

### COMMITTEE OF THE WHOLE AGENDA

COUNTY BOARD ROOM GOVERNMENT CENTER RED WING, MN

> MARCH 1, 2022 10:00 A.M.

Virtual Meeting Notice

Due to concerns surrounding the spread of COVID-19, it has been determined that inperson meetings or meetings conducted under Minn. Stat. 13D.02 a are not practical or prudent. Therefore, meetings that are governed by the Open Meeting Law will temporarily be conducted by telephone or other electronic means pursuant to Minn. Stat. 13D.021.

The Goodhue County Board of Commissioners will be conducting a Committee of the Whole meeting pursuant to this section on March 1, 2022 at 10:00 a.m. in the County Board Room. The County Administrator and/or County Attorney will be present at the meeting location. All County Commissioners attending will appear by telephone or other electronic means. The public may monitor the meeting from a remote site by logging into <a href="https://global.gotomeeting.com/join/600688493">https://global.gotomeeting.com/join/600688493</a> or calling <a href="https://global.gotomeeting.com/join/600688493">1866 899 4679 OR 1 571 317</a> <a href="https://global.gotomeeting.com/join/600688493">3116</a> any time during the meeting.

Access Code: 600-688-493

### 1. Absentee Ballot Board

Documents:

Absentee Ballot Board.pdf



### Brian J. Anderson Goodhue County Auditor/Treasurer Goodhue County Finance & Taxpayer Services

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TO:	County Board of Commissioners
FROM:	Brian J. Anderson, Auditor/Treasurer
	Micki O'Keefe, Accountant II
SUBJECT:	Absentee Ballot Board
DATE:	March 1, 2022

### Background

In 2010, the state legislature enacted Minnesota Statute 203B.121 which provides for the review of absentee ballots in Minnesota elections. The ballot-board statute provides the appointment process and explains who may serve on the ballot board:

The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22. The board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

After the ballot board is established, subdivision 2(a) governs the duties of the different ballot-board members:

The members of the ballot board shall take possession of all signature envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each signature envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

Minnesota Rule 8210.2450 as it relates to the ballot-board statue states:

Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots, or are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

On April 16, 2020 a petition was filed and later reviewed by the State of Minnesota Court of Appeals. The case was Minnesota Voters Alliance vs. State of Minnesota. The case number is 20-0601. It challenged Minnesota Rule 8210.2450 stating that it contradicted M.S. 203B.121. Ultimately, that case was dismissed on February 1, 2021 for lack of standing.

A separate consolidated case of various petitions was also decided by the Minnesota Court of Appeals dealing with the same issue. Minnesota Voter Alliance v. County of Ramsey, et al, 962 N.W.2d 667 (Minn. Ct. App. 2021), review granted (Aug. 24, 2021). The Minnesota Court of Appeals in this case did address the merits of the petitions and held that there was no requirement to exhaust major political party lists prior to appointing deputy county auditors or deputy city clerks to absentee ballot boards. The Minnesota Supreme Court has granted review of this case. Oral arguments were heard on January 4, 2022. They have 90 days after oral arguments to issue an opinion. In the event the Minnesota Supreme Court makes a decision to overrule the Minnesota Court of Appeals, we will have to change our procedures in accordance with their holding and guidance.

#### Discussion

As we prepare for the 2022 State Primary and State General Elections, we are looking for board recommendations as to who should be appointed to the absentee ballot boards. Staff has received inquiries from individuals that are interested in being appointed to the absentee ballot board.

Ballot board duties start roughly around 46 days before each election and would end the day of the election. Ballots received up until two weeks before Election Day, must be processed by ballot board within five days of receipt. During the 14 days immediately preceding Election Day, the ballots must be delivered to the board within three days. Starting at the close of business on the 7<sup>th</sup> day preceding the election, counties can start opening and processing the absentee ballots into the tabulators.

Historically, the board has appointed deputy auditors to absentee ballot board. In 2020, it was apparent that our office would need additional assistance with processing the absentee ballots into the tabulators. Additional County employees from the Finance and Taxpayers Department, who qualified as Minnesota voters, completed election judge training and statements of party affiliation. Those party balanced election judges along with the deputy auditors completed the processing of over 11,000 absentee ballots received for the 2020 State General Election.

If the board recommends using election judges, those judges must be of different major political parties. Currently, Minnesota has four major political parties: Republican Party, Democratic-Farmer-Labor Party, Legal Marijuana Now Party and Grassroots-Legalize Cannabis Party.

#### Recommendation

Below are some options for ballot board appointments.

- 1. Approve a combination of deputy auditors and election judges made up of additional county department employees who meet the requirement to be a Minnesota election judge.
- 2. Approve a combination of deputy auditors and trained election judges. Election judges to include additional county department employees and others that are not county employees. This will affect the 2022 election budget.

