Securing the vote

Steps for states include updating voting infrastructure and holding post-election audits, but funding is a stumbling block

by Laura Kliewer (lkliewer@csg.org)

In September 2017, the U.S. Department of Homeland Security (DHS) notified 21 states (including Illinois, Iowa, Minnesota, North Dakota, Ohio and Wisconsin in the Midwest) that Russian hackers had targeted their voting systems before the 2016 elections. While most of the attempts were not successful, voter registration systems were breached in at least two states: Arizona and Illinois. (According to DHS, there was no evidence that any information had been altered in these two states.)

Fast-forward to today, with just months before the 2018 general elections that will determine partisan control of the U.S. Congress and several state legislatures, and elections security experts are recommending that immediate steps be taken to secure the country’s election infrastructure — for example, identifying the potential avenues for attacking election systems, replacing outdated voting machines, ensuring the security of registration systems, and conducting post-election audits.

Whether and when this occurs will depend in part on a mix of help from the federal government and new state-level policies and investments.

Systems designated as ‘critical’

In early 2017, then-DHS Secretary Jeh Johnson designated elections infrastructure as “critical,” making state and local elections systems a priority for cybersecurity assistance and protections.

Since then, DHS officials have reached out to election officials in all states and offered a range of free cybersecurity tools, including comprehensive onsite assessments of a state’s election system, DHS spokesperson Scott McConnell says.

“We continue to work with state and local election officials to improve the security of their election infrastructure through sharing timely and actionable threat information and offering our cybersecurity services,” he adds.

As the 2018 general election draws ever closer, questions about ballot and voting system vulnerability to malicious hacking are growing louder. What are states and the federal government doing to ensure the sanctity of elections, and the security of voting machines and electronic vote counts?
By next year, school districts across Iowa must begin to provide at least an hour of annual training on suicide prevention and “postvention”—the coordinated school response following a student’s suicide—for all licensed personnel who have regular contact with students. SF 2113 unanimously cleared the Legislature and was signed into law in March by Gov. Kim Reynolds. The new requirement calls for district training to be based on “nationally recognized best practices.” In addition, school personnel will learn how to identify “adverse childhood experiences and strategies to mitigate toxic stress response.” “Kids learn a lot to all kinds of folks, not just teachers and guidance counselors,” says Iowa Sen. Craig Johnson, who managed the bill through his chamber. “It was truly bipartisan legislation, and that speaks volumes, in this day and age, that everyone saw the importance of it.”

With enactment of SF 2113, Iowa becomes the third Midwestern state (along with Kansas and Nebraska) to require annual suicide awareness training in its schools, and the seventh in the region to require any such training, according to the American Foundation for Suicide Prevention. Here are examples of other policies among states in the Midwest:

- **Illinois mandates training in intervention techniques for teachers, guidance counselors, social workers and others who work with students in grades seven through 12:**
  - Indiana requires two hours of suicide awareness and prevention training every three years for teachers, principals, librarians, nurses, psychologists and social workers in schools covering grades five through 12.
  - In Ohio, suicide awareness and prevention training is part of the in-service training for teachers, counselors, nurses, psychologists, administrators and other “appropriate” personnel every five years.
  - South Dakota requires at least an hour of training for educational professional certification (for both initial certification and renewal).

Teachers, guidance counselors and others who work closely with students are well placed to spot the signs of a student in distress and steer them toward treatment, if they know what to look for—in prevention training aims to give them those skills, a report from the American Foundation for Suicide Prevention notes. Postvention training, meanwhile, can help an entire school (both students and adults) cope in the aftermath of a suicide and avert copycat incidents.

“Postvention can become prevention [when dealing with adolescents],” says Deborah Major, department director at Catholic Charities of the Archdiocese of Chicago, who oversees Loving Outreach to Survivors of Suicide, a non-denominational program that counsels individuals who have lost a loved one to suicide.

Cindy Waderlow, a licensed clinical social worker who works with children and teens through that outreach program, agrees: “From what I’ve experienced, students really need to grieve, and communication can be pretty intense with social media when a peer commits suicide. Bring it out into the open and find a way for that discussion to take place.”

New Indiana law emphasizes importance of building ‘soft skills’ among K-12 students

One year ago at this time, a discussion started by a member of the Indiana State Board of Education, Sen. Jeff Raatz began thinking about a policy response to one of the biggest concerns raised about students graduating from the state’s K-12 school system.

“How do we help them get the employability skills they need?” Raatz asked.

One of the answers was this year’s passage of SB 297, a measure that will have every public school in the state incorporate those types of skills (also sometimes referred to as “soft skills”) into their K-12 curriculum.

At the elementary level, for example, it might mean students are expected to greet their teacher with a firm handshake and appropriate eye contact. In other classrooms, a greater emphasis could be placed on problem-solving and adaptability, teamwork and social skills, or punctuality and self-management.

“The legislation doesn’t spell out how this should be done; that’s going to be left to the schools and their teachers,” Raatz explains.

However, the Indiana Department of Education will provide guidance to schools by developing new interdisciplinary standards for employability skills —proficiencies that don’t relate to a single subject matter and are needed for success in a wide range of occupations.

SB 297 was passed with near-unanimous support in the Indiana House and Senate, but it did raise some questions of its own. For example, shouldn’t these “soft” skills be learned at home, not school? And is it appropriate for the state to be adding more rules on classroom instruction? Though he is sensitive to these points, Raatz says nurturing employability skills has become critical — not only for the long-term success of individuals, but for the state’s overall workforce readiness and economic prosperity.

SB 297 also codifies a Work Ethics Certificate Program that has been implemented in some Indiana school districts with state guidance and funding assistance. Students can graduate with this certificate if they have an attendance rate of 98 percent or higher, maintain a GPA of at least 2.0, complete at least six hours of community service, and don’t have disciplinary problems.

In addition, three teachers must sign the certificate vouching for the student’s employability skills in five areas: 1) perseverance and problem solving, 2) positive attitude and acceptance of others, 3) self-starter and critical thinker, 4) responsibility and teamwork, and 5) punctual and organized.

