

# 2008 Recount Guide



**Office of the Minnesota Secretary of State**  
180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Phone: (651) 215-1440  
Toll Free: 1-877-600-8683  
Minnesota Relay Service: 1-800-627-3529

Email: [elections.dept@state.mn.us](mailto:elections.dept@state.mn.us)  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)

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# 1.0 INTRODUCTION

This guide is for election officials and their staff who may be a participant in an election recount. Please use this guide with the Secretary of State publication “Minnesota Election Laws.” Citations in this guide refer to the Minnesota election laws (M.S. citations) or rules (M.R. citations). If you are using an interactive electronic edition of this guide, you may simply click on the citations to retrieve current statute or rule.

Portions of this guide contain procedures based on best practices, rather than statute or rule. If employing these portions, do not consider the information to hold the same authority as that information governed by federal and state law.

## 2.0 ELECTION RECOUNTS

Recounts are typically administrative proceedings with the scope limited to the manual recount of the ballots validly cast for the office or ballot question and the declaration of the results. A recount is performed by a canvassing board or by its staff ([M.S. 204C.35](#); [204C.36](#); [M.R. 8235.0200](#))

### 2.1 ELECTION CONTESTS

Contests are judicial proceedings which occur following the filing of a lawsuit. A recount is one possible remedy in an election contest. Any voter in the election district (not just a candidate) may file a contest lawsuit. Time for notice of a contest for an office which is recounted pursuant to [M.S.204C.35](#) or [M.S. 204C.36](#) shall begin to run upon certification of the results of the recount by the canvassing board. ([M.S. 209](#))

### 2.2 STATE AND FEDERAL CONTESTS

#### 2.2.1 AUTOMATIC RECOUNTS

There is an automatic manual recount of votes cast for federal and state contests in a primary when:

- The difference between the votes cast for the candidates for nomination to a federal or state office is less than one-half of one percent of the total number of votes counted for that office.
- Or, if the difference in vote count is ten votes or less and the total number of votes cast for the nomination is 400 or less and the difference determines the nomination.

There is an automatic manual recount of votes cast for federal and state contests in a general election when:

- The difference between the votes of the winning candidate and any other candidate is less than one-half of one percent of the total number of votes counted for that office.
- Or, if the difference in vote count is ten votes or less for an office in which 400 votes or less votes were cast.

The governing body assumes the responsibility for the expenses of the recount; however, the losing candidate may waive the recount by filing a written notice of waiver with the canvassing board. ([M.S.204C.35, subd. 1](#))

#### 2.2.2 DISCRETIONARY RECOUNTS

A losing candidate whose name was on the ballot can request a manual recount of votes cast, at the losing candidate’s expense, when the vote difference is greater than the what is described in 2.2.1 above. The request for a recount must be filed by the candidate during the time for filing a contest for the particular primary or election. If such a request is filed, the votes are manually recounted.

The candidate requesting the recount may provide the filing officer with a list of up to three precincts that are to be recounted first. This candidate can waive the balance of the recount after these precincts have been counted. If the candidate provides such a list, the recount official must determine the expenses for recounting those precincts. ([M.S. 204C.35 subd. 2](#))

## **2.3 COUNTY, SCHOOL DISTRICT AND MUNICIPAL ELECTIONS**

### **2.3.1 REQUIRED RECOUNTS**

While there is no automatic recount for county, school district, and municipal elections, a losing candidate for nomination or election to a county, municipal, or school district office may request a manual recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate **and** for a winning candidate for nomination or election is less than one-half of one percent of the total votes counted for that office or if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected. The governing body assumes the responsibility for the expenses of the recount. ([M.S. 204C.36, subd. 1](#))

### **2.3.2 DISCRETIONARY RECOUNTS**

A losing candidate can request a manual recount, at the losing candidate's expense, when the vote difference is greater than what is described in 2.3.1 above.