# GOODHUE COUNTY ABSENTEE BALLOT BOARD DUTIES



## ESTABLISH AN ABSENTEE BALLOT BOARD

- The absentee ballot board is a special board of election judges or deputy auditors that process and count returned absentee ballots.
- The county board must authorize an absentee ballot board by resolution
- The county must establish a UOCAVA absentee ballot board to process returned UOCAVA absentees
- There is no timeframe for the establishment of these boards in statute or rules. Best practices is to have these established prior to the start of the absentee voting period.

## BALLOT BOARD MAKEUP

- Consists of election judges trained in the handling of absentee ballots
  - Must be of different major political parties.
  - MN has four major parties
    - Republican Party
    - Democratic-Farmer-Labor Party
    - Legal Marijuana Now Party
    - Grassroots-Legalize Cannabis Party
- May include deputy county auditors or deputy city clerks trained in the handling of absentee ballots
  - Deputies are exempt from the party balance requirements

## ELECTION JUDGE REQUIREMENTS

- Must be eligible to voter in Minnesota & be able to read, write & speak English
- Candidates for office cannot be an election judge in a precinct where they appear on the ballot
- A person who is a relative of a candidate for office cannot serve in a precinct where that candidate is on the ballot
  - Relatives include a spouse, parent, child, stepchild, brother, sister, stepbrother or stepsister
- A person who temporarily or permanently lives in the same house as a candidate cannot serve in a precinct where that candidate is on the ballot
- Election Judges who are relatives to each other cannot serve together in the same precinct during the same shift
  - Relatives include a spouse, parent, child, stepchild, brother, sister, stepbrother or stepsister
- A challenger appointed to contest voter eligibility cannot serve as an election judge

## ELECTION JUDGE PARTY BALANCE

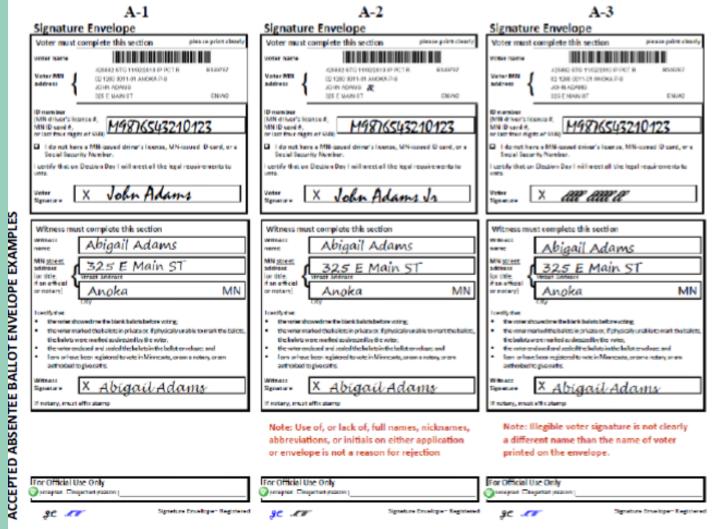
- At least two judges must represent different major political parties
- No more than one-half of the judges can be from the same major political party
  - If the election board consists of an odd number of election judges, then the number of election judges who are members of the same major political party may be one more than half the number of election judges in that precinct

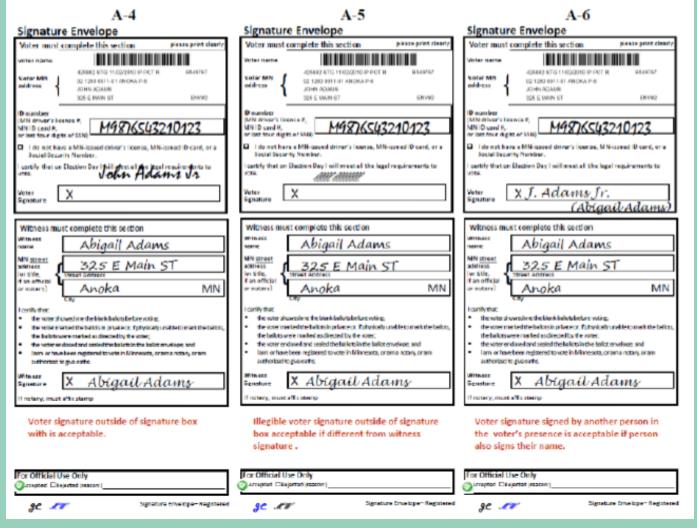
- Ballots received up to two weeks before election day
  - must be reviewed within five days of receipt
- Ballots received during the 14 days before the election
  - must be reviewed within 3 days of receipt

- When absentee ballots are received they go on one of two paths.
  - Ballots go directly to ballot board or
  - Ballots are scanned into SVRS as received and the absentee ballot record is updated
    - Ballots go to secure storage until ballot board convenes