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Brief written by Tim Anderson, CGS Midwest staff liaison to the Midwestern Legislative Conference Education Committee. He can be reached at tanderson@csg.org. The committee’s co-chairs are Wisconsin Rep. Eric Genrich and Kansas Rep. Melissa Rooke; its vice chair is South Dakota Sen. Jim Bolin.
Midwest-Canada Relations

‘Export-intense’ communities in Midwest have much at stake with talk of more tariffs

When President Trump announced that he intended to levy a 25 percent tariff on imported steel, and a 10 percent tariff on imported aluminum, U.S. trade partners were surprised — and angry.

His actions came after a U.S. Commerce Department report found that the unfair “dumping” of steel and aluminum (exporting these products to the United States at below domestic market value) by other countries was leading to plant closings and job losses. This has been deemed by the Trump administration a threat not only to domestic manufacturing, but also to national security.

At first stating that there would be no exceptions to the tariffs, Trump stepped back from that position by the time of his formal declaration. He exempted Canada (the largest exporter of steel and aluminum to the United States) and Mexico from the tariffs, at least temporarily. For the many integrated industries in the Midwest that rely on cross-border trade, such as the auto sector, this exemption was particularly important.

Trump tied the exemptions for Canada and Mexico to the need for changes in the North American Free Trade Agreement. He later exempted, through at least May 1, the European Union, South Korea, Australia, Argentina and Brazil.

As members of the World Trade Organization, countries have a formal way to challenge tariffs, but this process takes time. Until a WTO challenge is concluded, some affected nations have talked about imposing tariffs of their own on U.S. imports.

Trump also recently announced that the U.S. could impose up to $150 billion worth of tariffs on China, in part to retaliate for the theft of intellectual property by Chinese firms. China immediately matched that amount with proposed tariffs on products such as pork, soybeans and corn. (Pork exports in Iowa alone accounted for $1.1 billion in 2017. In Illinois, 60 percent of all soybeans are exported.) And though the tariffs have not yet been implemented, commodity prices have dropped in futures markets.

The potential impact of foreign tariffs, too, extends well beyond agriculture-reliant communities.

“If you measure exports as a share of total economic activity, export intensity is highest in smaller energy- and manufacturing-oriented areas,” says Joseph Parilla, a fellow at The Brookings Institution’s Metropolitan Policy Program.

For example, the Indiana town of Columbus — home to the engine company Cummins as well as a manufacturing cluster based around machinery manufacturing — was most dependent on export activity as of 2015, according to Parilla analysis of federal data. Several other communities in the Midwest are heavily reliant on exports (see table). They tend to have clusters of companies involved in sectors such as RV manufacturing, food and chemical production, paper and the marine industry. If these sectors had foreign tariffs placed on their products, their home communities could face negative consequences relatively quickly.

But export dependency can work both ways, Parilla notes. “Smaller cities have also seen some of the most damaging effects of globalization” due to the loss of manufacturing plants and jobs to lower-cost countries.

Agriculture & Natural Resources

Iowa seeks to ensure lower-cost eggs are option for consumers

Iowa, the nation’s leading supplier of eggs, has become the latest U.S. state with a law that seeks to influence consumers find on their local grocery shelves.

Unlike recent measures in states such as California and Massachusetts, though, Iowa’s HF 2408 reflects support in the state for the production and sale of conventional eggs from caged hens.

Signed into law in March, the bill requires that grocers sell these eggs if they also offer “specialty” eggs (such as cage-free or free-range) and if they participate in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

“Grocers like it because it provides an array of products to meet consumers’ demands,” Iowa Sen. Dan Zumbach says of HF 2408, which he helped carry through the state’s upper chamber. "Producers like it because it allows them to raise hens the best way they know how. It ensures that stores will be able to supply products that meet WIC requirements … and ensures taxpayers that their tax dollars are used efficiently.”

While the U.S. Department of Agriculture does not mandate the exact type of eggs that WIC recipients can buy, many states require the purchase of only conventional eggs in order to contain costs.

Rep. Bruce Baerstein was an early supporter of the bill, saying it was important that grocers continued to provide a low-cost source of high-quality protein to low-income consumers. In Iowa, stores sell conventional, cage-raised eggs at about half the cost of cage-free eggs and one-third the cost of organic eggs.

Soon after HF 2408 became law, the Animal Welfare Institute issued a statement saying the measure “made animal cruelty the law of the land in Iowa” and violated “the freedom businesses traditionally have to determine which products they choose to sell.”

But Iowa isn’t the only state trying to legislate egg sales. In fact, recent laws in California and Massachusetts may have imitated HF 2408, and also are the focus of two multistate lawsuits.

In December, Iowa, Indiana, Nebraska, North Dakota and nine other states asked the U.S. Supreme Court to overturn a California law requiring that any eggs sold within its borders come from hens that have at least 116 square inches of space. This compares to the industry standard of 67 square inches. A previous lawsuit brought by states against California’s law was dismissed in 2016 by a federal appeals court, but in the December filings, the plaintiff states include economic analyses detailing the impact of these housing regulations on their consumers and farmers — for example, increasing the cost of eggs by 5 percent nationwide.

Also late last year, Indiana, Nebraska, North Dakota, Wisconsin and nine other states filed a lawsuit directly with the Supreme Court over a new Massachusetts law, which requires that only cage free eggs be sold in the state by 2022.
Federal budget seeks more answers on health effects of PFAS

Concerns among federal lawmakers about the use in sites contaminated with PFAS chemicals led them to include $63.8 million in the fiscal year 2018 budget for various remediation and research efforts. Most of that money will be allocated to the Air Force Environmental Restoration Fund, which is used by the U.S. Department of Defense to identify, investigate and clean up former waste disposal sites on military property for the remediation of two types of PFAS chemicals (PFOS and PFOA). The contamination of these Air Force sites is due to the use of these chemicals in a firefighting foam. Also included in the FY 2018 budget is up to $10 million for a U.S. Centers for Disease Control and Prevention study that explores the health effects of PFAS and $10 million for health screenings. “That is still a very active area of scientific research because we’ve only been looking at these chemicals for 15 to 20 years,” says James Kelly, manager of environmental surveillance and assessment for the Minnesota Department of Health. “That’s not a long time.”

What’s known for sure about these chemicals is that they are “extremely persistent,” says David Stephens, a senior scientist at the nonprofit, nonpartisan Environmental Working Group. “That’s part of their chemical functionality,” he adds. “They are built with these carbon-fluorine bonds that are extremely strong and extremely stable. They are very long-lasting, both in the environment and in our bodies.”

