



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

December 1, 2020

Senator Mary Kiffmeyer
95 University Avenue West
Minnesota Senate Building, Room 3103
Saint Paul, MN 55155

Senator Kiffmeyer,

This is a response to your letter dated November 18, 2020. I welcome the chance to talk with legislators about the administration of elections, and I am also always available to you and your colleagues for private consultations. While I fundamentally disagree with the premise of some of the questions in your letter, I am happy to answer them as best I can to help stop the rampant spread of misinformation and disinformation related to the 2020 General Election.

I want to be clear that here in Minnesota the 2020 General Election was a tremendous success. It was an unprecedented effort by nonpartisan officials from every level of government, all dedicated to providing the most secure election possible – even during a once-in-a-century pandemic. There were multiple challenges along the way. Happily, Minnesota met and overcame every single major challenge.

- First, Minnesotans adapted to the uncertainty and anxiety that the pandemic caused by voting in new ways. In 2018, 24% of voters voted from home or otherwise by absentee. In 2020, that figure was 58% - about 1.9 million of the nearly 3.3 million people who voted. In other words, only 42% of voters actually voted in the traditional way by showing up at their designated polling place on Election Day. That is a remarkable transformation in such a short period of time; a reflection of Minnesotans' strong desire to try different ways of voting in 2020.
- Second, Minnesota's polling places were well staffed with election judges, despite the risks associated with the pandemic. Last spring, during the primary season, several other states suffered upheaval (if not chaos) at polling places – because large portions of the election judge pool opted to stay home to avoid undue risk. Those problems spurred elections administrators all over Minnesota, including in the Office of Secretary of State, to do unprecedented planning to ensure that staffing levels stayed steady. It worked. On Election Day, the state had the approximately 30,000 election judges needed to administer the election.

- Third, polling places were made as safe as possible with the provision of PPE and supplies. The Office of Secretary of State coordinated the acquisition and distribution to all 3,000 Minnesota polling places of the following:
 - 53,700 KN95 masks
 - 360,000 surgical-style disposable masks
 - 15,900 face shields
 - 9,200 packs of alcohol wipes (nearly a half a million individual wipes)
 - 9,200 bottles of disinfectant
 - 8,500 gallons of hand sanitizer
 - 6,220 sanitization stations

In addition, the Office also worked with the Minnesota Department of Health and the Center for Disease Control (CDC) to provide guidance for the safe operation of polling places, which covered procedures ranging from social distancing to the automatic wipe-down of polling surfaces after use by voters.

- Fourth, the election was secure – on multiple levels. As of today, there have been no credible reports to the Office of Secretary of State of fraud or voter misconduct. Minnesota’s record of election integrity continues. And, as of today, there is no evidence of any successful attempt by any unauthorized source to infiltrate election infrastructure.
- Fifth, Minnesota smashed records for voter turnout. For the third election in a row, Minnesota finished #1 in the nation in voter turnout – with 79.96% of all eligible voters casting a ballot. That was also the highest voter turnout in Minnesota since 1956 – all during a serious global health crisis.

All of those achievements should make Minnesotans proud. They are the result of an amazing team effort by the Office of Secretary of State along with people in counties and cities across the state. And they reflect something even larger. You yourself said it best when you testified before a joint hearing of the United States House of Representatives Committees on Administration and Science when you emphasized that “[Minnesota has] led the nation in voter turnout for several years, but one reason for that high involvement is that Minnesotans have demanded that elections meet the highest standards of accuracy, access, integrity, and privacy.” Your formulation was correct: High turnout is a strong indicator of confidence in many other portions of the election system. With a first-in-the nation voter participation rate in 2020, I am happy to report that Minnesotans remain as confident as ever in the integrity and accuracy of our election system.

Let me comment generally about the questions in your letter. As you well know, Minnesota has robust, open, and public procedures before, during, and after Election Day to ensure a complete and accurate count. The laws governing these procedures are the product of bipartisan collaboration over many years at the Legislature. The testing and certification of our election equipment, as well as the post-election reviews, are open for anyone to observe. As you also know, ours is a decentralized system – with local governments making decisions in such areas as election equipment, staffing, and logistics. Nevertheless, some people (including elected

officials) have chosen to wield conspiracy theories and misinformation in an attempt to undermine public confidence in our election system. Those attempts are dangerous for our democracy. I hope you'll join me in loudly and publicly identifying and debunking such corrosive fantasies.

I want to repeat for Minnesotans what both state and federal officials nationwide have said about the 2020 General Election: there is no credible evidence that votes were changed, deleted, counted when they should not have counted, or otherwise compromised. Anyone claiming otherwise is insulting the tireless work of election administrators across the state. Foolish and irresponsible claims are unworthy of attention. Nevertheless, if my answers to your questions can in any way help stop this spread of misinformation, I am happy to be helpful.

Attached to this letter you'll find answers to all of your questions. Much of this information is available on our webpage and through already-required reports, but please let me know if you have any additional questions or concerns. Samm Bonawitz, Director of Government Relations, can be reached at 651-201-1334 or samm.bonawitz@state.mn.us.