The candidate requesting the recount may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must first determine the expenses for recounting those precincts ([M.S. 204C.36, subd. 2](#))

## **2.4 BALLOT QUESTIONS**

### **2.4.1 GOVERNMENT EXPENSE**

A manual recount of votes cast for a ballot question may be requested by any person eligible to vote on the question if the difference between the votes for and the votes against the question is less than or equal to one-half of one percent of the votes counted for that question, or if the difference between the vote cast for that and the votes against the question is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. ([M.S. 204C.36, subd. 3](#))

### **2.4.2 VOTER EXPENSE**

If the difference between the votes for and the votes against the question is greater than the above difference (also see [M.S. 204C.36, subd.1](#)), the recount may proceed at expense of the person requesting the recount.

## 3.0 RECOUNT REQUESTS

### 3.1 CANDIDATE REQUESTS

Candidates must file a written request for the recount with the filing officer, along with a bond, cash or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses (if applicable). Candidates for state and federal offices file a written request for the recount with the filing officer. Candidates for county offices file a written request for the recount with the county auditor. Candidates for municipal or school district offices file a written request with the municipal or school district clerk as appropriate. All requests must be filed during the time for notice of contest of the primary or election for which a recount is sought.

Again, the candidate requesting the recount may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must first determine the expenses for recounting those precincts as described in 2.2 and 2.3 above. ([M.S. 204C.35, subd. 2](#); [204C.36, subd. 5](#))

### 3.2 BALLOT QUESTION

In the matter of a ballot question recount, the written request for the recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot, and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. If the difference between the votes for and the votes against the question is greater than the difference provided in [M.S.204C.36, subd.1](#), the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested. ([M.S. 204C.36, subd. 3](#))

### 3.3 TIME LIMITS

The request for a recount must be submitted in writing to the election jurisdiction within 5 days of the canvass of the primary election. The request for a recount must be submitted in writing to the election jurisdiction within 7 days of the canvass of the general election. ([M.S. 204C.35, subd. 2](#); [204C.36](#); [209.021 subd. 1](#))

## 4.0 RECOUNT EXPENSES

A person or candidate requesting a discretionary recount is responsible for the following expenses: the compensation of the Secretary of State, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; the costs of necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Responsibility of expenses can change in certain circumstances. If the winner of a race is changed by an optional recount, the cost of the recount is paid by the jurisdiction conducting the recount. The jurisdiction conducting the recount is also responsible for the cost of the recount when the result of a manual recount is different from the result reported on election day by a margin greater than the standard for acceptable performance of voting systems. This standard is one-half or one percent and is found in [M.S. 206.89, subd. 4](#). ([M.S. 204C.35, subd. 3](#); [204c.36, subd. 2](#); [204C.36, subd.4](#))

## 5.0 RECOUNT OFFICIALS

### 5.1 STATE RECOUNTS

The Secretary of State or Secretary of State's designee is the recount official for recounts conducted by the State Canvassing Board. ([M.R. 8235.0200](#))

The County Auditor is the recount official for any state office voted for only in one county. ([M.S. 204C.33](#))

### 5.2 COUNTY, MUNICIPAL AND SCHOOL DISTRICT RECOUNTS

The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in [M.S. 205A.10, subd. 5](#). ([M.R. 8235.0200](#))

### 5.3 ALTERNATIVE RECOUNT ASSIGNMENTS

When the person who would otherwise serve as recount official is a candidate for the office to be recounted, the appropriate canvassing board shall select an election official from another jurisdiction to conduct the recount. ([M.R. 8235.0200](#))

## 6.0 GIVING NOTICE

Within 24 hours after determining that an automatic recount is required or within 48 hours of receipt of a written request for a recount and filing of a security deposit if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted and the county auditor of each county wholly or partially within the election district. The notice must include the date, starting time, and location of the recount, the office to be recounted, the number of teams that will be counting precincts, and the name of the official performing the recount. The notice must state that the recount is open to the public, and in case of an automatic recount, that the losing candidate may waive the recount. ([M.S. 204C.361](#); [M.R. 8235.0300](#))

Notification is also critical in securing the public perception of valid and accurate recount proceedings. It should extend well beyond specified requirements. Including non-essential personnel will demonstrate the openness of the procedures, communicate an accurate and consistent message, and could foster inter-departmental support if needed. Specific effort should be made to contact all interested parties in a ballot question recount. There is also value in being able to state that these parties were requested to be present at the recount in the event that persons are unhappy with the outcome of a recount.

