

11. States that allow a non-vote for ballot measures to be counted as a no-vote (Haggar)

In Minnesota, the state constitution provides “If a majority of all the electors voting *at the election* vote to ratify an amendment, it becomes a part of this constitution.” The Minnesota Supreme Court determined the inclusion of the phrase “at the election” means that the total number of ballots cast during the election are used to determine the number necessary to reach a majority. See *Farrell v. Hicken*, 147 N.W. 815 (1914). Even if a voter does not cast a vote on the amendment, that voter is still counted as having voted “at the election” for purposes of determining the number of votes needed for a majority. Therefore, the operation of the language makes an abstention from voting on an amendment a “no” vote.