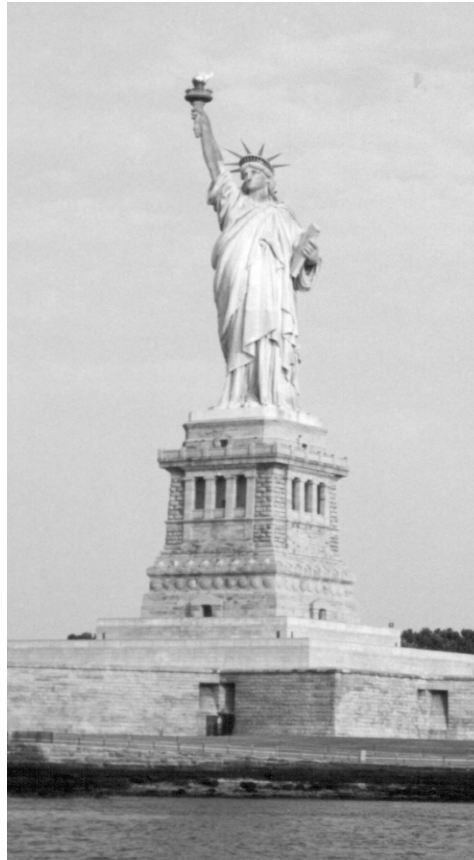


2010 Recount Guide



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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 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 STATE AND FEDERAL RECOUNTS

2.1.1 AUTOMATIC RECOUNTS

There is an automatic manual recount of votes cast for federal and state offices 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 offices 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](#))

2.1.2 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 what is described in 2.1.1 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. The 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](#))

2.2 COUNTY, SCHOOL DISTRICT AND MUNICIPAL ELECTIONS

2.2.1 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](#))

2.2.2 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 2.2.1 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](#))

2.3 BALLOT QUESTIONS

2.3.1 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.

If the difference between the votes for and the votes against the question is as above and a written recount request is received:

- County Auditor recounts the votes for a county question at the expense of the county;
- Governing body of a municipality recounts the votes for a municipal question at the expense of the municipality; and
- School board of the school district recounts the votes for a school question at the expense of the school district.

([M.S. 204C.36, subd. 3](#))

2.3.2 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 the expense of the person requesting the recount.

3.0 RECOUNT REQUESTS

3.1 CANDIDATE REQUESTS

Written requests are not required for automatic recounts as described in 2.1.1. For all discretionary recounts, 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 for the payment of the recount expenses. 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 general 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 2.1 and 2.2 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 discretionary 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, COUNTY, MUNICIPAL AND SCHOOL DISTRICT RECOUNTS

The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal canvassing board. The school district clerk or clerk's designee is the recount official for recounts conducted by the school district canvassing board.

5.2 ALTERNATIVE RECOUNT ASSIGNMENTS

The recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk as long as both parties agree to the delegation.

When the person who would otherwise serve as recount official is a candidate or related to a candidate for the office to be recounted per [M.S. 8235.0200](#), 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. 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 RECOUNT SCOPE

The scope of all automatic and discretionary recounts is limited to the determination of the number of votes validly cast for the office being recounted. Only the ballots cast and the summary statements for the precinct(s) being recounted are considered during the recount proceedings. "Original ballots from which duplicates are to be or were made" envelopes are not opened and original ballots that have been duplicated are not reviewed during the recount proceedings. These ballots are only examined as part of an election contest. ([M.S. 204C.35](#); [204C.36](#); [M.R. 8235.0700](#))

8.0 SECURING ELECTION MATERIALS

The official who has custody of the voted ballots is responsible for keeping secure 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](#))

9.0 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](#))

10.0 GENERAL PROCEDURES

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.

A recount official must be in the room at all times. If the recount official must leave the room, they must delegate a deputy recount official to preside over the proceedings during their absence. ([M.R. 8235.0700](#))

10.1 ELECTION MATERIALS

The custodian of the ballots shall make available to the recount official the precinct summary statements, the sealed precinct boxes or containers containing the 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. The sealed materials must be unsealed and resealed in public view. ([M.R. 8235.0700](#))

10.2 PREPARE AND ORGANIZE

10.2.1 PRIOR TO THE RECOUNT

Prior to the recount, prepare a recount packet with a checklist and a recount calendar. Have all forms, supplies, badges identifying roles, and contact information organized to ensure 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.

10.2.2 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). Any tables or work space provided 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 a "staging area" that can be seen from the viewing area, a counting area, and a viewing area for the public and members of the media.