## 7.0 SECURING ELECTION MATERIALS

The official who has custody of the voted ballots is responsible for keeping secure and making available to the recount all election materials. Registration cards of voters who registered on Election Day may be processed as required by part [M.R. 8200.2700](#). All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired. ([M.R. 8235.0400](#))

## **8.0 FACILITIES, ACCESSIBILITY, AND EQUIPMENT**

All recounts must be accessible to the public. In a multi-county recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available without charge to the recount official or body conducting the recount adequate accessible space and all necessary equipment and facilities. ([M.S. 8235.0600](#))

## **9.0 GENERAL PROCEDURES**

This portion of the guide contains procedures based on best practices, rather than statute or rule. If employing these portions, do not consider the information to hold the same authority as that information governed by federal and state law. At the opening of a recount, the recount official or legal adviser must present the procedures for the process, such as those contained in this section.

### **9.1 ELECTION MATERIALS**

The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or containers containing the sealed envelopes of voted ballots, and any other election materials requested by the recount official. No ballots or election materials may be handled by candidates, their representatives, or members of the public. ([M.R. 8235.0700](#))

### **9.2 PREPARE AND ORGANIZE**

#### **9.2.1 PRIOR TO THE RECOUNT**

Prior to the recount, prepare a recount packet with a checklist. Have all forms, exhibits, supplies and contact information organized to insure that all information given to individuals is provided in a consistent format. This will save time and allow the focus of a recount to be on election specific issues. (See appendix for a sample worksheet) Determine how results will be released - as counting progresses or at completion. Determine how many original copies of recount results are needed.

#### **9.2.2 FACILITIES**

Setting up the facilities is important. In addition to setting up the room where the recount takes place, remember to consider security needs and parking availability for those involved in the process. The required number of counting tables should be set up. Be aware of logistics as you set up the room (e.g., bringing and removing election materials; bathrooms unlocked). The table for the candidates, with places for the candidates' counsels or representatives, should be separate from the tables where the counting takes place. Set up the room so there is "staging area", counting area, and a viewing area.

Only those people directly involved in the recount should be present within the recount area (the staging and counting areas). These individuals are limited to the recount official and legal adviser, officials of the election jurisdiction, candidates and their representatives, and the technical persons necessary to the operation of the counting equipment. However, the public and the press must be admitted into the room where the recount is being conducted, outside the recount area, to observe the proceedings. Badges should be provided which identify the people present and their different capacities. ([M.R. 8235.0700](#))

Remember, although not required, beverages such as coffee and water are usually welcomed. You may also need to provide meals and refreshments as the recount team may be required to remain on site for an extended timeframe.

### 9.2.3 STAFFING AND TRAINING

Bring as many staff as you will need. Require name badges for all authorized personnel. Establish firm guidelines for release of ALL information both to the media and between staff members. Schedule the training/information dissemination session for staff. Keep your team informed.

## 10.3 OBSERVATION

The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official must ensure that public observation does not interfere with the counting of the ballots and prepare a summary of the recount vote by precinct. ([M.R. 8235.0700](#))

## 10.4 MANAGING THE PROCESS

Preside, you are in charge. Acknowledge everyone present (your team, candidates, legal counsels, election officials, public, and press). Everyone has a role. Always explain what is about to occur and explain why. Be completely thorough and transparent. If there is ANY doubt about a precinct's results, count it again. Be respectful and expect respect. Be ready to think on your feet. Never hold a private conversation with only one of the parties. Always appear in control of yourself and the situation (despite a little natural nervousness).

Orally review with all present:

- Roles of recount officials, observers and staff.
- Procedures for the recount.
- Open sealed containers only when recount team and observers are present.
- Keep all ballot access in full view.
- Separate recounted ballots by type: Candidate names; yes/no; undervotes; overvotes; disputed ballots, etc.
- Compare results to original.
- If manual count differs from the original results, you may want to have a different recount team validate the results, count again.
- Look in piles for incorrectly sorted ballots.

