

BE AN ELECTION NIGHT HERO!

IT'S AS EASY AS 1-2-3!

Simply **show up** to your local precinct at 8 p.m. when it closes, to be a public observer. **Photograph or video** the **results tape** from the tabulator(s) and **share them** with Social Media. That's it. As easy as 1-2-3!



① Be there at 8



② Snap the Tape



③ Share to Social

Additionally, be sure to email tape images to:
info@mnelectionintegrity.org

(See our detailed Guide for Minnesota Election Night Poll Closings below)



A Guide for Minnesota Election Night Poll Closings

What is an election poll closing?

When polls close at 8 p.m. in Minnesota, many people are not aware that we (the public) can and should be showing up in person to observe the closing process for the polling precinct. Showing up to observe a closing is not only adds additional security controls to help ensure no “shenanigans” are occurring, but it is explicitly declared in Minnesota Statute § 204C.19¹:

*The count shall be held at the polling place and **shall be public.**” Further, “... the ballot boxes shall be opened, **the votes counted, and the total declared.**” Even further yet, “**Numbers entered on the summary sheet shall not be considered final until the ballots in all boxes have been counted and corrections made** if the ballots have been deposited in the wrong boxes.*

What can you do as a poll closing observer?

Showing up to observe is an easy thing to do, especially if you are aware of how the closing process should work. All you need to do to participate is to show up to the polling place at 8 p.m. and politely inform the head election judge you would like to observe the poll closing process as allowed by M.S. § 204C.19.

If you are refused to be allowed to observe, politely inform the head election judge of M.S. § 204C.19 as well as 206.86² and the 2022 State of Minnesota Election Judge Guide (pg. 43)³ :

*The count shall be held at the polling place and **shall be public.***

*Counting centers open; security. **Proceedings at the counting center are open to the public.** They are under the direction of the official in charge of elections in each municipality where an electronic voting system is used and must be under the observation of at least two election judges who are not of the same major political party. Only persons employed and authorized for the purpose may touch any ballot card, ballot container, or statement of absentee ballot results.*

¹ <https://www.revisor.mn.gov/statutes/cite/204C.19>

² <https://www.revisor.mn.gov/statutes/cite/206.86>

³ <https://www.sos.state.mn.us/media/4905/election-judge-guide.pdf>

*Do not lock the doors to the polling place once voting has ended. **The public is welcome to watch closing activities and inquire about vote totals**, though no one may interfere with your work. Public observers do not have to provide credentials to be present.*

You are free to observe the public event as well as take pictures, video, or audio recordings. However, you are not able to touch materials such as the ballots or the results documentation nor can you interfere with the closing process. Minnesota is a one-party consent state⁴ for electronic recordings.

It is not unlawful under this chapter for a person acting under color of law to intercept a wire, electronic, or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

If you choose to record the closing procedures, politely notify and coordinate with the head election judge in charge of the precinct of your intention and how best ensure you are not delaying or interfering with their closing procedures.

Poll closings will typically take an hour or more, depending on issues, the size of the precinct and the speed and accuracy of those working as Election Judges. You may also want to bring a copy of the Election Judge Guide⁵ however the Head Election Judge should have this already on hand as a reference guide if required.

Keep in mind that it has already been a very long day for the head judge and most of the other judges. They are primarily interested in completing their work so they can go home.

Here is a high-level overview of what occurs during a polling location closing and what you can do to make sure things are operating smoothly and correctly for the closing.

Top 8 Election Integrity To-Do Items for Poll Closing

1) Voting Hours

- ❖ At exactly 8 p.m., the poll closes, per M.S. § 204C.05⁶. If there are still people in line to vote at 8 p.m., the election judges will inform those in line as of 8 p.m. they will still be able to vote. However, any new people who are not in line as of 8 p.m. will be informed they will not be able to vote as they were too late.
- ❖ What can you do? The key part to observe here is that people *arriving after 8 p.m.* are not able to vote. This would be a violation of statute. In the case there is a line of people yet to vote, the head election judge will “mark” the last person in the line who is allowed to vote. This is typically done by one of the election judges simply standing in the line after the last eligible voter, to inform any late comers, they will not be allowed to vote. Alternatively, other methods of marking the last voter allowed to vote might be such as posting a sign on the door, asking another volunteer to hold a sign, etc. The important

⁴ <https://www.revisor.mn.gov/statutes/cite/626a.02>

⁵ <https://www.sos.state.mn.us/media/4905/election-judge-guide.pdf>

⁶ <https://www.revisor.mn.gov/statutes/cite/204C.05>

part here is just to ensure that as of 8 p.m., those in line are allowed to vote but those that show up after 8 p.m. are informed they will not be able to vote because they were late and it is a violation of statute to allow them to vote.

