the program’s students fare on Indiana’s teacher-licensing exam.

Wisconsin’s SB 461, passed in 2012, requires each teacher-education program in the state to report the rate at which its graduates pass the state licensure test on a first try. State education leaders are also developing a process to evaluate teacher-education programs based on the performance and effectiveness of their graduates.

Lastly, the Wisconsin measure sets a higher standard for someone wanting to be an elementary school teacher or reading specialist. These prospective educators must now pass a tougher licensure test that assesses their knowledge of reading instruction.

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This type of licensing requirement is one of many state policies analyzed every year by the National Council on Teacher Quality. The council evaluates the laws and rules that every state has in place to “deliver well-prepared teachers.” Its most recent study ranks Indiana as having the strongest policies in the Midwest and among the strongest in the nation. For example, Indiana requires:

- prospective elementary school teachers to pass a content test in which they get passing scores in all four major content areas: mathematics, reading and language arts, science and social studies (Minnesota has a similar requirement);

- prospective middle-school teachers and high school teachers to pass tests assessing their knowledge of subject-specific content (Iowa, Kansas and Ohio also require the passage of such tests by all middle school teachers; across the Midwest, some type of content-area testing is required for high school certification).

Indiana is also one of five Midwestern states (along with Iowa, Michigan, Nebraska and Wisconsin) that require individuals to pass a basic-skills test before being admitted into a teacher-preparation program.

Another policy option is to ensure K-12 instructors get enough support during their first few years in the profession. Since 2011, new teachers in Ohio have begun their careers with a four-year Resident Educator license. Over this four-year span, they work with a mentor and receive ongoing professional development. Then, in order to qualify for a five-year professional license, teachers must pass a performance-based assessment of their instructional skills.

Article written by Tim Anderson, CSG Midwest publications manager. He can be reached at tanderson@csg.org. Question of the Month highlights an inquiry received by CSG Midwest through its Information Help Line. To request assistance, please contact us at csgm@csg.org or 630.921.1922.
Rise in early voting, online registration among trends in Midwest states

Without such coordination, “blotted and inaccurate voter registration lists” — a problem highlighted earlier this year by the Presidential Commission on Election Administration — become more likely.

A failure to address the problem, the commission says, makes every aspect of election administration more difficult and state systems more vulnerable to voter fraud.

“As states try to keep up with that, and make sure that their voter rolls have only folks who are not only eligible but registered to vote, interstate-sharing programs are [gaining in] interest and popularity,” Chapin says.

Owen half of the U.S. states are now participating in programs that track voters across state lines.

The Interstate Voter Registration Cross-Check program, for example, was spearheaded by the state of Kansas and now includes participation by Illinois, Iowa, Kansas, Michigan, Nebraska, Ohio and South Dakota, among other states.

Each state submits its own voter data in early January, and the state of Kansas then provides the staffing and technology support to compare this data. When potential matches are found, the states are notified in order to avoid duplicate records and double voting.

This year, 110 million voter records were reviewed.

The Electronic Registration Information Center, or ERIC, was launched in 2012. It, too, is a multistate partnership that aims to improve the accuracy of voter lists.

One of the early adopters of no-excuse, in-person early voting, Iowa now has nearly half of its voters casting ballots before Election Day. According to the Pew Charitable Trusts, early voting accounted for 43 percent of total votes cast in Iowa in the 2012 election — highest rate in the Midwest. Along with Minnesota and South Dakota, Iowa has the region’s longest early-voting period (61 days more than a month in each of the three states, see table on this page), Michigan is the only state in the Midwest that does not offer some form of in-person early voting.

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Starting in 2007, Indiana emerged as a national leader in the use of vote centers — polling places where any eligible voter in the county can cast a ballot. The idea is to give individuals more flexibility in where they vote (not limited to a single polling place) while providing potential cost savings for local governments. (Kansas, Ohio and South Dakota, for example, can be closed). Indiana ran a pilot program from 2007 to 2010 in three counties. Because of its success, legislators have now given all Indiana counties the vote-center option.