Remember that a candidate's legal counsel is there to find advantage for their client. That's their job. If candidates or their representatives have concerns or suggestions, listen. Make sure everything you do and that occurs in the recount fills the process with accountability, credibility and trust. Make a defensible decision and carry it out consistently.

## 11.0 EXAMPLE INSTRUCTIONS

### 11.1 HAND COUNT INSTRUCTIONS

This is an **administrative** recount held pursuant to [M.S. 204C.35](#) and [M.R. 8235](#). It is **not** to determine who was eligible to vote. It is **not** to determine if campaign laws were violated. It is **not** to determine if absentee ballots were properly accepted. It is **not** - except for recounting the ballots - to determine if judges did things right. It is simply to physically recount the ballots **for this race!** It is an opportunity for everyone, particularly

the losing candidate, to satisfy themselves that ballots were, in fact, counted properly in a close race.

If we find a difference in the vote count, you need to be aware that this is not unusual and that this is why we have the recount law. Normally any errors by the judges or the machine are random errors and generally offset one another. Characteristically what we find is that a slight change one way in one precinct is balanced off by a corresponding change in the other direction in another precinct. Normally the results of the election are not changed by these adjustments, but it does happen.

I am the recount official. **No one else touches the ballots** once they are out of the sealed cases unless I specifically allow it. Make any concerns regarding the process known immediately to me. Ballots will be recounted by precinct. We will count one precinct at a time. As provided in [M.S. 204C.361\(b\)](#). This means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.

Ballots will be removed from the sealed case(s) and staff will turn all ballots to be facing in the same direction. I will separate the ballots into several piles: One for each candidate, one for write-ins, and ones for blank or defective for the office we are recounting. Voter's intent will be determined pursuant to [M.S. 204C.22](#). The candidate or his/her representative (but not both) has the right to challenge which piles I have decided to place the ballot in. Challenges may not be automatic or frivolous. The challenger needs to describe why they challenge the decision. I may decide they are right. If I do not agree and the challenge is not withdrawn, I will write why it is challenged on the ballot and place it in an envelope marked "Challenged Ballots". The challenged ballots will be brought to the canvass board and they will examine them and make a decision how to count them. Challenges may be withdrawn if it appears it would be meaningless to press the issue. Staff will count the ballots by piling the ballots in groups of 25. Vote counts for each candidate will be announced. The candidate or his/her representative can challenge how they were counted and we will switch between the staff and recount them. Counts will be recorded for each precinct on the recount summary statement. The ballots will be resealed in the cases. At the end of the recount, I will write on the front of the challenged ballot envelope which precinct(s) and how many ballots are in the envelope, seal it and have staff assisting with the recount sign over the flap of the envelope. The recount summary statement and challenged ballots will be presented to the canvass board. The Board will decide how or whether to count each ballot. After completing the recount in each precinct, I will furnish a report of the recount results for that precinct. After the recount is finished here today, the ballots, other than challenged ballots, will be resealed and returned to the County Auditor. The State (County) Canvassing Board will declare the winning nominee after reviewing the summary statement of the recount vote prepared by the Recount Official, and resolving any ballot challenges.

## 12.0 COUNTING AND CHALLENGING BALLOTS

### 12.1 COUNTING

Ballots must be recounted by precinct. The recount official opens the sealed envelope of ballots and recount them in accordance with [M.S. 204C.22](#). If a candidate or candidate's representative disagrees with the recount official's determination of whether and for whom the ballot should be counted, the ballot may be challenged. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board. The requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in

physically separate locations within the room in which the recount is administered.  
[\(M.S. 204C.361; M.R. 8235.0800\)](#)

## 12.2 CHALLENGES

Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots". [\(M.R. 8235.0800\)](#)

## 13.0 DETERMINING VOTER INTENT

Minnesota law requires that every effort be made to accurately count all votes on a ballot. This means that a ballot or vote must not be rejected for a technicality if it is possible to decide what the voter intended, even though the voter may have made a mistake or the ballot is damaged. Intent is determined only from the face of the ballot. Use the following rules to decide what a voter intended:

### 13.1 COUNTED

- If a name is written in the proper place but write in not marked, count the voter for that individual whether or not write-in is marked to the left of the written in name.