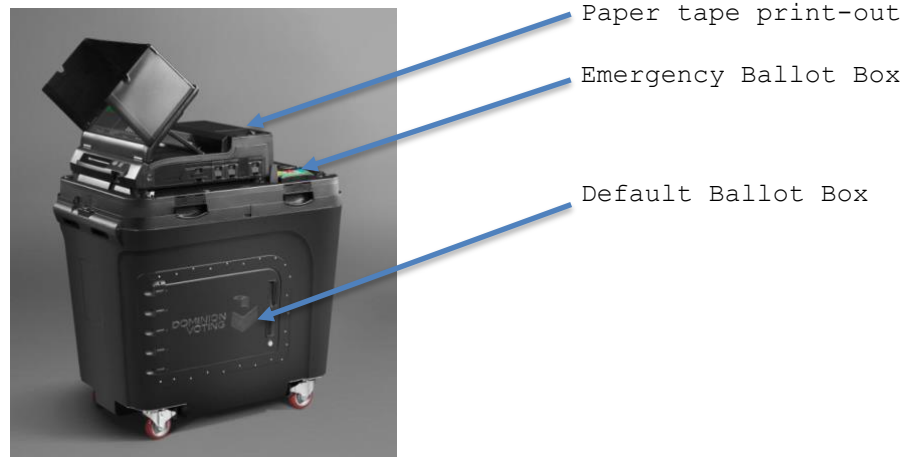
- Tip: Use your cellular phone to monitor the time. Cell phones are synchronized precisely to time servers, ensuring your phone shows “8:00 p.m.” at exactly 8 p.m.
- Tip: If you see the 8 p.m. closing isn’t happening and you are outside the polling place, record a video on your phone showing that people are allowed to get into line after 8 p.m. Report this violation to your local authorities. In addition, please report the incident to MN Election Integrity Solutions using the [Election Incident Report](#) form. Other options may include using an app like [verifynow.org](https://www.verifynow.org) to report the issue. Notify the head election judge you are reporting the violation to authorities.

2) Ballot Box(es)

- ❖ In locations with an electronic tabulator, the “ballot box” is the same tabulator. It contains a compartment where the ballots are automatically dropped into when the tabulator accepts the ballot. This tabulator is typically an ES&S branded machine but may also be a Dominion or Hart branded device⁷. In all cases, the tabulator allows the voter to insert their paper ballot into the device and the device reads the markings on the ballot and then the ballot is dropped into the default ballot box bin in the machine. The devices contain two compartments: a smaller one (Emergency Ballot Box) and a larger one (Default Ballot Box).



⁷ <https://www.sos.state.mn.us/elections-voting/how-elections-work/voting-equipment/>
<https://mnelectionintegrity.org/>



Dominion ImageCast Evolution

The Emergency Ballot Box is only used in the event the tabulator is broken. In such a case, voters would insert their ballots to the Emergency Ballot Box compartment until the tabulator is functioning again. When it is functioning again, two Election Judges (one from each major political party) would run the ballots into the machine to be counted. **As such, it should always be the case that when the tabulator is opened after 8 p.m., the Emergency Ballot Box compartment should be empty and not contain any ballots.** The only case when the top compartment shouldn't be empty is if the tabulator is broken and was not fixed before closing. In such a case, the recovery plan would be for a manual hand counting of all the ballots for that precinct.