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Starting in 2013, Kansas began requiring individuals to prove U.S. citizenship when registering to vote. Accepted proof-of-citizenship documents include a birth certificate and U.S. passport. Earlier this year, Kansas and Arizona won a federal lawsuit that they brought against the U.S. Citizenship Assistance Commission. As a result, the commission must include specific instructions on the federal voter-registration form informing those two states’ residents of the proof-of-citizenship requirement.

In 1988, Michigan joined Oregon as the first two U.S. states to adopt procedures allowing voters to recall elected officials, according to Ballotpedia. Today, recall laws are in place in five other Midwest states: Illinois (governor only), Kansas, Minnesota, North Dakota and Wisconsin.

Between 2000 and 2011, 457 officials in Michigan (mostly locally rather than state) faced recall elections, according to the Citizens Research Council of Michigan. A legislative package signed into law in late 2012 could reduce those numbers. It shortened the period of time in which a Michigan official can be recalled and narrowed the time period for collecting the signatures needed to trigger a recall election.

Minnesota consistently leads the nation in voter turnout, with more than 75 percent of the state’s eligible voters casting ballots in recent presidential elections. One oft-cited reason for Minnesota’s strong turnout numbers is a decades-old state law that allows people to register to vote on Election Day. Two other Midwestern states, Iowa and Wisconsin, permit same-day registration, and they have high voter-turnout totals as well.

At some point in every U.S. state’s history, its leaders have had to answer this question: How should we award our Electoral College votes? Nearly every state has chosen the winner-take-all model. The presidential candidate who wins the statewide popular vote gets all of the state’s electoral votes in the Electoral College.

In reality, the distinction belongs to Ohio. The University of Minnesota’s Eric Ostermeier notes on his Smart Politics political news site, Ohioans have backed the winning president in every election since 1964 — the nation’s longest “winning streak.” Further, Ohio’s winner margins in the presidential race tend to closely track the national vote — less than a 1-point difference, for example, in the Obama-Romney race of 2012.

While the Midwest has seen a rise in early voting, increased use of no-excuse absentee ballots, online registration and the Interstate Voter Registration Cross-Check program, these trends are part of a larger national movement to make voting more convenient for voters and less expensive for states (paper processing costs more).

“We are seeing more interest in getting away from the paper-based, handwritten system that has been in place in this country for years,” Chapin says, “and we are seeing more and more legislation in the states reflecting that interest.”

Chapin adds a third big trend: The move by states to share information with each other about voter rolls and other data, in order to help election officials keep track of people as they move, die or change names.

With one in seven Americans moving every year, keeping voter lists up to date requires an organized, multistate effort.
**Voter ID only part of big changes in law**

Many of these big changes in state election law and administration have been overshadowed by another policy trend — the decision by some state legislatures to adopt new, stricter voter-identification requirements.

Deemed a form of voter suppression by opponents and voter-fraud protection by proponents, these voter-ID laws have led to several high-profile lawsuits. Most recently, Wisconsin's law was struck down in federal court (see page 1 sidebar article for details). Today, some form of voter-ID law is now in place in six Midwestern states: Indiana, Kansas, Michigan, North Dakota, Ohio and South Dakota.

Indiana and Kansas have the strictest versions of this legislation, requiring individuals to have a government-issued photo ID (such as a driver's license, passport, state or military ID card) to vote. People without such identification can cast a provisional ballot and, within a few days after the election, must then provide proof of identity in order for the ballot to be counted. The four other Midwestern states with voter ID have less-restrictive laws in place: the voter can provide another form of identification (utility bill, bank statement, etc.) or sign an affidavit verifying identity and then cast a non-provisional ballot.

Kansas, meanwhile, requires prospective voters to provide proof of citizenship when they register to vote. Arizona is the only other state with such a law on the books.

More bipartisan consensus has formed, though, over new initiatives to expand voter access. For example, Indiana and Kansas (which have among the strictest voter-ID laws in the nation) are among the states that now provide for online voter registration.