FEDERAL OFFICES	
U.S. SENATOR	
VOTE FOR ONE	
<input type="radio"/>	ROBERT FITZGERALD <small>Independence Party</small>
<input type="radio"/>	MARK KENNEDY <small>Republican</small>
<input type="radio"/>	AMY KLOBUCHAR <small>Democratic-Farmer-Labor</small>
<input type="radio"/>	MICHAEL JAMES CAVLAN <small>Green Party</small>
<input type="radio"/>	BEN POWERS <small>Constitution Party</small>
<input type="radio"/>	write-in, if any <b>John Smith</b>

- A mark made out of place but close enough to a name or line to determine voter intent are counted.

FEDERAL OFFICES		REPUBLICAN PARTY		FEDERAL OFFICES		FEDERAL OFFICES	
UNITED STATES SENATOR		FEDERAL OFFICES		UNITED STATES SENATOR		UNITED STATES SENATOR	
VOTE FOR ONE		UNITED STATES SENATOR		VOTE FOR ONE		VOTE FOR ONE	
<input checked="" type="radio"/>	JACK SHEPARD	<input type="radio"/>	JACK SHEPARD	<input type="radio"/>	JACK SHEPARD X	<input type="radio"/>	JACK SHEPARD
<input type="radio"/>	NORM COLEMAN	<input type="radio"/>	NORM COLEMAN	<input type="radio"/>	NORM COLEMAN	<input type="radio"/>	NORM COLEMAN
CONTINUE VOTING ON THE NONPARTISAN BALLOT		CONTINUE VOTING ON THE NONPARTISAN BALLOT		CONTINUE VOTING ON THE NONPARTISAN BALLOT		CONTINUE VOTING ON THE NONPARTISAN BALLOT	

- If two or more different marks used, count those provided the marks do not mark the ballot distinguishing characteristics where the voter's intent is to identify the ballot.

<b>SUPREME COURT</b>	
<b>ASSOCIATE JUSTICE 3 VOTE FOR ONE</b>	
<input checked="" type="checkbox"/>	ALAN LAWRENCE NELSON
<input type="checkbox"/>	PAUL H. ANDERSON <small>Incumbent</small>
<input type="checkbox"/>	TIM TINGELSTAD
<b>ASSOCIATE JUSTICE 4 VOTE FOR ONE</b>	
<input checked="" type="checkbox"/>	LORIE SKJERVEN GILDEA <small>Incumbent</small>
<input type="checkbox"/>	DEBORAH HEDLUND
<input type="checkbox"/>	JILL CLARK
<input type="checkbox"/>	F. RICHARD GALLO, JR.
<b>2ND DISTRICT COURT</b>	
<b>JUDGE 21 VOTE FOR ONE</b>	
<input checked="" type="checkbox"/>	JOY D. BARTSCHER
<input type="checkbox"/>	CONNIE S. IVERSEN
<input type="checkbox"/>	JOHN P. GUZIK
<input type="checkbox"/>	JAMES C. SNYDER, SR.
<input type="checkbox"/>	PAUL GODFREY
<input type="checkbox"/>	GAIL CHANG BOHR
<input type="checkbox"/>	HOWARD ORENSTEIN
<input type="checkbox"/>	RICHARD F. CARLSON, JR.

- If marks are made next to two candidates and an attempt was made to erase one of the two, vote is counted for the remaining marked candidate.