To date, the science on human health and PFAS has relied on animal studies and exposed human populations, such as residents in the Mid-Ohio River Valley affected by releases of a PFAS chemical. In February, the Ohio attorney general filed a lawsuit against DuPont over these releases from a plant in West Virginia. (A 2017 University of Cincinnati study, which analyzed blood samples collected between 1991 and 2012, found that residents of the Mid-Ohio River Valley had elevated levels of perfluorooctanoic acid.) “The presence of PFAS in drinking water and Ohio’s natural resources directly threatens the health and safety of tens of thousands of Ohio residents,” Attorney General Michael DeWine says in the lawsuit.

Using the health data of West Virginia and Ohio residents exposed to PFOA through their drinking water supplies, a science panel found “probable links” with pregnancy-induced hypertension and pre eclampsia, autoimmune disease, testicular cancer and kidney cancer, and thyroid disease.

“The presence of PFOA in drinking water and Ohio’s natural resources directly threatens the health and safety of tens of thousands of Ohio residents.”

Attorney General Mike DeWine

Michigan, Minnesota among states dealing with PFAS contamination

Late in 2017, Michigan lawmakers ended their legislative year seeking a fix to another problem with drinking water in the state. It wasn’t lead contamination this time, but rather the discovery of 28 sites in the state with known levels of PFAS, or per- and polyfluoroalkyl substances. The legislature allocated $23.2 million for various response and mitigation measures.

In early 2018, the Minnesota attorney general finalized an $850 million settlement with 3M over groundwater contamination in the east metropolitan area of the Twin Cities. The cause: the company’s disposal, over decades, of PFAS chemicals used for products such as Scotchgard®, stain removers and firefighting foams.

Though these chemicals were used for decades, and many of them have been phased out of production, they are considered an “emerging contaminant” — because environmental and health officials have only recently begun to test for the presence of PFAS chemicals in drinking water, detect them, and understand their potential impact on human health.

The new funding in Michigan will be used to purchase new lab equipment, expand testing of drinking water, and purchase filtration systems for affected residents. A longer-term fix is likely to be more problematic and costly, whether it’s pumping out all the groundwater and removing the chemicals or hooking up the owners of private wells (this has been the group most affected in Michigan) to a municipal system.

Gov. Rick Snyder has created a multi-agency PFAS Action Response Team as well as science and public health advisory committees, and in early 2018, the Michigan House adopted a resolution (HR 228) providing direction for these groups.

“We want to make sure our state is taking a science-based approach to assessing the risks in order to guide a good use of taxpayer funds in doing these cleanups,” Rep. Mary Whiteford says, adding that “the effects of PFAS on the human body are not finite science yet, but it appears to have some.” According to the U.S. Environmental Protection Agency, the most consistent scientific findings have shown increased cholesterol levels among exposed populations. Other, more limited findings have been related to low birthweights, effects on the immune system, cancer and thyroid hormone disruption.

In January, Michigan established a new state criterion for the presence of two types of PFAS chemicals, perfluorooctanoic acid and perfluorooctanesulfonic acid, in drinking water. That criterion is 70 parts per trillion, the same as the health advisory value (non-regulatory and non-enforceable) recently developed by the U.S. Environmental Protection Agency.

Under proposed legislation in Michigan, the state’s drinking water standards would be revised to set a limit of 5 parts per trillion for these two PFAS chemicals. HB 5375 has not made it out of committee, but the state’s new 70 ppt criterion will allow the state “to take regulatory enforcement actions, something we have not been able to do,” says Heidi Grether, director of the Department of Environmental Quality.

The state also is taking steps to “hold responsible parties accountable,” Grether says. In January, the department filed a lawsuit against Wolverine World Wide, a manufacturer of shoes whose use and disposal of PFAS chemicals is believed to have caused a contamination of drinking water in eastern Michigan’s Kent County.

Minnesota filed its lawsuit against 3M in 2010, and this year’s $850 million settlement will be used to clean up drinking water and protect groundwater resources in the affected Twin Cities area.

As in Michigan, one of the short-term fixes in Minnesota has been to provide filtration devices, either in-home units or larger ones for community water wells. Finding long-term solutions will be one of the tasks of newly formed state working groups.

According to James Kelly, the manager of environmental surveillance and assessment for the Minnesota Department of Health, possible permanent solutions include moving the entire affected area to a surface water source or creating a single, centralized plant to treat the groundwater.

Last year, Minnesota developed its own health-based values for perfluorooctanoic acid and perfluorooctanesulfonic acid — 35 ppt and 27 ppt, respectively (lower criteria compared to the U.S. EPA and state of Michigan’s). Minnesota scientists say these values reflect the need to better protect developing infants and very young children.

David Andrews, a senior scientist at the nonprofit, nonpartisan Environmental Working Group, suggests four actions for states to take regarding PFAS chemicals: 1) Identify sources of contamination and provide for testing in these areas; 2) Take steps to reduce contamination; 3) Hold responsible parties responsible; and 4) Consider setting new, legally enforceable drinking water standards.

A primer on PFAS chemicals

- Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that includes PFOA, PFOS and GenX.
- Since the 1940s, PFAS chemicals have been manufactured and used in a variety of industries (for example, for food packaging, stain removers and firefighting foams).
- Before manufacturers voluntarily phased out the use of PFOA and PFOS, these were the most widely used PFAS chemicals.
- PFOA and PFOS are persistent in the environment and human body.
- Exposure to certain PFAS chemicals can lead to adverse health effects (health concerns include low birthweights, cancer, increases cholesterol levels and effects on the immune system).

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Source: U.S. Environmental Protection Agency

Article written by Tim Anderson, CSG Midwest publications manager. He can be reached at tanderson@cs.org
QUESTION OF THE MONTH

**QUESTION:** What policies have Midwestern states implemented to address K-12 school safety?

Most states in the region have statutes addressing school safety or emergency preparedness — more prescriptive than others. Illinois, Indiana, Minnesota, Ohio and Wisconsin, for example, require schools or school districts to have a comprehensive school safety or emergency plan.

Indiana districts must develop an emergency operations plan, establish a safe-school committee and designate at least one staff person to serve as a school safety specialist. Under SB 147, enacted in 2016, the state’s Department of Homeland Security established minimum safety standards and identified best practices for school emergency-response systems. State grants also help schools create and implement safety plans, including training and the purchase of equipment. (School safety also will be one of the topics of a special session in Indiana in May.)