Kansas also is one of the six Midwestern states (Iowa, Michigan, Minnesota, Nebraska and South Dakota are the others, according to the Brennan Center for Justice) that have some version of automated voter registration at departments of motor vehicle offices. These states allow people to register to vote on a screen at the DMV office. These DMVs can also help keep voter records accurate and up to date. The Presidential Commission on Election Administration, for example, singles out Michigan for how that state has integrated driver's license information and voter data.

Rep. Simon would like his state to adopt an “opt-out” system as part of its motor-voter law — individuals would be automatically registered to vote at the DMV unless they choose to opt out. Some states, too, are trying to do more to encourage participation by young people.

Illinois, with the passage of HB 226 in 2013, became the eighth state in the Midwest to allow 17-year-olds to vote in primaries if they will turn 18 by Election Day. Indiana, Iowa, Kansas, Minnesota, Nebraska, North Dakota and Ohio also have state laws or party rules allowing participation by 17-year-olds, according to the Center for Voting and Democracy.

The center also recommends that states allow 16-year-olds to register to vote, which many states do when then getting a driver's license.

People of all ages, meanwhile, are taking advantage of the state laws that now allow for early voting. “There are very few states where, if you try even a little bit, you can't cast your ballot before Election Day,” Chapin says. In three U.S. states, in fact — Colorado, Oregon and Washington — every eligible voter is mailed a ballot in advance of the election and can then return his or her ballot by mail.

Early voting in some form is nothing new. Most states have long offered the chance for individuals to vote via an absentee ballot, sometimes requiring a person to provide an “excuse” as to why he or she couldn't vote on Election Day.

But many states have since opted for no-excuse absentee balloting and in-person early voting, and more voters are taking advantage of this opportunity.

In states such as Iowa, Minnesota and South Dakota, early voting begins 40 days or more before the election (see table for list of state-by-state laws). In Nebraska (thanks to this year's passage of LB 565) and South Dakota, state law allows for same-day registration during parts of the early-voting period.

**Vote centers in South Dakota, Indiana**

South Dakota is also at the forefront of another change in election administration: the opening and use of centralized vote centers.

Secretary of State Jason Gant describes the vote center as a way to “put ‘polling places where people are going, not just where they live.'”

“Instead of having to go to a specific site,” he says, “the resident can cast a ballot at any vote center within his or her home county.”

Opened on Election Day, the centers are spread throughout the county — in schools, community centers, churches or other sites. These vote centers are made possible through the use of electronic poll books that allow data to be checked remotely and immediately at different sites across the county.

“Their experience is a positive reaction to vote centers,” Gant says, “and [the centers] have saved money as well.” The savings, he adds, come from reductions in the number of polling locations and in the number of workers needed on Election Day.

Indiana was one of the first states in the country to use vote centers, via a pilot program that began in three counties in 2007. The program's success led the legislature to adopt a statewide vote-center program in 2011.

In both Indiana and South Dakota, local election officials decide whether to employ the vote-center model.
South Dakota Rep. David Lust

For native South Dakotan, legislative service is a way to give back — and preserve quality of life, fiscal health in the state

I n David Lust’s family, public service was simply a given. Growing up in Aberdeen, S.D., Lust was always encouraged to get involved in his community.

“Service was something my dad instilled in us: You need to give back to your community,” Lust says. “It’s not just about taking from your community; you need to participate, be engaged and make it better where you can.”

For Lust, legislative service seemed like a good way to answer his dad’s call to serve — especially after settling in Rapid City and finding himself dissatisfied with how the area was being represented.

“I thought I had no basis to complain if I wasn’t going to do anything about it,” he says. Before he knew it, Lust was knocking on doors and distributing lawn signs.

Seven years later, Lust is now serving his fourth term in the South Dakota Legislature, and much of it has also been spent in legislative leadership of some kind.

For the past four years, after a stint as majority whip, he has served as majority leader in the Republican-led House.

As a leader, he has at times introduced fewer bills of his own in order to focus on big-picture issues such as the state budget and education funding. Another part of that big picture, he adds, is knowing when proposed bills would do more harm than good.

“The best thing a legislature can do is defeat bad legislation,” he says. “I don’t keep a running tab of all the bills I helped defeat that were not good policy for South Dakota, but that should be every legislator’s top priority: defeating legislation that is not constructive and positive.”