Only those people directly involved in the recount are allowed within the recount area (the staging and counting areas). These individuals are limited to the recount official and legal adviser, and candidates or the candidates' representatives. The public and the press are only allowed in the public viewing area to observe the proceedings. Cell phones, cameras, and video cameras maybe used in the public viewing area provided that they are not disruptive. Badges should be provided which identify the people present and their different capacities. ([M.R. 8235.0700](#))

10.2.3 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 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 or the candidates' representatives may observe the ballots as they are sorted. One additional representative per candidate may observe the ballots when they have been sorted and are being counted. 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 preparation of a summary of the recount vote by precinct.

Candidates may have additional representatives in the public viewing area of the room. ([M.R. 8235.0700](#))

10.4 MANAGING THE PROCESS

The recount official or their designee 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. Never hold a private conversation with only one of the parties. Always appear in control of yourself and the situation.

The recount official provides detailed instructions both orally and in writing:

- Roles of recount officials, observers and staff.
- General procedures for the recount.
- Sealed containers only opened when recount team and observers are present.
- All ballots and materials will be in public view.
- Sorting process
- Counting process
- Challenge ballot process

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 simply to physically recount the ballots **for this 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 (precinct and absentee) will be removed from the sealed case(s). If the absentee precinct results were originally reported as a separate absentee totals for the precincts, then absentee ballots for the precincts will be counted and reported separately from the precinct ballots. If the absentee precinct results were originally included in the precinct results, the precinct ballots will be combined with the ballots from the appropriate absentee precinct, and all ballots for the precinct will be counted and reported together as one total. Prior to counting any ballots for a precinct, staff will turn all ballots to be facing in the same direction. I will separate the ballots into three piles: One for candidate A to my left, one for candidate B to my right, and a third pile for all other ballots. Voter's intent will be determined pursuant to [M.S. 204C.22](#). The candidate or candidate's representative has the right to challenge which piles I have decided to place the specific ballot in. Challenges may not be automatic or frivolous. Staff will count the ballots by piling the ballots crosswise in groups of 25. A candidate or their representative may immediately request to have a specific stack of 25 counted a second time, but not the entire pile. Vote counts for each candidate will be announced. For challenged ballots, 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". If challenges are withdrawn, the ballot(s) will be added to the appropriate piles. The challenged ballots will be brought to the canvass board and they will examine them and make a decision how to count 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 all precincts at the conclusion of the recount. After the recount is finished here today, the ballots, other than challenged ballots, will be resealed and returned to the County Auditor. The State (or County/Municipal/School District if applicable) 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

Ballots must be recounted by precinct and only ballots from one precinct at a time can be on a table at one time. Recount teams of at least 2 election judges conducts the counting for a precinct. This means that a recount official shall maintain the segregation of ballots by precinct but may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered. The recount official recounts ballots in accordance with [M.S. 204C.22](#). Ballot containers must always be opened and resealed in public view. The sorting, counting, and review of ballots for a precinct must be completed and all ballots must be securely stored before breaks for meals can be taken or counting is finished for the day.

12.1 PREPARING BALLOTS FROM ABSENTEE BALLOT PRECINCTS

The recount official opens the ballot containers from the absentee precincts (including any write-ins). One member of the recount team sorts the absentee ballots by precinct. A second member of the recount team then reviews the sorted ballots to verify that the ballots have in fact been properly sorted. When completed, the absentee ballots are sealed in separate envelopes by precinct.

12.2 COUNTING

The recount official opens the precinct ballot containers (including any write-ins) and the absentee ballot containers for the precinct. If the absentee precinct results were originally reported as a separate absentee total for the precinct, then absentee ballots are recounted separately from the precinct ballots. If the absentee precinct results were originally included in the precinct results, the precinct ballots (including write-ins) are combined with the ballots from the appropriate absentee precinct and reported as one total.

The recount team faces the ballots so they are all facing in the same direction, and then the recount sorter examines the ballots to determine (using M.S. 204C.22) for whom the ballot was cast. The recount sorter places ballots for candidate A in one pile to their left, one pile for candidate B to their right, and all other ballots in a third pile (includes ballots for other candidates, overvotes, undervotes, etc). A candidate or their representative has the right to challenge in which pile a specific ballot is placed, and whether there are identifying marks on that ballot.

After all ballots have been placed in the appropriate piles, the recount team counts the ballots in each and stacks them crosswise in groups of 25. A candidate or their representative may immediately request that a specific pile of 25 be recounted a second time, not the entire pile.