<table border="1"> <tr> <td colspan="2" style="text-align: center;"><b>UNITED STATES SENATOR VOTE FOR ONE</b></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>DARRYL STANTON</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><del>BILL DAHN</del></td> </tr> <tr> <td><input type="checkbox"/></td> <td>STEPHEN WILLIAMS</td> </tr> <tr> <td><input type="checkbox"/></td> <td>JACK ULDRICH</td> </tr> <tr> <td><input type="checkbox"/></td> <td>KURT MICHAEL ANDERSON</td> </tr> <tr> <td><input type="checkbox"/></td> <td>DOUG WILLIAMS</td> </tr> <tr> <td><input type="checkbox"/></td> <td>DEAN BARKLEY</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>CONTINUE VOTING ON THE NONPARTISAN BALLOT</b></td> </tr> </table>	<b>UNITED STATES SENATOR VOTE FOR ONE</b>		<input checked="" type="checkbox"/>	DARRYL STANTON	<input checked="" type="checkbox"/>	<del>BILL DAHN</del>	<input type="checkbox"/>	STEPHEN WILLIAMS	<input type="checkbox"/>	JACK ULDRICH	<input type="checkbox"/>	KURT MICHAEL ANDERSON	<input type="checkbox"/>	DOUG WILLIAMS	<input type="checkbox"/>	DEAN BARKLEY	<b>CONTINUE VOTING ON THE NONPARTISAN BALLOT</b>		<table border="1"> <tr> <td colspan="2" style="text-align: center;"><b>UNITED STATES SENATOR VOTE FOR ONE</b></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>DARRYL STANTON</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>BILL DAHN</td> </tr> <tr> <td><input type="checkbox"/></td> <td>STEPHEN WILLIAMS</td> </tr> <tr> <td><input type="checkbox"/></td> <td>JACK ULDRICH</td> </tr> <tr> <td><input type="checkbox"/></td> <td>KURT MICHAEL ANDERSON</td> </tr> <tr> <td><input type="checkbox"/></td> <td>DOUG WILLIAMS</td> </tr> <tr> <td><input type="checkbox"/></td> <td>DEAN BARKLEY</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>CONTINUE VOTING ON THE NONPARTISAN BALLOT</b></td> </tr> </table>	<b>UNITED STATES SENATOR VOTE FOR ONE</b>		<input checked="" type="checkbox"/>	DARRYL STANTON	<input checked="" type="checkbox"/>	BILL DAHN	<input type="checkbox"/>	STEPHEN WILLIAMS	<input type="checkbox"/>	JACK ULDRICH	<input type="checkbox"/>	KURT MICHAEL ANDERSON	<input type="checkbox"/>	DOUG WILLIAMS	<input type="checkbox"/>	DEAN BARKLEY	<b>CONTINUE VOTING ON THE NONPARTISAN BALLOT</b>	
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<input checked="" type="checkbox"/>	<del>BILL DAHN</del>																																				
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<input type="checkbox"/>	JACK ULDRICH																																				
<input type="checkbox"/>	KURT MICHAEL ANDERSON																																				
<input type="checkbox"/>	DOUG WILLIAMS																																				
<input type="checkbox"/>	DEAN BARKLEY																																				
<b>CONTINUE VOTING ON THE NONPARTISAN BALLOT</b>																																					
<b>UNITED STATES SENATOR VOTE FOR ONE</b>																																					
<input checked="" type="checkbox"/>	DARRYL STANTON																																				
<input checked="" type="checkbox"/>	BILL DAHN																																				
<input type="checkbox"/>	STEPHEN WILLIAMS																																				
<input type="checkbox"/>	JACK ULDRICH																																				
<input type="checkbox"/>	KURT MICHAEL ANDERSON																																				
<input type="checkbox"/>	DOUG WILLIAMS																																				
<input type="checkbox"/>	DEAN BARKLEY																																				
<b>CONTINUE VOTING ON THE NONPARTISAN BALLOT</b>																																					

- If an attempt is made to obliterate a write-in name a vote is counted for the remaining write-in name or marked candidate.

<b>FEDERAL OFFICES</b>	
<b>U.S. SENATOR</b>	
<b>VOTE FOR ONE</b>	
<input checked="" type="checkbox"/>	ROBERT FITZGERALD <small>Independence Party</small>
<input type="checkbox"/>	MARK KENNEDY <small>Republican</small>
<input type="checkbox"/>	AMY KLOBUCHAR <small>Democratic-Farmer-Labor</small>
<input type="checkbox"/>	MICHAEL JAMES CAVLAN <small>Green Party</small>
<input type="checkbox"/>	BEN POWERS <small>Constitution Party</small>
<input type="checkbox"/>	<del>John Smith</del> <small>write-in</small>
<b>U.S. REPRESENTATIVE</b>	

- A write-in for governor without lieutenant governor is counted as a vote for the team of candidates including lieutenant governor.
- Count all printed names with a mark made opposite them and all names written-in, not exceeding the number to be elected for that office.
- Misspellings for names written-in are ok provided that voter intent can be determined.
- If voter's choice can only be determined for some of the offices on the ballot, only count those offices on the ballot.
- If voter uniformly uses same mark to mark the ballot, count if possible.
- A ballot cannot be rejected because it is slightly soiled or defaced.
- A ballot that has one or more blank offices is not defective.