Last month, Lust spoke with CSG Midwest about his vision for South Dakota and what makes it a great place to live and serve. Here are some excerpts from the interview.

“Serving in the Legislature is not the be-all and end-all. . . I want to be remembered as a good father, spouse, son and community citizen.”

Q: You’ve said that South Dakota has been recovering well from the economic downturn. What has been the key to that progress?

A: I am a business and transactional attorney, so my motivation is to make sure that our business environment stays as competitive as it is and that South Dakota is a good place to do business. I firmly believe that is going to be our path to success in the future: expanding current businesses and recruiting out-of-state businesses to take advantage of what we have to offer.

Our two largest communities, Rapid City and Sioux Falls, are doing very well. The Black Hills is a great place to live, and you’re seeing growth in Sioux Falls, which is recruiting insurance and financial businesses. I would like to see some of that filter up to other parts of the state . . .

We have a low unemployment rate, and that’s a good thing in the sense that everyone is working and contributing to the economy. But it can be somewhat of a deterrent to businesses looking to move here in terms of whether there are enough workers to move their businesses here. So it is a blessing and a bit of a curse. When the analysis is done, the lower unemployment rate is not a deterrent if there are enough people who are willing to move from their existing jobs or who are under-employed.

Q: South Dakota has a very strong banking and insurance sector. How did that come to be?

A: Several decades ago, Gov. Bill Janklow made a conscious decision, along with the Legislature, to get rid of our usury laws and really open up our regulatory environment. Attracting Citibank was the impetus at the time. We got them here, and from there the insurance, banking and trust industries took off. It was the leadership of the governor and the legislative branch making a determination that they wanted to go after these businesses and create an environment that is hospitable to them — and it has worked.

Q: What would you say has been your top priority as a legislator?

A: The first thing is maintaining the fiscal discipline we have had here — and this is not unique to me but is true of many past leaders in the Legislature and the executive branch. We don’t spend what we don’t have, and that has contributed to keeping our economy as strong as it is. That’s the first priority: keeping things where they should be economically.

For example, our retirement system is funded to 103 percent. Fiscally we are, if not the best, then one of the best states in the country in terms of our fiscal health, and it is important to me to keep that going.

Q: Maintaining a strong higher-education system is another issue that is important to you. Can you explain why it’s at the top of your list?

A: For a state like South Dakota, we need to be a net importer of intellectual property. The best way to do that is to have a higher-education system that caters to in- and out-of-state students, encourages research, and from that spin off commercial development of intellectual property — both in terms of human capital and traditional patents.

That should be the pathway to success for almost any rural state.

Q: One concern many states have is keeping young people in the state after they finish their education careers. How is South Dakota working to do that?

A: Statistics show that of the students who go to school here, a much higher percentage stay than you would anticipate. It’s about getting them here and showing them what South Dakota has to offer.

I know the perception of South Dakota is not as a robust place to live, but once you live here, that changes quickly. So the key is to get students first to visit, and then to come here for school, and they realize this is a pretty good place to be.

For example, I absolutely loved living in Chicago. It’s an awesome city. But I don’t miss the hour-long commute, dealing with on-street parking, and all of that. When I look at my life here, it’s completely different — and for me it’s a comfortable fit.

Q: You will be leaving the Legislature at the end of the year due to term limits. What is the most important thing you have tried to impart to fellow legislators during your tenure in leadership?

A: What I have tried to instill is a level of perspective; serving in the Legislature is not the be-all and end-all. You should come serve for a time and then move on and go back to civilian life. I think that makes for the best leaders and legislators, if they can keep that focus. I try to emphasize that with my caucus and the House at large: Remember, you are here to do a job, but it shouldn’t be your primary job and it shouldn’t be what you are remembered for.

In my last speech in the House, I said that I want to be remembered as a good father, a good spouse, a good son and a good community citizen. Being a good legislator should be way down on the list.