A grant program in Iowa promotes school safety through infrastructure improvements. The district must develop a plan that identifies safety defects and the amount of funding needed to correct them. The plan is approved by the state fire marshal or a local building department, the district can apply for grant money from the state.

Nebraska in 2014 created a new position within its Department of Education — school safety coordinator. He or she is responsible for collecting safety plans from school districts, identifying deficiencies in the plans, and establishing safety-preparedness training programs.

Several Midwestern states (including Michigan, Ohio, Wisconsin and Minnesota) specify in statute the number and type of safety drills that schools must conduct each year. Illinois in 2013 began requiring all schools to hold active shooter drills with law enforcement once a year. Another idea for states is to provide an anonymous tip line. More than 11,800 tips — the majority related to bullying, suicide threats, self-harm, and cyberbullying — have been submitted since the program’s inception.

Kansans have a similar 24-hour hotline that is monitored by the Kansas Highway Patrol. Following the tragic events at Marjory Stoneman Douglas High School in Parkland, Fla., earlier this year, lawmakers in many U.S. states, including at least three in the Midwest, responded with proposals related to school safety. Kansas has a similar 24-hour hotline that is monitored by the Kansas Highway Patrol. Following the tragic events at Marjory Stoneman Douglas High School in Parkland, Fla., earlier this year, lawmakers in many U.S. states, including at least three in the Midwest, responded with proposals related to school safety.

Wisconsin Gov. Scott Walker called the Legislature into special session earlier this year to consider a measure to provide $100 million in grants for schools to invest in security improvements, training opportunities and school resource officers. All 843, passed by lawmakers and signed into law in March, also creates an Office of School Safety within the state Department of Justice. Kansas lawmakers introduced HB 2773, which would establish statewide safety standards for schools and provide funds to districts for training and security upgrades. At the time of publication, this legislation had passed the House and was pending approval in the Senate.

**Capitol Closeup** is an ongoing series of articles focusing on institutional issues in state governments and legislatures. Previous articles are available at cs.gomag.org. Article written by Katelyn Tye-Skowronski (ktey@csg.org), CSG Midwest policy analyst. "Gut and go," other legislative practices scrutinized in Kansas

**'Gut and go,’ other legislative practices scrutinized in Kansas**

**by Jon Davis (jdavis@csg.org)**

T o advocates of greater transparency in government, the phrase "gut and go" is a legislative nightmare that happens when one chamber takes a bill already passed by the other, strips and replaces the language with an unrelated measure, and then advances it with little or no debate.

While practiced in multiple other states (it is sometimes referred to differently — for example, "hoghousing" in South Dakota), "gut and go" has received particular attention in Kansas this year, part of a broader debate occurring in Topeka over transparency in government.

The Kansas City Star spurred this discussion last fall when it reported on various practices that have evolved in the Legislature over many years — for example, the rise of "gut and go," the introduction of bills by committees rather than an identified sponsor, and legislators not being required to have their votes recorded in committee minutes.

The newspaper concluded in a subsequent editorial that these practices contributed to Kansas government being "one of the most secretive in the nation."

In January, House Speaker Ron Ryckman kicked off the 2018 session by ordering committee chairs to stop allowing bills that don’t identify sponsors, and to make clear if a bill is introduced on someone’s behalf.

Rep. Stephanie Clayton is among the legislators who pushed this year for more permanent changes. She served as lead sponsor of a bipartisan bill (HB 2548) that would require measures introduced by a committee to list the person, lobbyist or organization requesting the legislation.

According to Clayton, the main feature of the bill is that it would make listing the requestor on committee bills, in minutes and elsewhere, statutory. "Gut and go" was targeted in a second measure, HB 2699, which would prohibit amendments that "strike all of the material in a[ ] bill subsequent to the enacting clause and insert new material."

Neither of these bills had made it out of committee as of March.

Some lawmakers defend "gut and go" as a necessary tool for getting the work of the legislative branch done in a timely fashion, especially in states with part-time lawmakers who only meet during the first few months of the year.

In other states, the practice is prohibited or has been limited. Under Missouri’s Constitution, for example, "no bill shall be so amended in its passage through either house as to change its original purpose," and two years ago, voters in California adopted Proposition 54. While not eliminating "gut and go," the approved proposition requires that every bill be published in print and online at least 72 hours before each house can vote on it (with exceptions for public emergen-
Federal dollars for election security coming; states consider new investments of their own

In the omnibus appropriations bill for fiscal year 2018 (approved by the U.S. Congress and signed by President Donald Trump in March), $380 million was included for states to enhance election technology and make election security improvements. According to the U.S. Election Assistance Commission, these funds will be made available as noncompetitive grants. States can use the money to:

- remove voting equipment that only records a voter’s intent electronically, and replace it with equipment that utilizes a voter-verified paper record;
- implement a post-election audit system that provides a high level of confidence in the accuracy of the final vote tally;
- upgrade election-related computer systems to address vulnerabilities identified through DHS or other qualified entities;
- facilitate cybersecurity training and implement cybersecurity best practices for election systems; or
- fund other activities that will improve the security of elections for federal offices.

States are required to provide a 5 percent match within two years of receiving the federal funds. (They have until Sept. 30, 2023, to request the money.)

This funding “is a really important step, and an acknowledgment that this is a national security issue that needs support from the federal government,” says Larry Norden, deputy director of the Brennan Center for Justice’s Democracy Program.

“But it’s just a start, and not nearly enough.” He adds that states, local governments and the U.S. Congress will have to continue such support over the long haul, while also adopting best security practices, planning for emergencies, and having backups such as paper ballots in case of a successful breach.

“There’s no finish line in this race,” Norden says. “Cyber threats evolve, and we must assume that adversaries and bad actors will look for new ways to undermine our elections.”

Some voting machines ‘past their prime’

Some voting machines that need support from the federal government, ” Norden says. “There’s no finish line in this race, ” Norden says. “Cyber threats evolve, and we must assume that adversaries and bad actors will look for new ways to undermine our elections.