## 13.2 NOT COUNTED

- Mark more candidates than to be elected or nominated ballot is defective for that office.
  - All other offices on the ballot are counted if possible.

UNITED STATES SENATOR VOTE FOR ONE
<input checked="" type="radio"/> DARRYL STANTON <input checked="" type="radio"/> BILL DAHN <input type="radio"/> STEPHEN WILLIAMS <input checked="" type="radio"/> JACK ULDRICH <input type="radio"/> KURT MICHAEL ANDERSON <input type="radio"/> DOUG WILLIAMS <input type="radio"/> DEAN BARKLEY
CONTINUE VOTING ON THE NONPARTISAN BALLOT

- For a primary, if the voter marks candidates from more than one party, the ballot is totally defective.

INDEPENDENCE PARTY	REPUBLICAN PARTY	DEMOCRATIC-FARMER-LABOR PARTY
FEDERAL OFFICES	FEDERAL OFFICES	FEDERAL OFFICES
UNITED STATES SENATOR VOTE FOR ONE	UNITED STATES SENATOR VOTE FOR ONE	UNITED STATES SENATOR VOTE FOR ONE
<input checked="" type="radio"/> DARRYL STANTON <input type="radio"/> BILL DAHN <input type="radio"/> STEPHEN WILLIAMS <input type="radio"/> JACK ULDRICH <input type="radio"/> KURT MICHAEL ANDERSON <input type="radio"/> DOUG WILLIAMS <input type="radio"/> DEAN BARKLEY	<input checked="" type="radio"/> JACK SHEPARD <input type="radio"/> NORM COLEMAN CONTINUE VOTING ON THE NONPARTISAN BALLOT	<input checked="" type="radio"/> 'DICK' FRANSON <input type="radio"/> AL FRANKEN <input type="radio"/> BOB LARSON <input type="radio"/> PRISCILLA LORD FARIS <input type="radio"/> OLE SAVIOR <input type="radio"/> ROB FITZGERALD <input type="radio"/> ALVE ERICKSON
CONTINUE VOTING ON THE NONPARTISAN BALLOT	CONTINUE VOTING ON THE NONPARTISAN BALLOT	CONTINUE VOTING ON THE NONPARTISAN BALLOT

- If the voter used an identifying mark or mark with the intent to identify the ballot, the entire ballot is defective.

UNITED STATES SENATOR VOTE FOR ONE
AH <input checked="" type="radio"/> DARRYL STANTON <input type="radio"/> BILL DAHN <input type="radio"/> STEPHEN WILLIAMS <input type="radio"/> JACK ULDRICH <input type="radio"/> KURT MICHAEL ANDERSON <input type="radio"/> DOUG WILLIAMS <input type="radio"/> DEAN BARKLEY
CONTINUE VOTING ON THE NONPARTISAN BALLOT

- If a voter has voted yes and no on a ballot question, that question is not counted but the rest of the ballot must be counted if possible.
- No write-in votes counted for a primary or a special primary.
  - Any names written on a primary or special primary ballot are not counted.
- If marks are made opposite of more printed candidate names or write-ins allowed for an office, the ballot is defect for that particular office.
- 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 is counted for any candidate for that office.
- A specific office is considered blank when no name or response to a question is marked and no name is written-in.