Finally, while Minnesotans should be proud of what voters and administrators in Minnesota accomplished together this year despite unprecedented challenges, there is always room for improvement. That's why I hope that in 2021 and beyond we can work together. I've been disappointed that, over the past several legislative sessions, your committee (whose very title suggests more than a passing interest in election policy) has declined to hold hearings on legislation with bipartisan support that would improve Minnesota's election system. Even our technical corrections bill, a collection of non-controversial suggestions from city clerks and county auditors, has not seen any meaningful action in the Senate despite overwhelming bipartisan support in the House. Ironically, some of the questions in your letter would have been more readily answerable had your committee acted on some of the non-partisan solutions that our office suggested. The inexplicable lack of legislative action over the past several years, as well as the pointless political game-playing that occurred with the delayed authorization of the Help America Vote Act funds, put Minnesota voters and administrators at an unnecessary disadvantage. While Minnesota's election administrators and voters have worked hard and successfully to overcome those disadvantages, I hope you'll join me in finding common ground on legislation aimed at improving our democracy – and ensuring that Minnesota's election system continues to be a model for the nation.

Sincerely,

A handwritten signature in black ink that reads "Steve Simon". The signature is written in a cursive, slightly slanted style.

Steve Simon
Minnesota Secretary of State

Voting Software, Security, & Tabulation

1. **Please provide us with a complete list of all election hardware and software vendors utilized by counties and municipalities, broken down by precinct. This includes, but is not limited to, vendors for hardware and software relating to all optical scanning machines (precinct and central count included), and e-poll books.**
 - a. **What generation of software and hardware was each precinct using?**
 - b. **When did each precinct receive their vendor software and hardware?**

The list of certified equipment is publicly available on the Secretary of State's website at:

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

The Office of the Secretary of State certifies certain voting equipment for use in Minnesota under Minnesota Statutes, Chapter 206, Minnesota Rules Chapters 8220, and 8230. The full list of certified equipment, as listed in the Secretary of State's webpage, is as follows:

- Dominion ImageCast Central (central count tabulator)
- Dominion ImageCast Evolution (polling place tabulator)
- Dominion ImageCast Evolution (polling place assistive voting device)
- Democracy Live OmniBallot Tablet (polling place assistive voting device)
- ES&S Digital Scan 200 (polling place & central count tabulator)
- ES&S Digital Scan 450 (central count tabulator)
- ES&S Digital Scan 850 (central count tabulator)
- ES&S Model 100 (polling place & central count tabulator)
- ES&S AutoMark (polling place assistive voting device)
- Hart Verity Central (central count)
- Hart Verity Scan (polling place)
- Hart Verity TouchWriter (polling place assistive voting device)

Minnesota also allows electronic rosters under Minnesota Statutes, section 201.225, but the Office of the Secretary of State ("the Office") does not certify these electronic rosters. Only one kind of electronic pollbook is used currently, the KNOWiNK Poll Pad.

Attached is spreadsheet of each precinct's voting equipment for your review. This information will also be updated for the 2020 General Election in map form on the Office's voting equipment webpage, as it was for the 2018 General Election and previous elections, and will be included in the forthcoming Minnesota Legislative Manual (also known as the Blue Book).

For information related to software generation and when these were obtained, you will need to contact the local jurisdiction.

2. **Please provide a list of all counties that utilized "off-the-shelf" hardware or software and what vendor they purchased from.**

The Office of the Secretary of State does not certify hardware or software beyond the items listed in response to question one, above. Under current law, local jurisdictions are not required to report vendor information other than certified equipment listed in response to question one.

Accordingly, the Office does not have this information. However, the Office of the Secretary of State pursued election security legislation the past two regular sessions that had additional reporting requirements for vendors and local governments. Your committee declined to hear that legislation. You may wish to reach out directly to the counties or cities for this information.

- 3. What security checks or protocols are followed to ensure the software and hardware functions as claimed by the vendor?**
 - a. When and how often are these checks performed?**
 - b. Who performs these checks?**
 - c. How does your office ensure each county has followed these procedures?**

The process for equipment certification for use in Minnesota, and the multitude of testing rules, is all publicly available on the Office of the Secretary of State's website at <https://www.sos.state.mn.us/elections-voting/how-elections-work/voting-equipment/> as well as Minnesota Statutes, Chapter 206, and Minnesota Rules Chapters 8220 and 8230. The Office's website also has the Voting Equipment Testing Guide publicly available for your review at <https://www.sos.state.mn.us/media/1108/2014-equipment-testing-guide.pdf>.

Before every election, local election officials test all equipment that will be used in that election. For the preliminary testing, ballots are marked with assistive voting devices, a set of pre-marked ballots is fed into the ballot tabulators, and the machine's totals are compared with the pre-determined results. Some equipment is also tested at a Public Accuracy Test shortly before the election. Public Accuracy Tests are open to the public.

Following each general election Minnesota Statutes, section 206.89, requires that Minnesota counties perform a post-election review of election results returned by the optical scan ballot counters used in the state. The review is a hand count of the ballots for each eligible election (U.S. President, U.S. Senator, U.S. Representative, and Governor) in the selected precincts compared with the results from the voting system used in those precincts.

Finally, Minnesota Statutes, section 206.895, requires that the Office of the Secretary of State routinely conduct post-election audits of counties. This county visit by our office includes checking the county's equipment testing documents to ensure they were handled properly.

- 4. Was any polling equipment in the state connected or operated on the internet or any other electronic network?**
 - a. How can you prove or guarantee this to be true?**

Minnesota Statutes allow for electronic pollbooks to be connected to the internet and networked for the purpose of updating the list of voters who have voted absentee. *See* Minn. Stat. § 201.225, subd. 2.

Minnesota Statutes also allow for tabulators to be connected to the internet only after the polls close to transfer the unofficial precinct results to the county. This can only be done after voting has concluded and after the paper summary statement of official results is printed. No tabulation

equipment can be connected to the internet while voting is occurring. The full text of the statutory requirements and prohibitions around internet connectivity of tabulators is as follows:

Subdivision 1. Prohibited connections.