“New equipment is obviously more efficient, but also offer opportunities for greater security, ” LaRose says. “These machines are past their prime. They need to be replaced, they are becoming inefficient and hard to maintain. ” The new machines are obviously more efficient, the machines break down, they have to be taken out of service, “ he notes. “This means less machines for people to vote on. This can lead to all kinds of problems, such as longer lines and a lack of resources.” And because older equipment tends to run on software no longer serviced by vendors, Norden adds, it is more vulnerable to cyberattacks.

“We had election officials tell us they were buying replacement parts on eBay, and obviously that is not the most secure thing to do,” he says. Even before passage of the federal omnibus budget, some Midwestern states were moving ahead with or considering proposals to replace voting equipment. Michigan is one of the few states that had money left over from the Help America Vote Act ($50 million); last year the Legislature kicked in another $10 million to help counties buy new optical-scan voting equipment with paper ballots from an approved vendor list. Voter-assisted terminals will be available for those who need it.

Some voting machines ‘past their prime’

S

States in Midwest with laws mandating post-election audits (comparing hand count of voter-verfied paper records to totals reported by electronic voting system)*

<table>
<thead>
<tr>
<th>State</th>
<th>Scope of audit</th>
<th>Elections audited</th>
<th>Is audit result binding on election outcome?</th>
<th>Is there a trigger for additional audit review?</th>
<th>What is the scope of a re-audit?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Random selection of 5% of precincts in each election jurisdiction</td>
<td>All elections (every contest and ballot issue)</td>
<td>No</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>Iowa</td>
<td>Number of counties and precincts determined by secretary of state, precincts then chosen by lot</td>
<td>General elections for president and governor</td>
<td>No</td>
<td>Not specified</td>
<td>Not specified</td>
</tr>
<tr>
<td>Minnesota</td>
<td>For smaller counties, 2-3 precincts; for larger counties, 4 precincts or 5% of precincts (whichever is greater)</td>
<td>General elections for president, governor and Congress</td>
<td>Yes</td>
<td>Difference of 0.5% or greater in 2 wins in a precinct where 400 or fewer votes are cast</td>
<td>Review of all precincts required if discrepancy persists</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>50 reporting units randomly selected; at least 5 units of each election machine type being used</td>
<td>Four contests in statewide and federal elections; top contest on ballot and 3 others chosen randomly</td>
<td>No</td>
<td>Any error (1 or 10 million)</td>
<td>Vendor must explain discrepancy; if vendor cannot, all voting machines manufactured or serviced by that vendor will be suspended</td>
</tr>
</tbody>
</table>

*In Ohio, elections are audited under a 2014 directive from the Ohio secretary of state.

Source: U.S. Election Assistance Commission, 2014 Statutory Overview Report; VeriFied Voting, CGS Midwest staff research
Most states offer this type of training for state employees, but for many, it is voluntary. Illinois, with passage of last year’s HB 2333, mandated that state employees undergo annual cybersecurity train-
ing, which will include detecting phishing scams, preventing spyware infections and identity theft, and preventing and responding to data breaches. (Legislative, judicial and university employees, along with constitutional officers other than the governor, are exempt from the state requirement.)

Since 2015, under Ohio’s information tech-
nology policy, all state agencies’ system users (“employees, contractors, temporary personnel or other agents of the state”) have had to receive annual security-awareness training.

The value of post-election audits

How can states better deter fraud, find errors, reveal when recounts are necessary, and promote public confidence in their elections process?

Security experts stress the value of post-
election audits, which compare a hand count of voter-verified paper records with totals collected by the electronic voting system.

“Having a voter-veriﬁed paper record is of limited value if you’re not using it to check the software-generated totals,” Norden says. “If the idea is that you want to trust but verify, then you need to actually use the paper after every election to verify the electronic totals.”

“And the way to do that is a post-election audit.”

Five Midwestern states — Illinois, Iowa, Minnesota, Ohio and Wisconsin — require some type of post-election audit, but only Minnesota’s audit is binding: it is used to determine ofﬁcial election results and can trigger a full recount.

The most recent state in the Midwest to pass such a law is Iowa (HF 516, passed in 2017), where the secretary of state’s ofﬁce determines the number of counties and precincts to be audited. Under the law, results of the audit “shall not change the results, or invalidate the certiﬁcation, of an election.”

In Indiana, the county chair of a political party can request an audit, and in Nebraska, audits may be conducted by the secretary of state.

A bill unanimously passed by the Kansas House last year (HB 2333) would require that after each election, and before certiﬁcation of, city officials conduct manual audits in 1 percent of all precincts (a minimum of one randomly selected precinct) within the county. This audit would be conducted by bipartisan election boards.

The bill, which is still pending in the Senate, also would require any new voting system purchased by counties to provide a paper record. In Ohio, post-election audits are conducted by local boards of election due to a 2014 directive from the Ohio secretary of state. They take place in even-numbered years and following presidential primary elections.

This year, two bills in Ohio requiring post-
election audits have been introduced: HB 467, which would codify the secretary of state’s directive, and SB 256, which would require “risk-limiting” audits of election results. As the bill describes, risk-limiting audits use “statistical methods to limit to acceptable levels the risk of certifying an incorrect outcome for a particular race, question or issue.”

Interstate cooperation designed to help keep voter rolls up to date

To help ensure that states have accurate voter registration lists, two multi-state programs have been developed to assist with list maintenance: the Electronic Registration Information Center, or ERIC, and the Interstate Voter Registration Crosscheck Program.

Governed by its 23 member states (including Illinois, Minnesota, Ohio and Wisconsin in the Midwest), ERIC uses information from motor vehicle departments, Social Security Administration records and other databases to compare voters across states. States pay an initial $25,000 fee to join and then contribute annual dues to cover operating expenses. Each member state receives reports showing voters who have moved within their state, who have moved out of state, or who have died. The reports also display duplicate registrations in the same state, as well as individuals who are potentially eligible to vote but are not yet registered. To strengthen security and protect voter privacy, voter records are converted to indecipherable characters before being sent. Between 2012 and 2017, ERIC identified more than 26.5 million potential, not-yet-registered voters; and between 2013 and 2017, it identified more than 8.4 million out-of-date records (including cross-state and in-state movers, in-state duplicates and deceased people).