[\(M.S. 204C.22\)](#)

## 14.0 CANVASSING BOARD

The recount official presents the summary statement of the recount and any challenged ballots to the canvassing board. The candidate or candidate representative who made the challenge may present the basis for the challenge to the canvassing board. The canvassing board rules on the challenged ballots and incorporate the results into the summary statement. The canvassing board certifies the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots. ([M.R. 8235.1100](#))

## 15.0 REPORTING RECOUNT RESULTS

Notify interested parties of the outcome of the recount and cross reference recount findings in all permanent records. File a copy of Report of Recount Canvass in or with:

- Apparent winner
- Apparent loser
- Secretary of State (for state elections)
- Media
- Precinct tally lists
- Canvass book
- Election work folder
- Voting Equipment vendor if recount demonstrated equipment problems

# APPENDIX

## NOTICE OF ELECTIONS RECOUNT

Date of Notice:

Notice to Candidates:

Notice to Auditor:

Dates of Recount:

Starting Times:

Location:

Office to be Recounted:

The recount is open to the public.

The losing candidate may waive the recount by filing notice of waiver with the State Canvassing Board.

Mark Ritchie  
Secretary of State

# EXAMPLE LOCAL RECOUNT FORM-NOTICE TO CANDIDATES

[insert date]

Name  
Address  
Address

SUBJECT: OFFICIAL NOTICE OF RECOUNT COUNTY COMMISSIONER [ ]

The purpose of this letter is to officially inform you that pursuant to M.S. § 204C.36, a recount has been requested by candidate [insert candidate name] [at his own expense] or [and must be provided without cost pursuant to state law].

The [Supervisor of Elections of County Auditor] will be conducting a recount of the [insert name of contest and district number] office and will be counting [number of segregated precincts that will be counted at one time] beginning on [insert date] at [insert time] in Room [insert room] of the [insert location and address]. This recount will be open to the public and candidates may be represented by counsel.

If you have any questions or concerns regarding this recount process, please feel free to contact me directly at [insert phone number].

Sincerely,

[insert name]  
[Supervisor of Elections or County Auditor]

c:..... [insert name], \_\_\_\_\_ County Attorney  
[insert name], \_\_\_\_\_ County Administrator  
County Public Information  
County Commissioners  
Appropriate Clerks  
Candidates

# RECOUNT CHECKLIST

## Forms and Instructions for Recount Team

List of duties for recount team

Steps in recount procedure

Checklist

General procedures

Oral Instructions

Automatic recount legal steps

Emergency contact numbers

Counter training & training schedule

Location and date

Backup location identified

4 to 8 hours to pull training materials together

Training to be 2 hours – 6 sessions

Recount official training

Develop materials & schedule training

Determine number of team leaders

State Law

With index to recount specific sections

Legal

Is recount progress public knowledge? Will determine how results are released.

## Recount Events

Schedule recount activities

Establish calendar of events

Notify:

OSS Staff

Candidates

County Auditors

County courthouse security

Media –draft media press release

Counters and team leads

Law Enforcement

Capitol Security – if necessary

National Guard – if necessary

Canvassing Board

Schedule information session for recount team

Establish firm guidelines for release for ALL information to media & staff

Designate media point of contact

Only media point of contact has authority to give recount results

Inquires

Training

Legal

Media

Other

Clearly list individual staff and department duties

Event coordinator

Should we hire a coordinator?

Vendor contract list

Coordination Plan

## **Ballot Handling**

Transportation

Identify who will schedule (control) ballot transport

Memo to involved jurisdictions of procedure for preparing ballots for transportation.

Determine delivery schedule

Security around ballots

Hire security

24/7 security

**Counting Method will be by (single or multiple) precinct.**

Determine ballot workflow on-site

## **Observers and Media**

Know and enforce limitation on number of observers

Check observers /media in and out. Keep a log

Provide easily identifiable name badges & require their use.

Provide observer/media packet. Include:

Schedule of Events

Governing Laws, Purposes & processes.

Copy of original results

Contact information.

## **Recount Results**

Determine how results will be released; as count progresses or at completion?

Notify interested parties of recount outcome.

Notify Canvassing Board.

## **Logistics**

Staffing: on-going or in shifts?

Identify number of recounters

Identify Recount Officials

Costs

Furniture – Table & Chairs

Recount Set Up

May need partitions

Include an outer walkway for media and observers.

Parking for counters (shuttle needed?)

After hours environment – heating/cooling on timer

Miscellaneous

After hours contacts – Refer to Emergency Contact List

Maps

Supplies – envelopes, paper, pens, etc.

## **Other Non-Statewide Recounts**

Centralized

Counters

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