In a review of the Franken-Coleman Senate recount, Jay Weiner concludes the result was fair and accurate.

By GLENN C. ALTSCHULER, Special to the Star Tribune

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It was one of the ugliest, most expensive and longest U.S. Senate races in American history. And yet, when Al Franken took the oath of office on July 7, 2009 -- having been declared the winner over Norm Coleman by 312 votes -- the Washington Post congratulated Minnesotans on their "calm and orderly demeanor" and an electoral process that "disclosed no evidence of fraud, corruption, ballot stuffing or other deliberate irregularity."

Jay Weiner, a former sportswriter for the Star Tribune and now a contributor to the nonprofit news website MinnPost.com, agrees that as ballots were examined "once, twice, thrice," Minnesota's public officials did not fudge or falter. In "This Is Not Florida," he provides a lucid, step-by-step recount of the recount, based on his own "real time" reporting and interviews with more than 40 key participants. Weiner's political sympathies are not difficult to discern. They may account for the refusal of many Republicans, including Coleman, to talk to him. Nonetheless, he makes a compelling case that the superior organization, data collection, public relations and legal strategy of the Democrats helped secure the victory. And that Coleman did not win the election and lose the recount: When the smoke (and mirrors) cleared, Franken had actually received more votes than his opponent.

The Republicans played the "game so poorly" after the Canvassing Board counted the absentee ballots and Franken took the lead, Weiner implies, because they had no alternative to a Hail Mary pass. The Coleman forces, which had initially taken a page from George W. Bush's Florida playbook and argued against counting all the votes, reversed course and asked the Minnesota Supreme Court to substitute "substantial compliance" with election law for "strict compliance" as the standard for counting votes. "I can see you're not buying this," Republican lawyer James Langdon confessed to the justices. "What can I tell you that will help you buy it?" Probably nothing, Weiner points out, because unlike Florida, with its hanging and pregnant chads, the Minnesota recount did not hinge on voter intent (or equal protection under the law, the controversial centerpiece of the majority decision in Bush vs. Gore), but on whether each as-yet-unopened absentee ballot return envelope fulfilled clearly defined state requirements.

The Franken-Coleman race was rightly decided, Weiner concludes. Nonetheless, he reminds us, expensive and time-consuming recounts pose a threat to our democracy. Simpler ballots, early voting and a provisional seat for the candidate certified as the winner by the Canvassing Board might help. But there appears to be no fundamental remedy that isn't worse than the disease. And so, as politics become more polarized, you won't lose any money betting that the legal wrangling has only just begun.
Glenn C. Altschuler is the Thomas and Dorothy Litwin Professor of American Studies at Cornell University.