The Interstate Voter Registration Crosscheck Program was established in 2005 by then-Kansas Secretary of State Ron Thornburgh. The stated purpose of the program is to identify possible duplicate registrations among states. A free program, it initially involved Missouri, Iowa, Nebraska and Kansas, but has since expanded under Kansas’ current secretary of state, Kris Kobach. Crosscheck relies on names and dates of birth for matching. At its peak, the program involved 30 states. But due to ongoing security concerns and “false positives,” eight states have withdrawn from the program. In February, the Illinois Senate passed SB 2273, which would remove Illinois from Crosscheck. A bill (SB 326) has also been introduced in Kansas that would remove that state from the program.

In addition to these interstate initiatives to keep accurate, up-to-date lists, states have been considering new ways of allowing their residents to register. In the Midwest, for example, most states now allow for online registration (see map).
South Dakota Rep. Lee Qualm

Fourth-generation farmer has taken on new challenges helping lead Legislature, resolve longtime water dispute in his home state

by Laura Tomaska (ltomaska@rg.org)

Q: What do you see as some of the biggest challenges facing South Dakota and its Legislature?

A: Our sales tax has been down for the past few years. We’re very rural, so the ag economy has a huge impact on the monies that we bring in. The ag economy has been depressed now for three years, so our receipts have not gone up as much as we had hoped. …

Q: How would you describe your approach to leadership in the Legislature?

A: Probably the biggest challenge is when you have 60 different opinions. You have to try and be a little more easygoing and talk to people. [previous leaders] who kind of ruled that way. I like to don’t try to rule with an iron hand. I know there’s some [issues] where you have to get people together. I’ve got so much respect for the lawmakers in the Statehouse who helped found the state, that first sprang up in the 1990s after tremendous rainfall and snowfall. Qualm’s leadership on that issue led to passage of compromise legislation during a special session in 2017, the same year he was elected majority leader by his House Republican colleagues.

In a recent interview with CSG Midwest, Qualm discussed his leadership style, South Dakota’s recently completed legislative session, and some of the most important challenges facing his home state. Here are excerpts:

Q: How do you describe your approach to leadership in the Legislature?

A: It is probably a more easy-going style of leadership than some people. I certainly don’t try to rule with an iron hand. I know there’s some [leaders] who kind of ruled that way. I like to try and be a little more easygoing and talk to people. My door is always open. There are always people in my office talking about different issues, asking, Am I doing this right or should I do something different?

Q: What is your biggest challenge as a legislative leader?

A: Probably the biggest challenge is when you have 70 members in the House, and 60 of them are Republicans. You have 60 different personalities. You have 60 different opinions. You have a lot of people with a lot of knowledge on a whole lot of different issues. Trying to get all of them to come together sometimes, to work toward a common goal, can be interesting.

Q: What are the most significant issues that lawmakers worked on?

A: South Dakota allows initiated measures where citizens can put forth a proposed issue for the ballot. We made changes to that process to make it more transparent, so people really understand what’s involved. For example, if there is a fiscal impact, that will have to be on [the petition that South Dakotans sign for getting the measure on the ballot]. We also changed the process so that an initiative measure doesn’t cover multiple different things. …

Q: The Legislature has adjourned for the year. What were the most significant issues that lawmakers worked on?

A: South Dakota allows initiated measures where citizens can put forth a proposed issue for the ballot. We made changes to that process to make it more transparent, so people really understand what’s involved. For example, if there is a fiscal impact, that will have to be on [the petition that South Dakotans sign for getting the measure on the ballot]. We also changed the process so that an initiative measure doesn’t cover multiple different things. …

This year, too, we took some actions because meth and opioids are getting to be a serious, serious deal. We put some more teeth into laws, going after the dealers. Hopefully that will help. I don’t know if it went far enough. I would have liked to have seen us go a little further, but we made some steps forward.

Q: You’ve been in the Legislature now for five years. Is there a particular issue that you would point to as being your biggest accomplishment?

A: [Public access to nonmeandering waters] would probably rise to the top. That has been an issue in our state for 25 years. The landowners and the sportsmen have been at odds for that time, and there’s never been a resolution.

Last year, the South Dakota Supreme Court said that the Legislature needed to determine how these waters are used — and that neither the landowner nor the sportsmen have exclusive rights. So we needed to come up with a compromise. We appointed a summer study right away and had meetings in the capital as well as in Aberdeen — in the northeast part of the state where most of the nonmeandering waters are. We took testimony from lots of people and had a bill put together. We held a special session in June and get that passed.

The bill that came out of that session gives landowners the right to partition the water off if they don’t want people fishing on it. If not, then sportsmen can fish on it. The bill had a sunset of June 2018, so we had to revisit it this session. We eliminated the sunset, and now this is the law going forward. Not everyone’s happy, but I guess when you’re looking for a compromise, that’s the way it should be.

Q: Over the years, what have you liked most about serving in the Legislature?

A: I would say the best thing about it is the people. Most of them are there for the right reasons — and that is to make South Dakota a better place for our kids and grandkids.

Q: What do you see as some of the biggest challenges facing South Dakota and its Legislature?

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Listening, then delivering

Series of improvements to Michigan’s mental health system envisioned in bills that came from work of House task force

by Michigan Rep. Klint Kesto (KlintKesto@house.mi.gov)

When Tom Leonard, our speaker of the House in Michigan, announced last year the formation of a bipartisan task force to improve mental health treatment and services in our state, I jumped at the opportunity to help lead the group as its co-chair. The C.A.R.E.S. Task Force got its name because of the five key elements that were the focus of our work from the beginning: community, access, resources, education and safety. Made up of 14 legislators, the panel hold more than a dozen public meetings and site visits across Michigan between July and October of last year.

We listened to diverse perspectives and brain-stormed for solutions so Michigan could address mental health services in a more effective manner. Along with hearing from people impacted by mental health services, we toured health care and criminal justice facilities, and launched an online initiative that allowed the people of Michigan to share with the task force their concerns about mental health care.

We went into this process determined to come up with real reforms, not just rhetoric, and I’m extremely pleased with the results. We’ve developed and recommendations for concrete action through stakeholder, and discussions among committee of our fellow residents touched by mental health care. Our final report also notes that incentives, such as student loan repayment programs, could help bring more mental health professionals to underserved areas. In addition, we should look for ways to encourage more graduate medical education programs in our hospitals, especially in communities where there is a shortage of providers.