- Ballot Board Meets Acceptance Criteria
  - Voter's name and address on the envelope matches that information from the application
  - Voter has signed the signature envelope
  - The voter has provided the same identification number on the envelope as the AB application or on their voter record
  - Voter is registered and eligible to vote in the precinct or has property completed a voter registration application with proof of residence marked on the signature envelope
  - A witness has signed the statement on the signature envelope and provided a MN address or title indicating they are eligible to administer oaths, or has affixed a notary stamp
  - Voter has not already voted in the election

- Signature envelopes, which meet the acceptance criteria, are marked "Accepted" by the ballot board members, who then initial below the indication on the envelope
- Accepted envelopes are scanned into SVRS causing the absentee voting record to be flagged as accepted. This is what the "track my ballot" tool looks at for voter inquiries
- Accepted envelopes are returned to a secure storage sorted by precinct





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- Ballot that don't meet the "Acceptable" criteria
  - Marked rejected on the envelope.
  - Judges initial envelope
  - Judges write the reason for the rejection on the envelope
- Rejected absentee ballots are scanned into SVRS as rejected
  - Depending on timing, a replacement ballot will be issued or the voter will be called
  - Replacement ballots are stamped replacement on the outer envelope
  - A letter with the reason why the original ballot was rejected is included with the replacement ballot
- Rejected absentee ballots are placed in secure storage separate from accepted absentee ballots

- Key Rejection Reasons
  - Voter Name Not Match
  - Voter Address Not Match
  - No Voter Signature
  - Numbers & Signature Not Match
  - Voter Reg App Not Included
  - Voter Reg App Returned Separate

- Key Rejection Reasons (Continued)
  - Voter Reg App Not Signed
  - Voter Reg App Deficient
  - No Witness Signature
  - No Witness Address, Title or Stamp
  - Witness No Proof Marked
  - Already Voted

- Ballot board track ballots by precinct in excel spreadsheet log
  - Enter the initials of the ballot board members reviewing the ballots
  - Enter the number of ballots to be reviewed
  - Enter the number of ballots accepted
  - Enter the number of ballots rejected
- Following the completion of ballot board and scanning ballots into SVRS, a report is ran in SVRS of the number of ballots accepted and rejected in the system. That report is compared to the excel spreadsheet as a double check.

### Absentee Ballot Count: Current Ballot Status

11/07/2018 7:47 AM

County-Goodhue, Election-11/06/2018 - STATE GENERAL, Application Type-Regular, UOCAVA

Municipality Ward Precinct	a.Total Transmitted	b.Returned by Voter	b1.Received	b2.Accepted	b3.Rejected	c.Undeliverable	d.Spoiled or Lost	e.Status Unknown	Replaced Ballot	Not Transmitted (Initialized)
Goodhue										

Precinct	Accepted Precinct Ballots	Accepted Federal Ballots	•	Accepted Safe At Home Ballots	Total Accepted Ballots	Total Rejected Ballots	Direct Balloting	Total Voters
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- Regular absentee and UOCAVA envelope processing can begin after the close of business on the seventh day before the election
- We run the SVRS report from the previous slide and match the count to the physical number of absentee ballots
- Teams work together one precinct at a time
- Signature envelopes are separated from ballot secrecy envelopes
- Signature envelopes are placed in secure storage
- Ballot secrecy envelopes are separated from the ballot

- Ballots are back folded on the crease for easier scanning in the tabulator
- Two ballot board members initial in the judge section of the ballot
- Judges review that the stack of ballots are for the precinct they are processing
- Precinct ballots are counted by the tabulator.
  - Tabulator is set to only count ballots for that precinct.
  - Tabulator has three trays
    - Tray one These ballots need to be reviewed by judges
    - Tray two These ballots were read and contain write-ins
    - Tray three These ballots were read and don't contain write-ins



- Ballots that go to tray one
  - Ballots with unreadable marks
  - Voter cross party lines
  - Voter voted for too many offices
  - Ballot is the wrong precinct
  - Ballot is blank



- Once a precinct is tabulated, ballots are secured in voted ballot transfer cases sorted by precinct
- If a ballot needs to be remade, two members obtain a new ballot.
  - Original is marked original 1 (next is original 2)
  - Duplicate is marked duplicate 1 (next is duplicate 2)
  - Duplicate is remade and judges initial duplicate ballot
  - Duplicate is tabulated and secured
  - Original is secured in the originals duplicated envelope



- After tabulating ballots, we run a precincts counted report
- This report totals the number of ballots that have been tabulated
- This report is compared to the SVRS report



- After 8pm on Election Day
  - Totals are loaded to a media device
  - Vote totals are printed from tabulator
  - Absentee summary statements are completed
  - Media device is uploaded to dedicated election computer
  - Ballots are reviewed for write-ins

