



## MN ELECTION JUDGE RESOURCE REFERENCE GUIDE

**\*\*\*THIS GUIDE IS TO BE USED AS A SUPPLEMENT TO THE ELECTION JUDGE TRAINING AND GUIDE BOOK PROVIDED BY THE MN SECRETARY OF STATE\*\*\***

This resource reference guide is for hired and trained election judges to reference and take with them into the next election. We highlight what to pay special attention to at the polls, important documents and procedures to observe, and to ensure that MN statutes and administrative rules are followed. Also note pertinent statutes and rules with their descriptions, what public information can be made available to election judges and how election judges should conduct themselves during election day.

Election judges must remain non-confrontational while working at their polling locations. If you see something out of the ordinary, say something, alert the Head Judge, document it on the Incident Log, and report the incident on our website at [www.mnelectionintegrity.org](http://www.mnelectionintegrity.org) click on "REPORT AN INCIDENT". Be curious, not accusatory. Please make a special attempt to read page 4 of the SoS Election Judge Guide regarding "Code of Conduct".

### **OPENING POLLS:**

- ..Try to find out the party status of the other election judges.
- ..If you received a copy of all who worked in your polling location and their contact information-- keep that copy.
- ..Election judges should document the manufacturer, model and software version of all equipment in use at the polling place
  - ..This can be seen when the Head Judge is booting up the equipment.
  - ..Make sure the counter on the tabulator is set at zero before the polls open.
  - ..Is there a router attached to the tabulator? Document all internet connections.
  - ..After the tabulator and poll pads are booted up, open up the Wi-Fi on your phone. This will bring up the different connections in the area. Document them all.

### **CRITICAL STATIONS:**

#### **REGISTRATION/NEW REGISTRATION: ELECTRONIC POLL PAD/PAPER VOTER ROSTER:**

- ..The poll pad/roster table should be monitored for any and all activity (i.e. person flagged as not eligible to vote, person refusing to sign ballot receipt). Unusual activity should be documented on the Incident Log.
- ..Try to document how many "Same Day Registrations" you have and generally how did they prove their residency to vote in that polling location. Do NOT use names or addresses. (At the end of the day the number of new registrations is recorded by the Head Judge).
- ..Document the number of voters that used a witness to "vouch" for them---NO names/address)
- ..Document all "assistive voting" and procedures.

#### **BALLOT TABLE:**

- ..The ballot table should be monitored for any and all activity.
- ..If there is a shortage of ballots and copies must be made, document on the Incident Log the time the shortage of ballots occurred and how many copies of ballots were made.

### **DAYTIME ACTIVITIES:**

- ..Try to work in each station in your polling location---greeter, poll pad/check-in, ballot distribution, ballot box (tabulator).



- Document any and all electronic communication being transmitted to any outside source from any equipment.

#### **INCIDENT LOG:**

- Election judges should monitor the Incident Log throughout the day. Election judges are allowed to record incidents on the Log.
- The final Incident Logs should be documented or photographed at the closing of the poll.
- Incidents/anomalies that may occur during Election Day may include: i.e. ballot shortage, equipment failure, a voter identified as non-eligible to vote & swears under oath they are eligible, voter refusing to sign ballot receipt, voter completing either a HAVA or State Election Law complaint form, ballot count is off during the day or after closing, ballot box is full during the day & 2 election judges from different major parties must remove ballots to a separate locked box.

#### **CLOSING:**

- Election judges should photograph the final (tape) count at the closing of the polling location.
- Submit on our website at [www.mnelectionintegrity.org](http://www.mnelectionintegrity.org) click "REPORT AN INCIDENT any photos.
- Ballots are removed from the tabulator box and secured in a locked box. Two election judges from two different major political parties remove the ballots together.
- Chain of custody must be maintained by having two or more election judges from two different major political parties return the ballots to the main office at the poll closing.
- Election totals must be transmitted to election officials at the poll closing. Election judges should observe and document by what method this is done and by whom.
- Ballots should be sorted and those with write-ins should be separated. Write-in votes should be documented on a separate report before ballots are sealed in locked box.

**Report incident on our website at [www.mnelectionintegrity.org](http://www.mnelectionintegrity.org) click on "REPORT AN INCIDENT".**



## 1. What information or documents are considered public information and can they be photographed?

**Answer:** Generally, information gathered, created, received, etc. by a government entity is public under MN Statutes Chapter 13 unless classified by statute or special temporary classification or by federal law as non-public or protected. For example, some information about individuals is not public if it is private or confidential. In an election context, one should be able to gather the public information by taking notes or even photographing it as long as it does not involve any voter information. The statute does state that the government information is available “upon request to a responsible authority or designee.” So, while technically public, a “non-responsible or non-designated authority” may not technically have the authority to give out the information. Another election judge or the Head Judge may object if they are not authorized to provide the public information. That is fine. The information, if needed can be acquired by Data Practices Request later.

## 2. Are election judges allowed to know the party status of the other election judges they work with?

**Answer:** Under MS 204B.21 Subd. 3, “...the major party affiliation of an election judge or a statement that the judge does not affiliate with a major political party may be shared with other election judges assigned to the precinct at the same election, to verify compliance with party balance requirements. This data may not be disclosed or used by the election judges for any other purpose.”

## 3. Are spoiled ballots required to be documented in the incident log?

**Answer:** Spoiled ballots are covered in MN Administrative Rules 8230.0850. Under that rule the spoiled ballot must be given to the election judge in exchange for a replacement ballot. The spoiled ballot must be added to the “Spoiled Ballot Envelope.” If a ballot is found unattended in a voting station, the election judge must mark the ballot “Found in Booth” and place it in the Spoiled Ballot Envelope. Found ballots must be recorded as such in the precinct incident log. See MN Administrative Rule 8230.1050 and the Election Judge Guide p. 31.

## 4. Is there a statute requiring who must return the ballots and other election materials to the election office at the end of the night?

**Answer:** Here is an example where the MN Administrative rules do not agree with statutes. Admin Rule 8230.2250 states that the transfer case must be sealed so there can be no tampering with the contents. A



signed certificate of the contents is included in the case. The transfer case...must be delivered to the official conducting the election...by two election judges, not of the same party."

The MS 206.86 Subd. 2 agrees with the Administrative rule, stating "The container must be sealed and delivered immediately to the counting center by two judges who are not of the same major political party".

The statute MS 204C.27 however states that "One or more of the election judges in each precinct hall deliver one set of summary statements, all spoiled ballots and the envelopes containing the ballots...to the municipal clerk...or county auditor's office..."

The Secretary of State's published Election Judge Guide states on page 44 "...one judge may..." and on page 47 "...one or more judges...".

For our purposes, we suggest that an election judge follow the judge(s) delivering the election materials to the destination and accompany the judge(s) into the building to ensure the transfer is safely and securely made.