Bio-sketch: Rep. Lust

- first elected to South Dakota House in 2006; now serving his fourth term
- second term as majority leader
- represents western Rapid City
- has a bachelor’s degree from Dartmouth College and a law degree from University of South Dakota
- served as a law clerk for the chief judge of the United States District Court of South Dakota and is licensed to practice before the court
- practices business and transactional law in Rapid City
- has four children with his wife Rebecca

by Kate Tormey (ktormey@csx.org)
Michigan lawmakers take stand against ‘scourge’ of human trafficking

Bills aim to stop perpetrators, aid victims of ‘modern-day slavery’

by Michigan Sen. Judy Emmons (senjemmons@senate.michigan.gov)

The words “human trafficking” carry only a small sense of the evil held in the definition of the term. This form of modern-day slavery encompasses people from every walk of life, every part of the country and every socioeconomic status. As a mother, a grandmother and a state senator, it sickens me to think that thousands of girls under the age of 18 are sold into the world of sex trafficking each year and that 80 percent of trafficking victims are sexually exploited.

That was the case for me until a military veteran spoke to me here in the Midwest in a joint legislative conference. His story is about how an event at a bar in Columbus, Ohio, turned into a nightmare that led to him losing his job, his marriage and his freedom. It was all because he was duped by a woman who promised to introduce him to a friend of hers. That friend turned out to be a pimp, and the woman was an accomplice.

Unfortunately, few are aware of how pervasive this crime is. The nature of the crimes involved with human trafficking include dark, disturbing actions about which we as a society do not want to talk. Public awareness is a significant portion of the fight against this scourge in our country.

Yet for those who are aware of it, human trafficking might be something one would expect to happen in other parts of the world or large urban centers such as New York, Miami and Los Angeles. The facts show, however, that individuals are enslaved and trafficked even here in the Midwest. In fact, the proximity of the international border with Canada makes cities such as Detroit, Chicago and Toledo, Ohio, ideal places for such crimes to occur.

Because human-trafficking crimes are reported and dealt with in various ways, hard numbers are generally difficult to determine. However, the U.S. Department of Justice estimates that within the country, 300,000 children of domestic violence and sexual assault. Finally, we will require those who are caught purchasing sex to be placed on the sex-offender registry.

Easing victims’ burden is vital

This effort would not be complete without also attempting to create assurances of safety for victims and peace of mind for survivors. In Michigan, a person is a minor until the age of 18; however, the minimum age for prostitution-related crimes is 16. It is logical that someone who cannot give legal consent on any other matter should not be prosecuted for choosing to enter the prostitution business. This legislation would also require the probate court to promptly conduct a hearing to determine if there is reasonable cause that the juvenile is a trafficking victim.

I also want to make assistance from state agencies more readily available to victims and survivors. With our legislation, the Michigan Department of Human Services will use a different status for children who are victims of trafficking in order to provide them with additional services or to give them special consideration that traditional foster-care services may not be able to facilitate. This is intended to keep these children from being revictimized as they move from one placement to the next. Survivors will also have better access to benefits for medical assistance and psychological treatment.

Legally, victims will have the opportunity to give an affirmative defense position, allowing them to introduce evidence of being a victim of human trafficking as a defense to certain types of crimes. We also want to give survivors the opportunity to apply to have their criminal convictions cleared from their record if the offense was committed due to their status as a victim of a human-trafficking violation.

Since this package of bills was introduced, more issues have been brought to my attention, and we are continuing to look for other ways to eradicate this evil practice and protect our society’s most vulnerable individuals.

Please help me shine a light on human trafficking in the Midwest and beyond. If you have questions or would like to discuss this legislation further, please feel free to contact me at 866-305-2133 or senjemmons@senate.michigan.gov.

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwestern Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
Minneapolis becomes final state in region to adopt CSG-led compact for military children

Last month, Minnesota became the last Midwestern state — and the 48th nationwide — to adopt the Interstate Compact on Educational Opportunity for Military Children. The agreement was developed with the assistance of The Council of State Governments’ National Center on Interstate Compacts.

Its goal is to help military families with some of the special school-related challenges they often face due to frequent relocations.

Children must often move from one school and state to another, a fact that can complicate everything from enrollment and placement, to eligibility and graduation.