• Help local agencies fight substance abuse in Michigan by dedicating a portion of the revenues raised through state liquor taxes to local community mental health agencies (HB 5085). Funding could provide more than $17 million annually to combat addiction.

- Require drug overdose training for peace officers, medical first-responders and paramedics to combat the exponential growth in instances of opioid overdose (HB 5460 and HB 5461). In 2014, 568 people in Michigan died from complications related to opioid overdose — a 941 percent increase since 1999, according to the Michigan Department of Health and Human Services.

• Ensure the availability of psychiatric beds for patients experiencing a mental health crisis. Under HB 5439, our state’s Department of Health and Human Services would develop and maintain a state database containing information about the number and location of available psychiatric beds. This database would be accessible to Michigan’s health care facilities and providers. This bill was passed by the Michigan House in February.

• Require clinicians to complete parole psychological evaluations within 45 days of the parole board’s request. The same requirement will be made for completion of court-ordered mental competency evaluations so that individuals may stand trial within a reasonable time.

These assessments will provide early intervention and improved access to psychological evaluation. HB 5243, 5244 and 5246 passed the House in February.

Smart on crime, soft on taxpayers

Each of these bills was directly inspired by the stories and suggestions of people who shared their experiences with the task force. It’s long overdue that we better care for our state’s most vulnerable people. We must improve how we deliver mental health services while at the same time being smart on crime and soft on taxpayers, and promoting public safety.

Not only will these proposed reforms help vulnerable citizens, they will strengthen care in Michigan’s criminal justice system, including improved training for first responders, better services for victims, enhanced court and diversion programs, and additional treatment during and after incarceration.

For too long, the problems associated with mental health have been swept under the rug in Michigan. As a former assistant prosecutor, and now as chair of the House Law and Justice Committee, I’ve seen firsthand the incredible need for better programs, more resources and improved cooperation. It’s time for results on this issue.

Rep. Klint Kesto has been a member of the Michigan House since 2013. He is a graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development. The C.A.R.E.S. Task Force’s report is available at House.mi.gov/CARES.

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 618.925.1922 or taderson@csg.org.
MLC meeting agenda to focus on issues that bind Midwest's states, provinces

The states and provinces of the North American heartland share much more than a border, and at this year’s Midwestern Legislative Conference Annual Meeting, the region’s lawmakers will have the chance to explore common policy priorities together while also learning from one another and strengthening relations between the two countries.

The preliminary agenda (see below) includes sessions on a wide range of topics. The meeting will be held July 15-18 in Manitoba’s culturally vibrant capital city of Winnipeg. Registration can be completed online at csgmidwest.org, a discount is available through May 14.

The MLC’s six policy committees will lead discussions on agriculture, criminal justice, economic development, education, health care and cross-border relations. In addition, plenary sessions will be held on the future of renewable energy and the Midwest’s transportation infrastructure.

Attendees also will hear from four featured speakers: Gary Doer, former Manitoba premier and former Canadian ambassador to the United States; Amy Walter, national editor of the Cook Political Report; Roberta Bondar, the first Canadian woman and neurologist to fly in space; and noted Canadian historian Brian Tennyson.

The family-friendly event includes events for guests of all ages during the day, as well as evening events at some of Winnipeg’s premier destinations.

Bipartisan group of legislators to select 2018 BILLD Fellows

A bipartisan committee of lawmakers from all 11 Midwestern states will meet on May 5 and 6 to select this year’s Bowhay Institute for Legislative Leadership Development class.

The competitive BILLD application process ended in April. More than 70 legislators applied to be 2018 BILLD Fellows. Letters will be sent to all applicants soon after the BILLD Steering Committee meets in Chicago to make its selections. That group is led by two co-chairs, Indiana Rep. Ed Clere and Iowa Rep. Rob Taylor, and a vice chair, Nebraska Sen. Sara Howard. The full committee is made up of a handful of legislators from each Midwestern state. Members are chosen by leadership in each of the Midwest’s legislative chambers.

Correction

In the March edition of Stateline Midwest, a map showing partisan control of state governments in the Midwest should have listed Nebraska as having a nonpartisan, unicameral legislature. CSG Midwest regrets the error.
bipartisan group of 63 state legislators — all members of the Great Lakes Legislative Caucus — sent a sign-on letter to key members of the U.S. Congress in March that urges funding of the Great Lakes Restoration Initiative at its current levels.

This letter was initiated by Michigan Sen. Darwin Booher, caucus chair. CSG Midwest provides staff support to this binational, bipartisan group, which focuses on issues related to Great Lakes protection and restoration.

“Our states cannot do it alone; we need the federal government to invest responsibly and consistently in the Great Lakes Restoration Initiative,” the letter reads.

“In 2016, the 114th Congress authorized the initiative at $300 million annually for five years. It is our sincere hope that the 115th Congress will follow through on this commitment and fully fund the GLRI in fiscal years 2018 and 2019.”

Soon after this letter was sent, the U.S. Congress approved, and President Donald Trump signed, the omnibus budget bill for 2018; it includes $300 million for the initiative.

But in his proposed budget for FY 2019, Trump calls for a 90 percent reduction in federal support.

The GLRI has led to the delisting of toxic Areas of Concern (such as Deer Lake and White Lake in Michigan) along with progress in cleaning up many others (for example, nine other Areas of Concern are scheduled to be completed by 2019 in Michigan, New York, Ohio and Wisconsin). Dollars from the initiative also have gone to controlling the spread of aquatic invasive species, reducing nutrient runoff and restoring habitat.

Over the past few months, the caucus also has organized sign-on letters urging federal progress on a U.S. Army Corps of Engineers proposal to build new controls that help stop the movement of Asian carp from the Chicago Area Waterway System to Lake Michigan. These letters can be viewed at greatlakeslegislators.org.

In addition to giving the region’s legislators the chance to weigh in on important Great Lakes policy, the caucus provides many other products and services:

- an annual meeting, with this year’s event scheduled for Sept. 20-22 in Erie, Pa. (the meeting is free and open to all legislators; registration is expected to open in June);
- a quarterly newsletter focused on Great Lakes policy;
- a legislative tracker that monitors bills in the states, provinces and U.S. Congress; and
- training and policy workshops for legislators focused on the Great Lakes.

As of March, the caucus had 240 members. Membership is free and open to any legislator representing a Great Lakes state or province. The membership form can be completed at greatlakeslegislators.org.

