

PROCEDURES FOR CONDUCTING POST-ELECTION REVIEW

1. Organize teams – one for each precinct to be reviewed.
2. Assign three election judges/officials to each team. *For Ramsey, two Election Judges from opposite political parties and the City Clerk.*
3. Review the provisions of M.S. 204C.21 and 204C. 22 (included on next page)
4. Open sealed transfer case(s) for the polling place and remove voted ballots (the process will later be repeated for absentee ballots).
5. The review must be conducted of the votes cast for:
 - a. Governor
 - b. U.S. Representative
 - c. Secretary of State

The election judge will then take the ballots from each counter group in turn and separate them into piles. There should be separate piles for:

- a. Republican candidate
 - b. DFL candidate
 - c. Other major/minor party candidates (each in a separate pile)
 - d. All write-in candidates
 - e. Ballots blank for that office
 - f. Ballots defective for that office
 - g. Completely defective ballots
6. The election judge will set aside any ballots that are obviously:
 - a. marked outside the target but close enough to the candidate's name to determine the voter's intent or
 - b. marked with a pen or pencil that obviously cannot be read; this could be red ink, yellow ink, mark not dark enough, mark not in scan path, etc.
 7. After all ballots have been piled, the election judges will count the ballots in each pile, by groups of 25.
 8. The election judge will then provide the results to the recount official to record on the post-election review worksheet that already has the election day totals. **Judges should complete their count "blind" so that they are not aware of the machine count.**
 9. The election judges will note any differences due to the criteria in 6(a) and 6(b), plus any other factors that may have caused a change, such as poor duplication of ballot, excessively folded or torn ballot, etc.
 10. Repeat this process for U.S. Representative and Secretary of State.
 11. When both polling place and absentee/mail ballots are counted for the precinct reseal ballots into transfer cases.

12. Have election judges sign post-election review worksheet.

13. Immediately transmit results to the secretary of state.

204C.21 COUNTING BALLOTS; PILING SYSTEM.

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Subdivision 1.Method.

The election judges shall take all the ballots of the same kind and count the votes cast for each office or question, beginning with the first office or question on the ballot. They shall make one pile of the ballots for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question. They shall make a pile of totally defective ballots and a pile of totally blank ballots. They shall make a pile of ballots that are not totally defective but are defective with respect to the office or question being counted and a pile of ballots that are not totally blank but are blank with respect to the office or question being counted. After the separation into piles, the election judges shall examine each pile and remove and place in the proper pile any ballots that are found in the wrong pile. The election judges shall count the totally blank and totally defective ballots and set them aside until the counting is over for that ballot. The election judges may pile ballots crosswise in groups of 25 in the same pile to facilitate counting. When their counts agree, the election judges shall announce the number of ballots in each pile, and shall write the number in the proper place on the summary statements.

The election judges shall then return all the counted ballots, and all the partially defective or partially blank ballots, to the original pile to be separated and counted in the same manner for the next office or question.

204C.22 DETERMINING VOTER'S INTENT.

Subdivision 1.Ballot valid if intent determinable.

A ballot shall not be rejected for a technical error that does not make it impossible to determine the voter's intent. In determining intent the principles contained in this section apply.

Subd. 2.From face of ballot only.

Intent shall be ascertained only from the face of the ballot.

Subd. 3.Votes for too many candidates.

If a voter places a mark beside the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter has not indicated a party preference and places a mark beside the names of candidates of more than one party on the partisan ballot, the ballot is totally defective and no votes on it shall be counted. If a voter has indicated a party preference at a primary, only votes cast for candidates of that party shall be counted.

Subd. 3a.Votes yes and no.

If a voter votes both yes and no on a question, no vote may be counted for that question, but the rest of the ballot must be counted if possible.

Subd. 4.Name written in proper place.

If a voter has written the name of an individual in the proper place on a general or special election ballot a vote shall be counted for that individual whether or not the voter makes a mark in the oval or other target shape opposite the blank.

Subd. 4a.Write-in vote for candidate team.

A write-in vote cast for a candidate for governor without a write-in vote for a candidate for lieutenant governor must be counted as a vote for the candidate team including the lieutenant governor candidate selected by that candidate for governor.

Subd. 5.Name written on primary ballot.

If a voter has written the name of an individual on a primary or special primary ballot, a vote shall not be counted for that office.

Subd. 6.Mark out of place.

If a mark (X) is made out of its proper place, but so near a name or space as to indicate clearly the voter's intent, the vote shall be counted.

Subd. 7.All written names or marks counted up to limit.

If a number of individuals are to be elected to the same office, the election judges shall count all names written in and all printed names with marks in oval or other target shape opposite them, not exceeding the whole number to be elected. When fewer names than the number to be elected are marked or written in, only the marked or written in names shall be counted. When more names than the number to be elected are marked or written in, the ballot is defective with respect to that office and no vote shall be counted for that office.

Subd. 8.Misspelling; abbreviations.

Misspelling or abbreviations of the names of write-in candidates shall be disregarded if the individual for whom the vote was intended can be clearly ascertained from the ballot.

Subd. 9. Votes for only some offices or questions determined.

If the voter's choice for only some of the offices or questions can be determined from a ballot, the ballot shall be counted for those offices or questions only.

Subd. 10. Different marks.

If a voter uniformly uses a mark that clearly indicates an intent to mark a name or to mark yes or no on a question, and the voter does not use the more standard mark anywhere else on the ballot, a vote shall be counted for each candidate or response to a question marked. If a voter uses two or more distinct marks, such as (X) and some other mark, a vote shall be counted for each candidate or response to a question marked, unless the ballot is marked by distinguishing characteristics that make the entire ballot defective as provided in subdivision 13.

Subd. 11. Attempted erasures.

If the names of two candidates have been marked, and an attempt has been made to erase or obliterate one of the marks, a vote shall be counted for the remaining marked candidate. If an attempt has been made to obliterate a write-in name a vote shall be counted for the remaining write-in name or marked candidate.

Subd. 12. Soil; defacement.

A ballot shall not be rejected merely because it is slightly soiled or defaced.

Subd. 13. Identifying ballot.

If a ballot is marked by distinguishing characteristics in a manner making it evident that the voter intended to identify the ballot, the entire ballot is defective.

Subd. 14. No votes for certain offices.

If the number of candidates for an office is equal to the number of individuals to be elected to that office, and the voter has not marked any name, no vote shall be counted for any candidate for that office.

Subd. 15. Blank ballot for one or more offices valid.

If no name or response to a question is marked and no name is written in, the ballot is blank with respect to that office or question. A ballot that is blank with respect to one or more offices or questions is not defective.