The interstate compact — developed jointly by CSG’s compact center and the U.S. Department of Defense — helps resolve these educational transition issues faced by the children of active-duty service members.

For example, children may encounter difficulty transferring medical and standardized-testing records, addressing differences in each state’s age requirements, or transferring credits from one school to another. They are also more likely to have absences from school due to the deployment of a parent or other military-related activities.

The new compact replaces the widely varying nonadmitted insurance, also known as “surplus lines” policies, which are not regulated under an individual state’s insurance laws.

The compact replaces the widely varying practices that affect the transition of military students with consistent policies in every public school district in member states. With Minnesota’s actions this year, only New York and New Hampshire have not joined the compact.

The children of members of the uniformed services and the National Guard and Reserve on active-duty orders, as well as members or veterans who are medically discharged or retired for one year, are eligible for assistance under the compact.

To learn more, visit www.mic3.net.

CSG’s compact center is currently working on several other initiatives, too, some of which have already been adopted by state legislatures in the Midwest.

Compact on “surplus lines” insurance

Under the Dodd-Frank Act, passed in 2010, the U.S. Congress called for reforms to non-admitted insurance, also known as “surplus lines” policies, which are not regulated under an individual state’s insurance laws.

Congress recommended that states adopt uniform procedures to facilitate the reporting, payment and collection of premium taxes for nonadmitted insurance. If ratified, the compact would bring states into compliance with the Dodd Frank Act, reducing the likelihood of federal intervention. It would also put in place uniform methods for ensuring that states receive their fair share of premium taxes.

Several stakeholder groups have worked with the CSG Compact Center on finalizing language for this new interstate agreement. Thus far, nine states (including Illinois, Indiana, Kansas and North Dakota) have adopted the model legislation. The compact requires passage by 10 states to go into effect.

The National Center for Interstate Compacts has also helped shape an interstate agreement designed to better regulate distance education.

Many of today’s colleges and universities employ online learning. Regulatory requirements and evaluative measures, however, vary considerably from state to state — making interstate reciprocity difficult to achieve.

The voluntary State Authorization Reciprocity Agreement is intended to broaden the availability of, and access to, accredited online degree programs. The agreement allows states and institutions to address a patchwork of regulations across states while strengthening states’ roles in protecting students from unfair or illegal practices.

As of May, Indiana and North Dakota were among the seven U.S. states that had been formally approved as State Authorization Reciprocity Agreement states. The Midwestern Higher Education Compact is among the groups that CSG has worked with on this interstate agreement.

More information is available at www.mic3.net.

CSG’s Compact Center serves as a unique resource for states

CSG’s National Center for Interstate compacts — the only organization of its kind — serves as an information clearinghouse, provides training and technical assistance, and facilitates the work of lawmakers in adopting interstate compacts. It combines policy research with best practices, serving the needs of compact administrators, compact commissions and state agencies.

Since its founding, CSG’s compact center has worked to promote the use of interstate compacts as an ideal tool to meet the demand for cooperative state action.

For more information about these projects or any of CSG’s ongoing compact work, please visit www.csg.org/ncicl or contact Crandy deGaulian at cdegaulian@csg.org.

CSG study outlines steps to overhaul school discipline

In a comprehensive, consensus-based new study released by the CSG Justice Center, state and local leaders have been given more than 60 recommendations to improve how the nation’s schools discipline children.

Implementing these changes, the study concludes, will help keep students from dropping out of school and entering state justice systems, while also enhancing school safety.

The recommendations call for new school-police partnerships, more strategic and targeted behavioral interventions for students, and an increased emphasis on creating “welcome and secure learning environments.” The CSG report also focuses on the importance of keeping young people who have committed “minor offenses” in school and out of the juvenile justice system.

The result of more than 700 interviews spanning three years, “The School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System” reflects a consensus among a wide range of leaders in the areas of education, health, law enforcement and juvenile justice.

Those stakeholders worked together to establish the strategies outlined in the new report.

Following release of the report, The Council of State Governments’ Justice Center hosted events across the country; the next step is for state and local leaders to decide how best to implement the report’s recommendations.