The county auditor and municipal clerk must secure ballot recording and tabulating systems physically and electronically against unauthorized access. Except for wired connections within the polling place, ballot recording and tabulating systems must not be connected to or operated on, directly or indirectly, any electronic network, including a local area network, a wide-area network, the Internet, or the World Wide Web. Wireless communications may not be used in any way in a vote recording or vote tabulating system. Wireless, device-to-device capability is not permitted. No connection by modem is permitted.

Transfer of information from the ballot recording or tabulating system to another system for network distribution or broadcast must be made by disk, tape, or other physical means of communication, other than direct or indirect electronic connection of the vote recording or vote tabulating system.

Subd. 2. Transmission to central reporting location.

After the close of the polls, the head election judge must create a printed record of the results of the election for that precinct. After the record has been printed, the head election judge in a precinct that employs automatic tabulating equipment may transmit the accumulated tally for each device to a central reporting location using a telephone, modem, Internet, or other electronic connection. During the canvassing period, the results transmitted electronically must be considered unofficial until the canvassing board has performed a complete reconciliation of the results.

Minn. Stat. § 206.845.

5. Was any wireless communication used while recording votes in any tabulation systems?

a. What check or inspection was performed to confirm this?

As described above in response to question four, Minnesota Law explicitly prohibits wireless communication to be used in tabulation systems while recording votes and while the polling place is open to voting.

6. Did any election day polling locations use wireless device-to-device capabilities at any time?

a. What check or inspection was performed to confirm this?

As described in response to question four, Minnesota Statutes allows electronic pollbooks to be networked both within and outside the polling place for the purpose of updating the precinct's voter rolls and allows tabulation equipment to connect electronically once voting has ended for the purpose of transmitting unofficial results and only after the official results summary statement has been printed.

7. Did any polling locations connect any equipment to a modem?

a. What check or inspection was performed to confirm this?

As described in response to question four, Minnesota Statutes allows tabulation equipment to connect electronically once voting has ended for the purpose of transmitting unofficial results and only after the summary statement of official results have been printed.

8. How was information from the ballot tabulating systems transferred by each county?

Election judges in all 87 counties bring each ballot tabulator's memory stick with the precinct's results to the county elections office, along with the printed summary statement of official results, and the ballots. Additionally, Minnesota Statutes allows for tabulators to report unofficial results totals once the polls close to the county.

9. Did any polling locations network an e-poll book prior to 8AM on election day?

a. What check or inspection was performed to confirm this?

As described in question four, Minnesota Statutes allow for electronic pollbooks to be networked for the purpose of updating the list of voters who have voted absentee. Many jurisdictions may have done this prior to 8AM on election day, and many would have done this prior to 7AM when polling places opened.

10. Was Dominion software connected to any precinct count tabulators?

a. Did Dominion have any connection to precinct optical scanning in the state?

As described in response to question one, Dominion has passed state and federal certification requirements and is authorized for use in Minnesota. To see which counties and precincts use each vendor, please see the attached spreadsheet or visit <https://www.sos.state.mn.us/elections-voting/how-elections-work/voting-equipment/> which will be updated with the 2020 General Election information in the near future. As reflected in the attached spreadsheet, Aitkin, Crow Wing, Dakota, Mahnomon, Scott, and Sherburne counties use Dominion equipment.

11. Was any communication sent out to counties regarding the closure or opening of county offices on election night?

- a. **If no communication was sent, how did your office correct the fact that many counties closed their doors to the public wanting to legally watch the counting of ballots?**

The communication on this topic is attached at the end of this letter.

12. When did your office receive the 2020 party lists?

- a. **When were they sent to the counties?**
- b. **What percent of each party's list was utilized in election judge work?**

Party lists were received by May 1, 2020 and were uploaded to the Statewide Voter Registration System and available to the counties on May 15, 2020.

In order to identify which percent of each party's list was utilized in election judge work, you would need to contact the individual counties and cities.

13. Please provide all guidance and materials sent to townships, cities, or counties in preparation for the 2020 election.

All election guides are publicly available on the Office's website at <https://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>. Additional supportive materials, such as the election calendar, election laws, sample forms and instructions, and election judge training, are also publicly available at <https://www.sos.state.mn.us/election-administration-campaigns/election-administration/>.

The Office and its staff are in regular communication with county, city, and township election officials responding to questions. Included with this letter is guidance from the Office regarding:

- The Governor's Facial Covering Requirement
- Ballot Drop Boxes
- Ballot Guards
- Polling Place Guidelines for Preventing the Spread of COVID-19
- The Role of Challengers in the Polling Place

Uniformed and Overseas Citizens Absentee Voting

1. **How many absentee ballots were sent electronically to UOCAVA voters during the 2020 Primary and General Election?**
 - a. **How many of these ballots were sent to voters in Minnesota?**
 - b. **How many of these ballots were sent to voters outside of Minnesota?**
 - i. **What state or country were the ballots electronically sent, if any?**

25,094 ballots were sent electronically to uniformed and overseas Minnesota citizens, as permitted by the federal Uniformed and Overseas Citizens Absentee Voting Act. This number includes ballots transmitted via fax and e-mail, and represents military members and their families stationed abroad, as well as students studying abroad, missionaries, military contractors, and others.

Of these, 1,174 were transmitted to voters who indicated their current address is in Minnesota. 23,920 ballots were transmitted to voters who indicated they are currently living or stationed outside of Minnesota.