Public safety, criminal justice focus of new CSG study

How does your state’s crime rate and prison population compare to others? How well is your state tracking recidivism trends? Does the capacity of your state’s behavioral health system measure up to others?

These questions and much more are explored in the CSG Justice Center’s recently released “50-State Report on Public Safety.”

In addition to providing comparative data and historical trends for each state, the report provides policymakers with key questions to help them identify opportunities for increasing public safety. Top officials from every state contributed to the national research effort. The report can be accessed at csgjusticecenter.org.

Through the work of the Justice Center, The Council of State Governments has helped develop recommendations for numerous states to improve their justice systems. Its current activities include a justice reinvestment initiative in Ohio.

EVENTS CALENDAR

**CSG LEADERSHIP COUNCIL**

May 18-19, 2018

Charleston, S.C.

Contact: Kelley Arnold (karnold@csg.org)

859.244.8000

csg.org

**NATIONAL TRANSPORTATION STAKEHOLDERS FORUM**

June 4-7, 2018

Omaha, Nebraska

Contact: Lisa Janaire (ljanaire@csg.org)

630.925.1922

csgmidwest.org

**73RD ANNUAL MEETING OF THE MIDWESTERN LEGISLATIVE CONFERENCE**

July 15-18, 2018

Minneapolis, Minnesota

Contact: Laura Tomaka (ltomaka@csg.org)

630.925.1922

csgmidwest.org

**24TH ANNUAL BOWHAY INSTITUTE FOR LEGISLATIVE LEADERSHIP DEVELOPMENT (BILD)**

August 10-14, 2018

Minneapolis, Minnesota

Contact: Lisa Janaire (ljanaire@csg.org)

630.925.1922

csgmidwest.org

**CSG HENRY TOLL FELLOWSHIP PROGRAM**

August 24-29, 2018

Lexington, Kentucky

Contact: Kelley Arnold (karnold@csg.org)

859.244.8000

csg.org

**GREAT LAKES LEGISLATIVE CAUCUS MEETING**

September 20-22, 2018

Erie, Pennsylvania

Contact: Lisa Janaire (ljanaire@csg.org)

920.458.5910

greatlakeslegislators.org

**NATIONAL CSG CONFERENCE**

December 6-8, 2018

Northern Kentucky/Greater Cincinnati

Contact: Kelley Arnold (karnold@csg.org)

859.244.8000

csg.org
South Dakota joins other states requiring data-breach reporting

With the signing in March of South Dakota SB 62, every state in the Midwest now has a law that requires consumers to be informed of data breaches involving their personal information.

The new South Dakota statute describes this type of breach as the unauthorized acquisition of computerized data that “materially compromises the security, confidentiality or integrity of personal or protected information” — for example, a person’s name combined with his or her Social Security number, email address, or credit card information. Notification to the consumer must be made within 60 days. A breach involving more than 250 South Dakotans must be reported to the state attorney general.

Concerns about fraud and identity theft have increased with a rise in the use of social media and the Internet, along with high-profile, large-scale breaches involving firms such as Equifax and Yahoo. The first reporting law was adopted in California a decade-and-a-half ago; today, every state now has one. These laws, though, vary from one jurisdiction to the other — for example, the deadlines for reporting to consumers, requirements on informing state government of the breach, and use of a “harm threshold” to determine whether the reporting is required.

Federal legislation has been introduced to replace state laws with a single national standard.

Lake Erie listed as ‘impaired’ by second Great Lakes state

The Ohio Environmental Protection Agency is proposing that the open waters of Lake Erie be designated as impaired due to harmful algae and occurrences of microcystin, which impacts drinking water.

According to The Toledo Blade, this designation “a reversal of previous decisions by Gov. John Kasich’s administration not to list the lake’s open waters as impaired” had long been sought by environmental advocates and will “inevitably mean tighter rules for agriculture and others that release nutrients into western Lake Erie tributaries.” Michigan already has designated its part of western Lake Erie as impaired. (Every state submits lists of impaired waterways as part of its obligations under the Clean Water Act.)

Commercial fertilizer and manure applications are the largest sources of excess phosphorus into the western basin of Lake Erie, the binational Lake Erie Commission concluded in a report earlier this year, while certain climate conditions (heavier rainfall and warmer temperatures) contribute to larger nutrient discharges and faster development of harmful algal blooms.

North Dakota schools soon to get big boost in high-speed connectivity

By summer 2019, North Dakota expects to be the first state in the nation to provide access to a 1-gigabit Internet connectivity.

This plan for higher speeds in schools is part of a contract agreement between the state and Dakota Carrier Network (owned by 15 independent rural telecommunications companies) to upgrade S.T.A.G.E.NeT — the network that serves all state agencies, colleges and universities, local governments, and school districts. The legislature created this network for delivering broadband services nearly two decades ago.

The pending upgrade will complement several education trends in North Dakota, including a greater demand for laptops and more emphasis on personalized learning.

In announcing a plan earlier this year to boost state funding for high-speed internet in schools, a trio of North Dakota state senators said the current digital divide is causing inequities in the classroom, with some students unable to take part in activities such as the streaming of educational videos, participation in online assessments, and remote learning. Their proposal calls for allocating $16.3 million in state dollars, a move that would trigger a 3-to-1 funding match from the federal government to install a fiber-optic infrastructure in schools without it.

Wisconsin tightens welfare-eligibility, work requirements

Gov. Scott Walker has signed into law nine welfare reform bills as part of his “Wisconsin Works for Everyone” plan.

According to the Milwaukee Journal Sentinel, the bills require able-bodied FoodShare program participants with school-age dependents to work 30 hours per week (up from 20); create drug testing and work requirements for public housing programs; and put asset limits on the FoodShare and Welfare to Work programs, excluding those with homes valued at or above $21,000 and personal vehicles worth more than $20,000.

Other bills create health savings accounts for Medicaid recipients, require pay-for-performance standards in contracts with private groups that help run FoodShare and Welfare to Work, and create an up-to-$52 million fund to pay private contractors doing welfare, corrections or training contracts for achieving big cost savings or performance improvements. The bills were approved in February, on party-line votes.

Iowa legislators this year considered, but did not advance, “study” bills (HSB 666 and SSB 3193) that would have required Supplemental Nutrition Assistance Program participants to work or be in a job training program.