The center is a national, nonprofit organization that serves policymakers at the local, state and federal levels from all branches of government. CSG staff at the center provides practical, nonpartisan advice and evidence-based, consensus-driven strategies to increase public safety and strengthen communities.

The Council of State Governments was founded in 1933 as a national, nonprofit organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwest Legislative Conference, an association of all legislators in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MEC affiliate members.
Members of Nebraska Unicameral set to welcome fellow legislators from Midwest

MLC Annual Meeting to begin July 13; registration remains open for 4-day event

Hundreds of legislators and their guests of all ages will soon be coming to Nebraska for four days of learning about state policy while also enjoying one of the Midwest’s most lively cities. You are invited to join them. Registration is still open and can be completed at www.csgmidwest.org.

Led by state Sen. Beau McCoy, chair of the Midwestern Legislative Conference, members of the Nebraska Unicameral Legislature have helped plan this year’s MLC Annual Meeting in Omaha.

The four-day event will begin on July 13 with a meeting of the MLC Executive Committee and a series of sessions on agriculture, education, health policy, economic development and Midwest-Canada relations.

During the meeting, too, participating legislators will take part in a mix of discussions and presentations on the future of the Midwest’s economy, including state policies to bolster growth in key economic sectors such as manufacturing and agriculture.

Smaller roundtable discussions have been planned as well on a wide range of topics, including state budgets, privacy law and mental health policy.

Featured meeting speakers include Pulitzer Prize-winning author Doris Kearns Goodwin and The Cook Political Report senior editor Jennifer Duffy.

A series of daytime activities have been scheduled for guests of all ages, as well as evening events for attendees and their guests.

Policy sessions and speakers

A series of sessions on agriculture, natural resources, economic development, education, health care and Midwest-Canada relations

A special presentation by historian and Pulitzer Prize-winning author Doris Kearns Goodwin

A preview of the 2014 elections with The Cook Political Report senior editor Jennifer Duffy

Sessions on institutional challenges and opportunities for state legislatures, state fiscal policy and the future of the Midwest’s economy

Special events for attendees, guests

Opening Night Reception at The Durham Museum, Family Night at the Henry Doorly Zoo and Aquarium, and the traditional State Dinner

For the adult guests of attendees, trips to Omaha’s Old Market District, Joslyn Art Museum and Lauritzen Gardens-Omaha Botanical Center

For the children of attendees, a day trip to the zoo and visits to the Omaha Children’s Museum and a trampoline park

How to register

Visit www.csgmidwest.org

Policymakers gather to discuss future of state, federal policies on radioactive waste

CSG Midwest committee helps coordinate and plan shipments through region

Where should the United States store spent nuclear fuel? Where does the federal government stand on plans for a national repository? How are states affected by shipments of this material?

About 200 policymakers and private-sector representatives gathered in the Twin Cities last month to discuss these topics and the future of radioactive waste transportation and storage in the United States.

The conference served as the annual meeting of the National Transportation Stakeholders Forum, (NTSF), which fosters communication between the U.S. Department of Energy and states and tribes about the DOE’s shipments of radioactive waste and materials.

This year’s event was co-hosted by The Council of State Governments’ Midwestern Radioactive Materials Transportation Committee and the NTSF Tribal Caucus. It marked the first time that the states and tribes co-hosted the meeting.

The keynote speaker was Lake Barrett, former head of the DOE’s Office of Civilian Radioactive Waste Management. He provided a look at the challenges the agency faces in moving forward with a new program for managing the nation’s spent nuclear fuel and other high-level radioactive waste.

Although long-standing plans for national repository at Nevada’s Yucca Mountain were ended by the Obama administration, Barrett predicted that the
Supreme Court task force has given the Legislature, restricts.  Illinois and Indiana, for example, have given the mayors intervention authority in the nation. Illinois and Michigan are listed as having some of the broadest intervention authority in the nation. Illinois and Indiana, for example, have given the mayors of Chicago and Indianapolis control of their local schools. Independent authorities or special management teams (appointed or assigned by the state) can also take over operations of low-performing schools.

