



MN POSTELECTION REVIEW (PER) GUIDANCE November 2022

***After every state general election, Minnesota counties perform a Postelection Review (PER) of the election results returned by the optical scan ballot counters used in the state. A hand count of ballots for each eligible election (Governor and US Representative in the 2022 election) from randomly selected precincts is compared with results from the voting system in those precincts.

These guidelines are for observers to use as a reference and take with them into the postelection reviews. We highlight what to pay special attention to at the PER's, important documents and procedures to observe and a reference to the corresponding MN statute.

Important statutes with their descriptions are in bold and there is mention of how observers should conduct themselves during the PER.

1. Note the ballot boxes---were they sealed before the postelection review began? Did they seal them after they finished the review?

2. Watch to see that ALL ballots cast for a precinct are reviewed---those cast at the poll on election day AND the absentee ballots counted by ballot boards. Absentee and polling place ballots have separate totals and should be counted separately.

MN statute 206.89 subd 2 states that "...ballots to be reviewed for a precinct include both the ballots counted at the polling place for that precinct and the absentee ballots counted centrally by a ballot board for that precinct."

3. How many precincts are being reviewed? Most counties will be reviewing 2-3 precincts. Ramsey County will be reviewing 5. Hennepin County should be reviewing a minimum of 13 precincts (PER will be conducted for 2 days).

MN statute 206.89 subd 2 states "...a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts.a county between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts, a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater."

4. What elected offices are being reviewed?

MN Statute 206.89 subd 3 states "...must be conducted of the votes cast for Governor...United States representative...may conduct postelection review of the votes cast for additional offices."

5. Are there election judges assisting the PER official in this review and if so, does it appear to be a party balance between the election judges?

MN Statute 206.89 sub 3 states "...party balance requirement of section 204B.19 applies to election judges designated for the review."



6. What were the results of the review? Did the manual counts match those of the electronic voting machines (polls) AND those of the absentee ballots (ballot board)?

MN Statute 206.89 subd 4 states "...results differed by no more than two votes in a precinct where fewer than 1200 voters cast ballots, three votes in a precinct where 1200 and 1599 voters cast ballots, four votes in a precinct where 1600 and 1999 voters cast ballots, or five votes in a precinct where 2000 or more voters cast ballots.

7. If the PER of any of the reviewed precincts does not meet the threshold as stated above, was a new review scheduled within the next 2 days?

MN Statute 206.89 subd 5 states "...a difference greater than the thresholds...the post-election official must, within 2 days, conduct an additional review of the races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered."

ADDITIONAL INFORMATION FOR OBSERVERS THE DAY OF THE POSTELECTION REVIEW

1. Remember, you are an observer. Be alert, watch and observe the process. Do NOT become engaged or confrontational in the process. Always remain courteous and professional. Refrain from partisan comments or discussion.
2. While it should not be necessary, we have attached a photocopy of MN Statute 206.89 related to Postelection Reviews.
3. Follow the 7 questions on pages 1 & 2 and make note on paper of any abnormalities you witness.
Record your observations on the PER Tabulation Sheet. After the PER upload a copy of your completed PER Tabulation Sheet to our website: www.mnelectionintegrity.org, Report an Incident----at top of page.
4. You do not need permission from the election official or anyone else to be in attendance as an observer at the PER. The review is open to the public. This has been confirmed by the Secretary of State's office.
5. You may want to consider bringing along a chair or stool to sit on at the PER, especially in those counties who will be reviewing several precincts that day. Hennepin and Washington Counties will be conducting the PER over a period of two days.
6. For the precincts observed, please photograph the worksheets the counting judges use to record the preliminary counts (these normally will be pre-printed forms showing the machine totals and having a blank area for the judges to hand record the totals from the re-count). Please also find out when the counts will be input and a final version of the re-counts will be available.



MN POSTELECTION REVIEW TABULATION SHEET

As documentation of your Post-Election Review procedures, please provide the following information for each precinct recounted:

1. County: _____
2. City/Township: _____
3. Ward & Precinct: _____

4. Were the ballots sealed in the original containers prior to the counting? Yes No

5. Were all ballots counted (polling site AND the absentee ballots)? Yes No
 If no, please explain further.

6. Please list the vote totals in the Governor's race:

a.	Walz	Machine Poll Site _____	PER Re-count _____
b.	Walz	Machine Absentee _____	PER Re-count _____
c.	Jensen	Machine Poll Site _____	PER Poll Site _____
d.	Jensen	Machine Absentee _____	PER Absentee _____

7. Please list the vote totals for the Congressional race:

a.	Dem	Machine Poll Site _____	PER Re-count _____
b.	Dem	Machine Absentee _____	PER Re-count _____
c.	Rep	Machine Poll Site _____	PER Re-count _____
d.	Rep	Machine Absentee _____	PER Re-count _____

8. If the counts did not agree, how was the discrepancy resolved?

9. Did the discrepancy exceed the statutory threshold? Yes No
10. If yes, please call 612-708-4221
11. Was a new review scheduled within the next 2 days? Yes No
 If yes---what is the date? _____

12. Were the counts performed by party balanced judges? Yes No Do Not Know

13. Generally speaking, did the recount process appear organized, well controlled and adequately supervised? Yes No

14. Were you satisfied with the results of the PER process? Yes No
15. Any additional comments?

Thank you for your assistance in observing the Postelection Review. Please upload your completed Tabulation sheets to: www.mnelectionintegrity.org, "Report an Incident"---at top of page.