- ❖ Observing and understanding the ballot boxes containing the ballots is a critical item to election integrity as once it is opened and ballots moved, removed, sorted, etc., ensuring security of those ballots is completely dependent on the processes following unlocking the bins. This is referred to as the “Chain of Custody” which ensures the security of the ballots through the rest of the processes.
- ❖ Here is what you should observe on the ballot boxes:
 - Find the location of the tabulator(s) in the polling place. As of 8 p.m. they should be still locked physically, with only the head election judge with the key to open the “ballot boxes”.
 - By statute, only two election judges (of which the judges cannot be of the same political party), are allowed to open or handle the ballots when the precinct is open. The head election judge is responsible to ensure the requirements for the election judges to be from two different major parties, however there is no way to verify this directly. You may ask for the election judge’s names for the record.
 - At 8 p.m. or shortly thereafter, you should observe the opening of the tabulator’s Default Ballot Box and the Emergency Ballot Box. **The Emergency Ballot Box compartment should be empty.** If there are ballots in it, these ballots have not been run through the machine. If the machine is broken, these ballots would have to be hand counted by the election judges according to the counting process defined by M.S. § 204C.21 ⁸.
 - If the Emergency Ballot Box contains ballots, ask the head judge why it contains ballots. It should be explained that the tabulator is broken.
 - If the tabulator is still broken, a hand count of all ballots cast is required.

⁸ <https://www.revisor.mn.gov/statutes/cite/204C.21>

- If the tabulator is now fixed, the two election judges will insert the ballots from the Emergency Ballot Box into the tabulator to be counted. The two election judges must be from different major parties.⁹
- The ballots run through the machine will be contained in the Default Ballot Box compartment. All ballots will be collected and straightened by the election judges at the tabulator. There is no particular order to the ballots nor orientation. Any election judge may handle the ballots once the precinct is closed at 8 p.m. or when the precinct closes after the last voter votes and the Head Election Judge has closed out the precinct for voting.
- There will be the “Paper Tape Print Out” (much like a check out receipt) attached to the tabulator. This tape contains the initial summary of “Zero’s” for each race as to prove when the precinct opened, the totals for each candidate were at zero for all races.
- The Head Election Judge will access the tabulator’s electronic screen and select to close the election out. The paper tape will proceed to print the final results on the same continuous tape. You may ask to see this tape with the “Zero’s” and the final results.
- The Head Election Judge will then print 3 or more copies of the tape. Once of these tapes must be displayed publicly for the public to view. The results should be verbally announced per statute. Additionally, at least one of the print outs must be posted publicly so you can view the results.
 - **Tip: Take a picture or video of the final paper tape results with your phone.** This is public data and shows the results from that tabulator. The tape will be long so several pictures may be required to fully capture the results. **Send a copy of the picture(s) to info@mnelectionintegrity.org together with the city/township, county and precinct number.**
 - **Tip: If you would like to the entire tabulator closing process, you can also do this as the closing is a public event. Be sure not to obstruct the election judges in their closing procedures and be respectful if asked to move aside or step back to allow the election judges to perform the closing procedures.** If possible, record the opening of the tabulator, the electronic screen, the printing of the results tape as well as the results themselves from the tape. The electronic screen will also show the number of cast ballots for the day and this information is also on the tape print out.

3) Paper Tape Results

- ❖ Inspect the results of the printed-out results tape for each race. Ensure that the starting counts for all races are listed as “0” or zero. Next, verify that no races contain non-sensible data such as zero votes for major political party candidates, negative vote totals or nonsensible totals. If you are local to the precinct, you most likely have a hunch on the race and candidates so you will be able to get a sense if things simply don’t make sense.
- ❖ The paper tape results will be signed by several election judges at the end of the tape. The judges are signing that they agree to the results and the results are accurate.
 - **Tip: If significant issues appear such as numbers which are not logical or possible, the backup plan would be for a manual hand count of the ballots. The head election judge has the authority to perform a manual hand count for the**

⁹ <https://www.sos.state.mn.us/media/4905/election-judge-guide.pdf> - pg. 44

precinct at any time. This can also be done to verify the tabulator totals are accurate. The hand count results should exactly match the tabulator results.

4) Write-In Results

- ❖ Write In candidates are allowed in all elections except primaries. Expect at least one or more write-ins to appear in the precinct.
- ❖ The tabulators should show the number of write-in candidates per race, but the tabulator cannot usually read the results of the write-in. These must be manually checked and recorded. This behavior varies by the tabulator brand and version.
- ❖ M.S. § 206.86¹⁰ outlines the write-in votes must be counted and recorded on the form provided.
 - **Tip: Take a picture of the write-in results form.** This is public data and it eventually is posted to the official results for the race on the Secretary of State results.