On the flip side, Illinois, Indiana and Michigan are listed as having some of the broadest intervention authority in the nation. Illinois and Indiana, for example, have given the mayors of Chicago and Indianapolis control of their local schools. Independent authorities or special management teams (appointed or assigned by the state) can also take over operations of low-performing schools.

Low-performing schools getting more scrutiny in Nebraska

The state of Nebraska is planning to take a more active role in turning around its lowest-performing schools. Under LB 418, the state will designate three “priority schools” based on poor performance in areas such as student graduation rates and test scores. Nebraska’s education commissioner will then establish five-member intervention teams for each of these schools. Each team will submit plans to the Nebraska Board of Education on how to improve performance and to measure progress. A local school district must follow these plans or risk losing accreditation.

According to Students First (the group led by Michelle Rhee, former head of Washington, D.C.’s school system), Nebraska had been one of four Midwestern states without laws allowing for intervention in low-performing schools.

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In Minnesota, a 75-year-old law had made it illegal to drive in neutral. Another measure made it a misdemeanor to carry fruit in an illegally sized container.

Those statutes — and many others — are now gone as the result of what Gov. Mark Dayton and state lawmakers dubbed the 2014 “unsession.” In all, close to 1,200 laws and other state policies were eliminated or changed.

One of the primary goals this year in St. Paul was to update or streamline unwieldy regulations. For example, according to the St Paul Pioneer Press, the Legislature expedited the state’s environmental permitting process. For simpler projects, permits should now be issued or denied within 90 days. A decision on more-complicated projects (those that require a public comment period, for example) must be made within 150 days. Minnesota legislators also changed the state’s laws on tax credits to make them more consistent with the federal tax code — which will make filing easier for residents.

Every year, hundreds of new bills are enacted in most Midwestern states. According to The Council of State Governments’ “The Book of the States,” 948 bills were enacted in Michigan alone in 2012 — highest number in the Midwest and second-highest in the nation.

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Minnesota’s session focused on addition by subtraction (of old laws)

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In the eastern Iowa town of Sioux City, police have installed red-light cameras at several intersections as well as speed cameras on Interstate 29.

But when motorists in one neighboring state are caught on camera breaking a traffic law, Sioux City police may have a difficult time collecting the fine. HB 1122, passed this year by the South Dakota Legislature, restricts the state from sharing information with other states seeking driver’s license data to enforce civil penalties in traffic-camera cases.

Also this year, the South Dakota Legislature prohibited the use of red-light cameras within the state’s borders (HB 1100). According to the Governors Highway Safety Administration, Wisconsin is the other state in the Midwest with an outright ban.

Red-light or speed cameras are only used in a handful of the region’s states: Illinois, Iowa and Ohio. In Iowa, legislation was introduced this year to ban the use of traffic cameras. It failed to advance, but the Department of Transportation has established procedures that require jurisdictions to justify their use on state roads. A bill passed by the Ohio House in May (SB 342) would allow traffic-camera tickets to be issued only when a law enforcement officer is also present.

South Dakota signals opposition to Iowa’s use of traffic cameras

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Proposed reforms of death penalty now in Ohio legislators’ hands

An Ohio Supreme Court task force has given legislators 56 recommendations on how to improve administration of the death penalty.

The comprehensive list of proposed changes covers nearly all aspects of the death penalty — from tighter controls on how evidence is collected and interrogations are conducted, to more funding for defense services, to new rules for post-execution proceedings.

The (Cleveland) Plain Dealer singles out a handful of recommendations likely to receive considerable attention. Under one proposal, a separate state panel would review local prosecutors’ plans to seek the death penalty and determine whether a capital case can move forward. In making its decision, the panel would pay particular attention to the race of the victim and defendant.

In addition, defendants suffering from a “serious mental issue” would not be eligible for the death penalty. The task force also calls for several crimes to be eliminated from Ohio’s death penalty statute: kidnapping, rape, and aggravated arson, robbery and burglary. This statutory decision, the panel says, would reduce racial disparities in who receives the death penalty.

Four other Midwestern states currently have the death penalty: Indiana, Kansas, Nebraska and South Dakota.