Minnesota's requested a uniformed and overseas absentee ballot from every other state, including Washington D.C. The 185 countries where Minnesota's citizens were living or stationed and requested an absentee ballot from are:

Afghanistan	Cuba	Italy	Norway
Albania	Curaçao	Jamaica	Oman
Algeria	Cyprus	Japan	Pakistan
Andorra	Czech Republic	Jersey	Palestine, State Of
Anguilla	Denmark	Jordan	Panama
Antarctica	Djibouti	Kazakhstan	Papua New Guinea
Argentina	Dominican Republic	Kenya	Paraguay
Armenia	Ecuador	Korea (Rep.)	Peru
Australia	Egypt	Korea, Republic Of	Philippines
Austria	El Salvador	(South Korea)	Poland
Azerbaijan	Estonia	Kosovo, Republic Of	Portugal
Bahamas	Eswatini	Kuwait	Qatar
Bahrain	Ethiopia	Kyrgyzstan	Romania
Bangladesh	Federated State of	Laos	Russia
Barbados	Micronesia	Latvia	Rwanda
Belarus	Fiji	Lebanon	Saint Barthélemy
Belgium	Finland	Liberia	Saint Vincent
Belize	France	Lithuania	Samoa
Benin	French Guiana	Luxembourg	Sao Tome and Principe
Bermuda	French Polynesia	Macedonia	Saudi Arabia
Bhutan	Gambia	Madagascar	Senegal
Bolivia	Georgia	Malawi	Serbia, Republic of
Bonaire, Sint Eustatius	Germany	Malaysia	Sierra Leone
and Saba	Ghana	Mali	Singapore
Bosnia and	Gibraltar	Malta	Sint Maarten (Dutch
Herzegovina	Greece	Marshall Islands	Part)
Brazil	Grenada	Mauritania	Slovak Republic
Bulgaria	Guadeloupe	Mexico	(Slovakia)
Burkina Faso	Guatemala	Moldova	Slovenia
Cambodia	Guernsey	Mongolia	Somalia
Cameroon	Guinea	Montserrat	South Africa
Canada	Guyana	Morocco	South Sudan
Cayman Islands	Haiti	Mozambique	Spain
Chile	Honduras	Myanmar	Sri Lanka
China	Hong Kong	Namibia	St Kitts And Nevis
Colombia	Hungary	Nepal	Sudan
Commonwealth of	Iceland	Netherlands	Sweden
Northern Marianas	India	New Zealand	Switzerland
Islands (Saipan)	Indonesia	Nicaragua	Syrian Arab Republic
Congo, Democratic	Iran	Niger	Taiwan
Republic of the	Iraq	Nigeria	Taiwan, R.O.C.
Congo, Republic of the	Ireland	North Korea (Dem.	Tajikistan
Costa Rica	Isle of Man	People's Rep. of	Tanzania
Croatia	Israel	Korea)	Tanzania

Thailand	Turks and Caicos	United States	Virgin Islands, British
Togo	Islands	Uruguay	Zambia
Trinidad And Tobago	Uganda	Vanuatu	Zimbabwe
Tunisia	Ukraine	Vatican City	
Turkey	United Arab Emirates	Venezuela	
Turkmenistan	United Kingdom	Vietnam	

2. How many absentee ballots were sent electronically to non-UOCAVA voters during the 2020 Primary and General Election?

- a. If any, please provide a breakdown of this data by county.**
- b. What statute authorized you to do this?**

Federal law not only authorizes but requires the Office to provide a reasonable accommodation for voters with a disability. Title II of the Americans with Disabilities Act explicitly requires state and local governments ensure that people with disabilities have a full and equal opportunity to vote privately and independently. Considering Minnesota state law allows anyone to vote absentee, voters with a disability must be provided a reasonable accommodation to vote absentee privately and independently as well.

County Election Administrators are responsible for the administration of absentee voting, including any reasonable accommodations provided to voters with a disability. The Office of Secretary of State made available the DemocracyLive Omniballot system to counties to facilitate accommodation under the ADA. That system, like the system for military and overseas voters, allows a voter to receive a ballot electronically but requires a voter to print and return their ballot in paper form. In order to determine how each county provided accommodation you would need to reach out to the counties. There were thirty-one voters who requested a reasonable accommodation to vote absentee. These voters resided in the following counties:

- Anoka, 3
- Carver, 1
- Cass, 1
- Douglas, 1
- Hennepin, 8
- Olmsted, 2
- Ramsey, 9
- Rice, 2
- Scott, 1
- Sherburne, 3

Court Changes to Election Law: LaRose v. Simon

- 1. Please provide any-and-all physical, digital, personal, and virtual communication your office and the Attorney General's office had with any party to the LaRose v. Simon lawsuit.**

To the best of our knowledge, the Office of the Secretary of State had no communication with parties to the LaRose v. Simon lawsuit.

- 2. Please provide all underlying documentation and research you and the Attorney General's office compiled while addressing this case.**

This is privileged attorney-client information prepared for litigation and as such will not be provided.

- 3. Please provide data showing the total cost of the LaRose v. Simon case.**
 - a. Please break this data down by budget areas spent.**

The Office of the Secretary of State is not billed by the Attorney General, and therefore the Office does not have this information available.

CARES Act Funding

Attached: An itemized list of all 2020 CARES Act expenditures, categorized by spending areas, amount, and when each allocation was made.

Requested: An additional breakdown of the CARES Act money spending prior to July 28, 2020 (and where it was spent) as well as how much was spent after July 28, 2020 (and where it was spent). Although a number of funds were encumbered prior to July 28, 2020, no CARES Act funds were expended prior to July 28, 2020.