5) Ballot Counting and Balancing

- ❖ Each precinct has a specific number of voters assigned to it. This is typically around 1000 voters however this could vary depending on the county and the number of voters and precincts. Based on this number, each precinct has been given a sufficient number of ballots when the precinct opened to cover the required ballots anticipated to be cast. For example, if there is a 1000 assigned voters to that precinct, it may have been given 750 ballots to use. To balance the number of ballots, the following is taken into consideration to ensure the ballot counts balance out during closing:
 - Total ballots given to precinct = Total accepted ballots cast + Total number of spoiled ballots + Total remaining unused ballots + Total number of exceptional incidents.
 - **Total ballots given to precinct:** As recorded by the Election Judges at the opening of the day.
 - **Total accepted ballots cast:** As recorded by ballots in the voter boxes (tabulator) as well as the tabulators declared final cast ballot count (on the screen as well as the tape print out).
 - **Total number of spoiled ballots:** As recorded during the day for voters who spoil their ballot (not accepted by the tabulator due to marking errors) and the voter was given a replacement ballot. Spoiled ballots typically depend on the complexity of the ballot but should not be a significantly number. For example, if 500 ballots were cast, around 50 spoiled ballots may occur.
 - **Total number of remaining unused ballots:** Unused ballots should remain sealed in the original plastic wrap in counts of 50 or 100. The number of unused ballots which are “loose” and not in a plastic wrapped bundle should be minimal. Election Judges are not to open ballots for use until they are required during the day.
 - **Total number of exceptional incidents:** In rare cases such as the voter abandoned their ballot in the voting booth or walked out with their ballot. Such incidents are recorded by the Head Election Judge on the Incident Report sheet immediately after the incident occurs.

¹⁰ <https://www.revisor.mn.gov/statutes/cite/206.86>

- ❖ The Head Election judge will work with the other judges to count and start “balancing” the numbers for the ballots. This process is completed with the Head Judge working from a worksheet, entering in the exact numbers of each area. At the end, there should be a perfect “balancing” of the ballots whereas each ballot is accounted for.
 - Verify the total number of voters that checked in to vote matches the total number of ballots cast.
 - Verify the opening total number of ballots declared for the precinct is reconciled for the total number of ballots cast and accepted, ballots spoiled, ballots of exception and ballots unused.
 - **Tip: Take a picture of the final ballot counting results form.**
 - **Tip: If there are errors found, these should be recorded also in the Incident Log form, maintained by the Head Election Judge. You may want to view or take a picture of this log also.**

6) Ballot Security after Ballot Box removal

- ❖ All ballots will be placed into envelope(s) and sealed with stickers / tape.
- ❖ The Election Judges will sign over the seal to notarize the seal.
- ❖ The envelopes of ballots will be placed into the larger container with all other items.

7) Additional Election Material Security

- ❖ The ballots in the sealed envelopes, along with all the other paperwork once completed, will be placed into the larger container.
- ❖ Additional items, such as the USB device from the tabulator, Polling Pad receipts and other election material will be also placed into the corresponding envelopes and sealed. If a paper registration book is used, this is also placed in the container.
- ❖ The large container with all the election material will then be sealed to ensure it is not opened until it is returned to the county office that evening. This is outlined in M.S. § 206.86 Subd. 2.¹¹
- ❖ Large devices such as the tabulators are typically left in the precinct and later picked up separately.
 - **Tip: Ensure the container is physically sealed with stickers and/or other provided sealing items before the container is taken out by the Head Election judge.**

8) Election Material Transport

- ❖ The Election Material will be transported back to the election office. This is done by the Head Election Judge in addition to one other judge of another major party. This is outlined in M.S. § 206.86 Subd. 2.
 - **Tip: Ask who is transporting the material back to the head election office. If you would like, inform the head judge you would like to follow the transport of the material back to the election office. This ensures the material is taken directly back as required by statute.**

If you observe any incidents, we encourage you to report the incident to us via our website: <https://mnelectionintegrity.org> and use the [Report An Incident](#).

¹¹ <https://www.revisor.mn.gov/statutes/cite/206.86#stat.206.86.2>

We also encourage you to send any captured evidence (paper tape results, images of ballot balancing worksheet completed by the Head Election Judge, Precinct Incident Report, etc.) to us for review and archive. This evidence can be used to cross check the publicly reported data as posted by the county and Secretary of State for the official election results. Send to: info@mnelectionintegrity.org.

Thank you for your service.