When finished, the vote counts for each pile are announced, the recount official reviews any challenged ballots with the candidates or their representatives and any needed adjustments to the pile counts are made, and the counts are also recorded on the summary statement. Again, if absentee ballots were originally reported separately from the precinct results, the recount absentee totals are also reported separately. If the absentee ballots were originally reported with the precinct results, the recount absentee ballot and precinct results are reported together. All ballots except the challenged ballots must then be resealed in the ballot containers and returned with the other election materials to the custodian of the ballots. The recount official may make copies of the challenged ballots, but must be accompanied by another individual if leaving the room to make copies. After the count of votes for all precincts has been determined each day, the challenged ballot envelope must be sealed and kept along with the summary statement secure for presentation to the canvassing board. ([M.S. 204C.361](#); [M.R. 8235.0800](#))

12.3 CHALLENGES

A candidate or candidate's representative has the right to challenge in which pile a specific ballot is placed, and whether there are identifying marks on that ballot. Challenges cannot be for an entire precinct or group of ballots. The challenger needs to describe why they are challenging the decision. Challenges may not be automatic or frivolous and is frivolous if based on an identifying mark other than a signature or identifying number written on the ballot, or a name written completely outside a write-in space. Also, the absence of election judge initials on a ballot cannot be the basis of a challenge. Separate challenge ballot piles are made for each candidate. Challenged ballots may be withdrawn by the candidate or candidate's representative.

After counting for the precinct is completed, the recount official may review challenged ballots with the candidates or candidates' representatives. They may withdraw previously challenged ballots. If challenged ballots are withdrawn, they are added to the proper pile and the counts are adjusted as needed. All remaining challenged ballots must be labeled on the back of the ballot. The label must include the precinct name, reason for the challenge, the name of the candidate initiating the challenge (or candidate represented), numbered sequentially (1, 2, 3, etc not Smith 1, 2, 3 and Jones 1, 2, 3), and placed in the "Challenged Ballots" envelope for that day. The challenge reason format is "Not {intent determined by sorter}, is {how challenger views intent}" (e.g. "Not Smith, is undervote", "Not Jones, identifying mark").([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 target 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 John Smith

- 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 with distinguishing characteristics where the voter's intent is to identify the ballot.

SUPREME COURT	
ASSOCIATE JUSTICE 3 VOTE FOR ONE	
<input checked="" type="checkbox"/>	ALAN LAWRENCE NELSON
<input type="checkbox"/>	PAUL H. ANDERSON <small>secretary</small>
<input type="checkbox"/>	TIM TINGELSTAD
ASSOCIATE JUSTICE 4 VOTE FOR ONE	
<input checked="" type="checkbox"/>	LORIE SKJERVEN GILDEA <small>secretary</small>
<input type="checkbox"/>	DEBORAH HEDLUND
<input type="checkbox"/>	JILL CLARK
<input type="checkbox"/>	F. RICHARD GALLO, JR.
2ND DISTRICT COURT	
JUDGE 21 VOTE FOR ONE	
<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.

UNITED STATES SENATOR VOTE FOR ONE	UNITED STATES SENATOR VOTE FOR ONE
<input checked="" type="radio"/> DARRYL STANTON <input checked="" 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"/> DARRYL STANTON <input checked="" 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	CONTINUE VOTING ON THE NONPARTISAN BALLOT

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

FEDERAL OFFICES U.S. SENATOR VOTE FOR ONE
<input checked="" 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"/> John Smith <small>write-in if any</small>
CONTINUE VOTING ON THE NONPARTISAN BALLOT

- 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

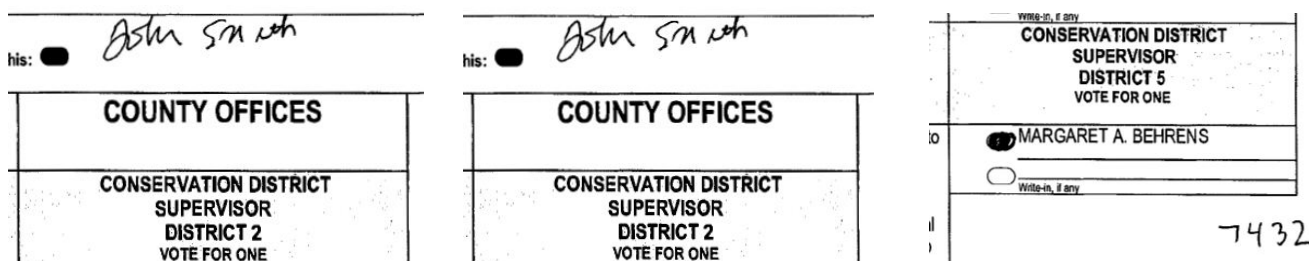
- Mark more candidates than to be elected or nominated ballot is defective for that office.
 - All other offices on the ballot are counted if possible.