2022 Minnesota Statutes

206.89 POSTELECTION REVIEW OF VOTING SYSTEMS.

Subdivision 1. Definition.

For purposes of this section "postelection review official" means the county auditor, unless the county auditor designates the municipal clerk as the "postelection review official" within 24 hours after the canvass of the state general election.

Subd. 2. Selection for review; notice.

At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section. The postelection review must not begin before the 11th day after the state general election and must be complete no later than the 18th day after the state general election.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. The ballots to be reviewed for a precinct include both the ballots counted at the polling place for that precinct and the absentee ballots counted centrally by a ballot board for that precinct. The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office website.

Subd. 2a. Exception.

No review is required under this section if the election for the office will be subject to a recount as provided in section [204C.35, subdivision 1](#).

Subd. 3. Scope and conduct of review.

The county canvassing board shall appoint the postelection review official as defined in subdivision 1. The postelection review must be conducted of the votes cast for president or governor; United States senator; and United States representative. The postelection review official may conduct postelection review of the votes cast for additional offices.

The postelection review must be conducted in public at the location where the voted ballots have been securely stored after the state general election or at another location chosen by the county canvassing board. The postelection review official for each precinct selected must conduct the postelection review and may be assisted by election judges designated by the postelection review official for this purpose. The party balance requirement of section [204B.19](#) applies to election

judges designated for the review. The postelection review must consist of a manual count of the ballots used in the precincts selected and must be performed in the manner provided by section 204C.21. The postelection review must be conducted in the manner provided for recounts under section 204C.361 to the extent practicable. The review must be completed no later than two days before the meeting of the state canvassing board to certify the results of the state general election.

Subd. 4. Standard of acceptable performance by voting system.

A comparison of the results compiled by the voting system with the postelection review described in this section must show that the results of the electronic voting system differed from the manual count of the offices reviewed by no more than two votes in a precinct where fewer than 1,200 voters cast ballots, three votes in a precinct where between 1,200 and 1,599 voters cast ballots, four votes in a precinct where between 1,600 and 1,999 voters cast ballots, or five votes in a precinct where 2,000 or more voters cast ballots. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct.

Subd. 5. Additional review.

(a) If the postelection review in one of the reviewed precincts reveals a difference greater than the thresholds specified in subdivision 4, the postelection review official must, within two days, conduct an additional review of the races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review in any of the reviewed precincts also indicates a difference in the vote totals compiled by the voting system that is greater than the thresholds specified in subdivision 4, the county auditor must conduct a review of the ballots from all the remaining precincts in the county for the races indicated in subdivision 3. This review must be completed and the results must be reported to the secretary of state within one week after the second review was completed.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the secretary of state must notify the postelection review official of each county in the district that they must conduct manual recounts of all the ballots in the district for the affected office using the procedure outlined in section 204C.35. The recount must be completed and the results reported to the appropriate canvassing board within two weeks after the postelection review official received notice from the secretary of state.

Subd. 6. Report of results.

Upon completion of the postelection review, the postelection review official must immediately report the results to the county auditor. The county auditor must then immediately submit the results of the postelection review electronically or in writing to the secretary of state not later than two days before the State Canvassing Board meets to canvass the state general election. The secretary of state shall report the results of the postelection review at the meeting of the State Canvassing Board to canvass the state general election.

Subd. 7.Update of vote totals.

If the postelection review under this section results in a change in the number of votes counted for any candidate, the revised vote totals must be incorporated in the official result from those precincts.

Subd. 8.Effect on voting systems.

If a voting system is found to have failed to record votes accurately and in the manner provided by the Minnesota Election Law, the voting system must not be used at another election until it has been examined and recertified by the secretary of state. If the voting system failure is attributable to either its design or to actions of the vendor, the vendor must forfeit the vendor bond required by section [206.57](#) and the performance bond required by section [206.66](#).

Subd. 9.Costs of review.

The costs of the postelection review required by this section must be allocated as follows:

(1) the governing body responsible for each precinct selected for review must pay the costs incurred for the review conducted under subdivision 2 or 5, paragraph (a);

(2) the vendor of the voting system must pay any costs incurred by the secretary of state to examine and recertify the voting system; and

(3) the secretary of state must reimburse local units of government for the costs of any recount required under subdivision 5, paragraph (b).

Subd. 10.Time for filing election contest.

The appropriate canvass is not completed and the time for notice of a contest of election does not begin to run until all reviews under this section have been completed.

History:

[2006 c 242 s 34](#); [2008 c 244 art 1 s 20,21](#); [2008 c 295 s 22](#); [2008 c 336 s 8](#); [2010 c 194 s 25](#); [2013 c 131 art 2 s 69,70](#); [2021 c 31 art 3 s 21,22](#)

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