Polling Place Guidelines in the COVID-19 Pandemic

General Best Practices:

All election judges should:

- Practice social distancing as much as possible by staying at least six feet away from each other and voters
 - Frequently wash and sanitize their hands, following [CDC handwashing guidelines](#)
 - Wear cloth face coverings, covering their nose and mouth
 - Frequently disinfect surfaces that election judges and voters come in contact with, using [CDC and EPA approved disinfectants](#).
- In election judge training, promote certain behavioral norms, such as social distancing, cleaning, disinfection, and hand hygiene. Include instructions to wipe down door knobs, push plates, and other non-election specific surfaces
 - Provide detailed guidance and templates to show election judges where to set up polling place equipment
 - Election judges should clean equipment within full view of voters to maintain public confidence
 - Ensure that any changes to operations do not limit accessibility to voters with disabilities

Station and Scenario-Specific Guidelines:

- The greeter judge may need to help manage lines outside of the polling place
- Prepare the greeter judge to set expectations for voters in regards to wait times, social distancing guidelines, and available safety items
- When able, registration judges should only examine proof of residence materials visually, without physically touching the voter's documents
- If using pollbooks, encourage election judges to use and frequently sanitize the stylus
- Create a 'neutral zone' for passing materials. Voters and election judges can pass voter receipts and documents back and forth by placing them on a table, and then backing away as the other person approaches to retrieve them
- When election judges assist a voter with marking their ballot, they should attempt to social distance while maintaining voter privacy. They can view the ballot together in larger print on the assistive voting device, or work with the voter from across a table that is away from the main traffic of voters.
- The use of hand sanitizer is encouraged, but check that your hands are dry before handling ballots. Hand sanitizer can wet and damage ballots, which could possibly render them unreadable



Polling Place Guidelines in the COVID-19 Pandemic

Polling Place Layout and Sanitation:

- Hand sanitizer should be available at the entrance and exit of the polling place room
- Disposable face coverings for voters who arrived unequipped but are willing to wear one should be made available near the entrance
- Post the new COVID-19 “Health and Safety” polling place poster
- Spacious, well-ventilated rooms make for the safest polling locations. If possible, have windows and doors open to increase outdoor air flow in the polling place
- Disinfect surfaces between use, especially voting booths, assistive voting devices, tables, and pens. [The best method to disinfect surfaces](#) depends on the surface and the disinfectant used, and may require gloves
- Use tape to mark spots on the floor for voters to stand in line, and at stations, which are at least six feet apart
- Clearly mark points of entry and exit to prevent bottlenecks, and provide signage or physical markers to ensure voters move in one direction through the polling place
- Ensure that distancing is maintained outside of the facility as well if voters are queueing up outside
- To encourage social distancing, put two tables between the voters and the check-in and ballot judges. This creates a wider space between the election judge and voter which prevents voters from unintentionally stepping to close to the judge.
- Spread voting booths as far apart as possible
- On common contact surfaces, such as voting booths, overflow tables, and assistive voting devices place a laminated sheet of paper with text similar to: “This surface has been sanitized and is ready for use, please flip this sheet over when you leave.” Once flipped over, the other side says: “This surface needs to be sanitized before use.” This is to help election judges track what needs to be sanitized and when
- Ask voters to discard used pens into a clearly marked bin, and sanitize them before next use
- Cut “I Voted” stickers and spread them out on a table for voters to pick up on their own
- Consider putting a wipe-able cover on touch screen electronics, or regularly changed plastic wrap



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

July 22, 2020

To: County Auditors and Election Officials

From: The Office of the Minnesota Secretary of State

Subject: Impact of the Governor's Face Covering Executive Order on Voting in Minnesota

The Governor has required a “face covering”¹ be worn in all “indoor businesses and indoor public settings.” Under the definition in the Governor’s [Executive Order 20-81](#), the definition of indoor businesses and indoor public settings is broad and would cover any polling place in the state. Under this executive order, face coverings must be worn in polling places unless the individual is specifically exempted from the executive order. The only individuals specifically exempted in the executive order from wearing a face covering in a polling place setting are children five years and under and “[i]ndividuals with a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering.”²

The Office of the Secretary of State has received several questions as to how to handle face covering compliance in polling places under this executive order, and while you should consult your own county attorney, below is guidance that we hope is helpful as you work with your municipalities on polling place procedures.

¹ “Face Covering” is defined in the Executive Order, and the Order specifically states that:

A “face covering” must be worn to cover the nose and mouth completely, and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Minnesotans are encouraged to refer to CDC guidance on *How to Make Cloth Face Coverings*, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>. Medical-grade masks and respirators are sufficient face coverings, but to preserve adequate supplies, their purchase and use is discouraged for Minnesotans who do not work in a health care setting or in other occupations that require medical-grade protective equipment (e.g., certain construction occupations). Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are **not** sufficient face coverings because they allow exhaled droplets to be released into the air.

² This includes, but is not limited to, individuals who have a medical condition that compromises their ability to breathe, and individuals who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. These individuals should consider using alternatives to face coverings, including clear face shields, and staying at home as much as possible.

1. **Inform voters of the Governor’s facial covering mandate:** If a person enters the polling place without a face covering, an election judge or sergeant at arms should ask the individual to put on one of the disposable masks provided in the polling place and explain that face coverings are required to be worn in the polling place under the Governor’s executive order. If the voter complies and puts on a mask or face covering, you do not need to do anything else.
2. **Encourage the use of curbside voting:** If the individual refuses to wear the face covering, including for health or disability reasons, ask them if they would vote using the curbside voting procedures outside. If the voter agrees to use the curbside voting procedures, you do not need to do anything else.
3. **If the voter insists on voting in the polling place without a face covering, record any violation of the face covering order but do not prevent the voter from voting if eligible:** If the individual refuses to wear the face covering, does not have a health or disability reason preventing them from wearing a face covering, and refuses to use the curbside voting procedures, inform them that under the Governor’s executive order state law requires that they wear a face covering inside the polling place. Further inform the voter that, while they will be permitted to vote if otherwise eligible, their refusal to comply with the state mandate will be recorded and reported to the appropriate authorities.