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 for the partisan offices.

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

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



- 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 an identifying mark and no votes on the ballot would be counted.
- If marks are made opposite of more printed candidate names or write-ins allowed for an office, the ballot is defective 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 incorporates the results into the canvassing report. The canvassing board certifies the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots. For general elections, the certificate of election is issued to the winning candidate after the contest period has passed. [\(M.R. 8235.1100\)](#)

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

16.0 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](#))

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.

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 or 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

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
 - 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
- Clearly list individual staff and department duties

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 (single or multiple stations).

- 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 for recount team(s)
 - Identify Recount Officials
- Costs
- Furniture – Table & Chairs
 - Recount Set Up
 - May need partitions
 - Include an outer walkway for media and observers.
- Parking for counters
- Miscellaneous
 - After hours contacts
 - Maps
 - Supplies

HANDCOUNTING BALLOTS IN A RECOUNT

Preparing ballots from AB precincts

****If not already completed, ballots from AB precincts must be separated by precinct.**

1. The recount official opens the ballot containers from the absentee precincts (including any write-ins);
2. One member of the recount team sorts ballots from the AB precincts by precinct;
3. Second member of the recount team reviews sorted ballots to verify they have been properly sorted;
4. When completed, absentee ballots are sealed in separate envelopes by precinct.

Counting a Precinct

****The following steps should be completed by at least one team of 2 election judges.**

1. Recount official opens precinct ballot containers (including any write-ins) and combines ballots with ballots from the appropriate absentee precinct envelope;
 - a. If the absentee precinct results were originally reported as a separate absentee total for the precinct, then absentee ballots for the precinct are recounted separately from the precinct ballots;
 - b. If the absentee precinct results were originally included in the precinct results, the precinct ballots (including write-ins) are combined with the ballots from the appropriate absentee precinct, and all ballots will be counted and reported together as one total;
2. Recount team faces the ballots so they are all facing the same direction;
3. Recount official examines ballots and determines (using M.S. 204C.22) for whom the ballot was cast;
 - a. One pile for candidate A on the left;
 - b. One pile for candidate B on the right;
 - c. Other ballots in a third pile;
 - i. Other candidates, overvotes, undervotes,
4. Candidate or candidate's representative has the right to challenge in which pile a specific ballot is placed, and whether there are identifying marks on that ballot;
5. When counting a specific pile, ballots must be stacked crosswise in groups of 25;
 - a. Candidate or candidate's representative may immediately request that a pile of 25 be recounted a second time;
6. After all ballot piles have been counted, the vote counts for each candidate are announced;
7. Recount official reviews challenge ballots with candidate or candidate's representative;
 - a. May withdraw previous challenge, add to previous pile and adjust pile count
8. Challenged ballots must be labeled;
 - a. Precinct name, reason for the challenge, name of candidate initiating the challenge (or candidate represented);
 - b. Format: "Not {intent determined by sorter}, is {how challenger views intent}";
 - i. I.E. "Not Smith, is undervote", "Not Jones, identifying mark";
 - c. Numbered sequentially on back of ballot;
 - i. I.E. 1, 2, 3, etc, not Smith 1, 2, 3 and Jones 1, 2, 3;
9. Challenged ballots placed in "Challenged Ballots" envelope for that day;
 - a. Labeled and sealed at the end of the day;
10. The totals are written on the summary statement;
 - a. If absentee precinct results were originally reported separately, then recount absentee totals should be recorded separately on the recount summary statement;
 - b. If absentee precinct results were included with precinct results, then recount absentee and precinct results should be recorded together on the recount summary statement;
 - c. If ERS is being used to report results, input results daily;
11. Recount official may make copies of challenged ballots;
 - a. 4 copies (Auditor or clerk (if municipal or school election), OSS (if state election), both candidates);
 - b. Accompanied by others if leaving room;
12. Recount official reseals the ballot container for the precinct in public view;

13. Repeat steps for additional precincts;
14. When finished recounting all precincts, the recount official send summary statements and "Challenged Ballots" envelopes to the appropriate canvassing board canvassing.

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