Record the name and addresses of a voter from the polling place roster in the incident log along with a notation that the voter refused to comply with the facial covering executive order and refused the option of curbside voting.

Remember, even if a voter refuses to wear a mask or face covering, you must permit any eligible voter to receive a ballot and vote.

Please share this information with your cities and townships and anyone else within the county for whom this would be relevant.



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

September 11, 2020

To: County Auditors and Local Election Officials

From: The Office of the Minnesota Secretary of State

Subject: Use of Ballot Drop Boxes for Secure Absentee and Mail Ballot Return

I. Overview

In light of the increase in absentee voting, and in order to respond to voter concerns about delivery times of the USPS and the dangers of the COVID-19 pandemic, many counties and cities administering absentee balloting are considering adding additional drop boxes or establishing drop boxes for the first time. Although counties and cities townships in Minnesota have utilized drop boxes for many purposes, including some for ballot delivery, drop boxes for ballot return have not been as widely used in Minnesota as in some other states. As counties and cities look at expanding the use of or establishing drop boxes for the first time, this memo is intended to provide guidance on the use of drop boxes, including some proposed best practices to ensure the safety and security of ballots returned through a drop box.

This memo incorporates guidance from the Election Assistance Commission (EAC), the Cyber Security and Infrastructure Security Agency (CISA) Elections Infrastructure Coordinating Council, as well best practices from states which have utilized drop boxes extensively for multiple elections. While each county or city should evaluate its own specific circumstances, the Office of the Secretary of State (OSS) is encouraging jurisdictions that have not yet established a drop box to consider establishing one or more drop boxes for individual voter use, as well as additional staffed ballot drop off locations, in the 2020 election. And while we understand that establishing these additional resources for voters may be resource and cost intensive for cities and counties, these are expenses that are authorized for CARES Act funding use.

II. Legal Restrictions – Drop Boxes May Only Be Used by a Voter to Return Their Own Ballot

A voter may return his or her own ballot directly to the county auditor or city clerk administering absentee voting, which can mean handing the ballot to an election official or depositing the ballot in a receptacle administered by the respective county or city. *See* Minn. Stat. 203B.08 (stating a ballot may be “left with the county auditor or municipal clerk who transmitted the absentee

ballots.”). However, voters who are returning another voter’s ballot may not use a drop box - and must instead deliver that ballot to an election official in order to complete the process for “agent delivery.” Under Minnesota R. 8210.2200, subp. 3, when an agent returns a ballot for a voter, the agent must show the auditor or clerk identification, and must provide the agent's name and address, the name and address of the absent voter whose ballot the agent is delivering, and the agent’s signature on the form provided by the auditor or clerk.

A legal memorandum on this subject with more detail is appended to this memo.

III. Best Practices for Establishing a Drop Box for Secure Ballot Return

Whether a county or city is establishing a new drop box or utilizing an existing government drop box for ballot return, counties or cities have an obligation to ensure the security of the ballots, ensure a proper chain of custody of the ballots, and inform the voter about how to properly return a ballot via drop box. Below are recommended best practices to achieve these requirements.

- **Physical Security Recommended Best Practices**
 - **Box Security:**
 - Drop boxes should be monitored at all times they are accessible to the public. This could be in the form of a city or county staff person or in the form of video monitoring.
 - Drop boxes should be physically secured to prevent an unauthorized individual from moving or removing the drop box.
 - Drop boxes that are located outside a government building should be fastened to a building or structure, bolted to a concrete pad, or attached to another similarly secure structure.
 - **Secure Deposit:** Drop boxes should have a slot or chute that a voter can use to deposit his or her ballot but that would protect the deposited ballot from access by others and from the elements if outside.
 - **Limited Access to Deposited Ballots:** When ballots are deposited in a drop box, they should be secure from access by the public. Access by county or city employees should be limited to county election staff or city clerks or their designees. If the drop box is used for other government correspondence, access to the drop box during the absentee period should be limited to the county election staff or city clerk and their designees, and the election official should be responsible for removing the ballots before other personnel have access to the remaining documents.
- **Notice and Signage Consideration for Ballot Boxes**
 - Drop boxes should have signage informing voters that:
 - This is an official county or city drop box, and ballots from county or city voters may be returned at this location.
 - Individuals may only return their own ballot in a drop box, and if they wish to return another individual’s ballot they must return it by hand to the county or city election official.

- Absentee ballots returned to the drop box will only be accepted if the signature envelope is properly sealed and completed.
 - Counties and cities should also consider including signage that informs voters about the security of the drop box (if it is being monitored by video, for example) and the frequency that the box is checked for ballots.
- **Chain of Custody and Other Consideration for Ballot Boxes**
 - Counties and cities should establish procedures for collecting ballots from the drop box that ensure only authorized election personnel have access.
 - Counties and cities should ensure that the drop box is checked at least once a day but no less than is necessary to ensure that the ballot box does not get so full that ballots cannot be deposited.
 - Counties and cities collecting ballots from the drop boxes should make sure that they follow the procedures in Minn. R. 8210.2400 for date-stamping and storing ballots once collected.
 - Counties and cities should establish procedures for the handling and transfer of ballots that may be delivered to the wrong city or county in error.

IV. Additional Options for Ballot Return – Staffed Ballot Drop Off Locations

In addition to establishing drop boxes, counties and cities should consider other methods to increase the options for in-person absentee ballot return. One option that some jurisdictions have used is to established temporary in-person drop off locations, staffed by election judges or county or city employees. These locations would operate like a county or city ballot counter for the purpose of ballot collection, and could be established for different periods and at different locations throughout the absentee period, including establishing a temporary counter in a parking lot to allow for drive up return.

These staffed drop off locations are more labor intensive in that they require county or city elections officials to staff the location, but have some additional benefits:

- Staffed locations allow the establishment of drop off locations in a variety of locations, beyond the city or county offices, and can more likely allow for drive up locations and increased accessibility.
- Staffed locations allow for the delivery of a voter’s own ballot as well as agent delivery.
- Staffed locations allow for a real-time review of the ballot envelope to ensure no errors on the signature envelop and that the envelope is properly sealed.
- Staffed locations may provide additional voter confidence that their ballot has been received by the county or city.

Staffed ballot drop locations, like unstaffed drop boxes, should have a secure receptacle to place ballots that protect ballots from access from the public and from the elements, and should ensure proper chain of custody including return of all ballots to the city or county each day.

V. Additional Considerations

In considering temporary in-person drop off locations, whether a drop box or staffed drop off location, the OSS recommends considering the following:

- Locations that take into account accessibility, including access to public transportation.
- Locations that could allow for drive up drop off of ballots.
- Locations that consider equitable distribution and access throughout the jurisdiction.
- Locations that increase access to underserved communities or communities with historically low vote by mail usage.
- Locations that protects ballots and staff workers from the elements.

There is no requirement in state law as to the duration of either drop boxes or staffed drop off locations, but the OSS encourages counties and cities to use unstaffed drop boxes for as much of the absentee period as possible. The demand and desire for staffed drop off locations will likely increase as election day approaches. The OSS encourages the establishment of additional alternative locations to return ballots throughout the absentee period, but at minimum in the week before election day.

When a jurisdiction establishes a drop box or staffed drop off location, please share the information on the location and duration of the drop box or drop off location with the OSS at elections.dept@state.mn.us. The OSS will publish this information on our webpage for voters to access.

MEMORANDUM

Date: September 11, 2020
To: County Auditors and Election Directors
From: Bibi Black, General Counsel, Office of the Secretary of State
Re: Absentee Ballot Drop Boxes

The question of whether and how an absentee ballot may be returned validly to a county auditor or municipal clerk has arisen.

Regular Absentee Ballots

This memorandum addresses the return of regular absentee ballots, by personal delivery to drop boxes of completed absentee ballots, (as opposed to military and overseas ballots which are administered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and sections 203B.16 to 203B.27, and which almost always are returned to the auditor or clerk by mail or other commercial delivery services).

While this memo speaks only to absentee balloting, it should be noted that Minnesota law already requires the use of drop boxes for precincts that are conducting mail balloting. Minnesota Rules, part 8210.3000 states, in subp. 9:

On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots.

Law

The return of absentee ballots is governed by Minnesota Statutes, section 203B.08 as well as Minnesota Rules, part 8210.2200. The texts of both the statutory section and the rule part are attached to this memo for your reference.

Minnesota Statutes, Section 203B.08

Section 203B.08 provides that the ballot envelope “*may be left with* the county auditor or municipal clerk who transmitted the absentee ballot to the voter.” Section 203B.08, subd. 1 (emphasis added).

This is very broad language and allows the county auditor or municipal clerk to establish their own systems for the receipt of these absentee ballots and to deputize or authorize others to accept these absentee ballots on their behalf, within the other provisions applicable to absentee ballots. This includes drop boxes.

Minnesota Rule, part 8210.2200

Minnesota Rule, part 8210.2200 does impose certain additional requirements, however, particularly upon agent delivery.

Absent Voters

Absent voters who are leaving their own absentee ballot materials with the auditor or clerk are subject only to the following portion of Minnesota Rules, part 8210.2200, subp.1:

When an absent voter hand delivers an envelope which is unsealed or has an improperly completed absent voter's certificate, the absent voter shall be allowed to seal the envelope and correct or complete the certificate.

The remainder of this rule applies only to agent delivery.

The following issues with respect to absent voters arise:

- 1) Must the drop box be staffed, in order to fulfill the rule text quoted above?
 - 2) Must the drop box, if not staffed, be monitored, and if so, by what method?
 - 3) How must the drop box be secured and accessed?
- 1) **Staffing:** Neither the statute nor the rule require staffing, although a jurisdiction may staff the drop box at their discretion. What is necessary is that an absent voter's right to seal the envelope and correct/complete the certificate be recognized and accommodated. The voter has the opportunity to enter the office of the auditor or clerk and have staff review the submission, but the voter also has a right to forego entering the office and simply place the envelope in the drop box. However, in order to alert the voter to the necessity of sealing and properly completing the certificate on, the envelope, and to meet the rule 8210.2200, subp.2 requirement quoted above, there should be signage at the drop box that explains exactly what constitutes an acceptable absentee ballot in those respects. If the voter deposits the ballot, this constitutes a waiver of this right by the voter for reasons of convenience or precaution.
 - 2) **Monitoring:** The rule does not require monitoring, but counties and cities may monitor the drop box, either through direct visual monitoring such as through a window or otherwise in close proximity to auditor or clerk staff or authorized persons, or through technological means such as video cameras.
 - 3) **Security:** Neither the statute or the rule referenced above address either security for or access to absentee ballots handed in within the office, or for ballots placed in receptacles such as drop boxes.

However, there are some more general provisions that apply:

- a. Section 203B.08, subd. 3, requires that:

When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope

and **place it in a secure** location with other return envelopes received by that office.

This establishes an obligation to make the ballots secure.

b. Rule 8210.2400 provides:

The county auditor or municipal clerk shall establish measures for safeguarding absentee ballot return envelopes received prior to election day.

A. The auditor or clerk shall establish a record of absentee ballot return envelopes which are retained in the office. The record shall state the absent voter's name, address, and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

B. All retained envelopes shall be placed in a locked, secure location after being dated, stamped or initialed, and recorded. The envelopes shall not be removed from this location or handled, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section 203B.121.

C. A part-time municipal clerk who receives return envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

D. When the ballot board opens accepted return envelopes pursuant to Minnesota Statutes, section 203B.121, subdivision 4, all absentee ballot return envelopes retained by the county auditor or municipal clerk shall be removed from the place of safekeeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the secretary of state promptly.

Thus, an absent voter has the discretion to deposit their absentee ballot in a drop box, subject to these signage, monitoring, and security concerns.

Agent Delivery

With respect to agent delivery of ballots, agents are authorized to collect absentee ballots from voters and place them in the mail. Agents are also authorized to deliver up to three absentee ballots in an election with the auditor or clerk but a number of processes must be followed, under rule 8210.2200, subp. 2 and 3.

The agent must register with the auditor or clerk their name and address, after showing the auditor, clerk or their staff identification showing that information, and the name and address of the voter whose ballot they are delivering. They must sign the register.

- 1) If the absentee ballot envelope is sealed, the auditor or clerk is to determine whether the certificate has been properly completed. If it has not, the auditor or clerk is to return it to the agent, who may return it to the absent voter to properly complete the certificate.
- 2) If the envelope is not sealed or appears to have been tampered with, the auditor or clerk retains the envelope, writes "Rejected" and the reason therefor on the envelope, notifies the voter of the ballot's non-acceptance. The voter may request a replacement absentee ballot.

These requirements make the use of a drop box for agent-delivered ballots unsuitable, unless staffed and unless the agent can complete the required register entry, and the envelope can be reviewed on the spot for the completeness of the certification. One additional potential issue is the possibility that an agent might deposit ballot envelopes in the drop box, thus avoiding completing the register. At the very least, signage will be necessary to inform the agent that this is not allowed, due to the register requirement.

Controlling legal provisions:

Minnesota Statutes

203B.08 MARKING AND RETURN OF ABSENTEE BALLOTS.

Subdivision 1. **Marking and return by voter.** An eligible voter who receives absentee ballots as provided in this chapter shall mark them in the manner specified in the directions for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots or may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter. If delivered in person, the return envelope must be submitted to the county auditor or municipal clerk by 3:00 p.m. on election day.

The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail. An agent may deliver or mail the return envelopes of not more than three voters in any election. Any person designated as an agent who tampers with either the return envelope or the voted ballots or does not immediately mail or deliver the return envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

Subd. 1a. [Repealed, [1999 c 132 s 46](#)]

Subd. 2. **Address on return envelopes.** The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to the county auditor or municipal clerk who has the responsibility to accept and reject the absentee ballots.

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. Within five days after receipt, the county auditor or municipal clerk shall deliver to the ballot board all ballots received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days. Ballots received on election day either (1) after 3:00 p.m., if delivered in person; or (2) after 8:00 p.m., if delivered by mail or a package delivery service, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Subd. 3a. [Repealed, [1999 c 132 s 46](#)]

Subd. 4. **Rules.** The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

Minnesota Rules

8210.2200 DUTIES OF COUNTY AUDITOR OR MUNICIPAL CLERK UPON RECEIPT OF ABSENTEE BALLOT RETURN ENVELOPE.

Subpart 1. Personal delivery.

Absentee ballot return envelopes that are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day. Ballots received by personal delivery after 3:00 p.m. of election day shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Subp. 2. Inspecting for seal.

Before accepting an absentee ballot return envelope that is hand delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the absent voter's certificate is properly completed.

When an absent voter hand delivers an envelope which is unsealed or has an improperly completed absent voter's certificate, the absent voter shall be allowed to seal the envelope and correct or complete the certificate.

When an agent hand delivers a sealed envelope with an improperly completed absent voter's certificate, the agent may return the envelope to the absent voter for correction or completion in compliance with the time requirements in subpart 1.

When an agent hand delivers an envelope that is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted. The auditor or clerk shall write "rejected" across the absentee ballot return envelope and shall write the reason for rejection on the envelope. The absentee ballot return envelope shall be retained by the auditor or clerk in the auditor's or clerk's office. A notice of nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent, and the reason for nonacceptance. A replacement ballot notice may be sent in place of the notice of nonacceptance. The absent voter may apply for replacement absentee ballots.

Subp. 3. Recording name and address.

When an absentee ballot return envelope is hand delivered to the county auditor or municipal clerk by an agent, the agent shall, on a record maintained by the auditor or clerk, print the agent's name and address, the name and address of the absent voter whose ballot the agent is delivering, and sign his or her name. The agent shall show to the auditor or clerk identification which contains the agent's name and signature.



Challengers appointed by political parties MUST:

- **Bring a written appointment** from a major political party to present to the Head Election Judge. *(Only one challenger per political party may be in each polling place at the same time.)*
- **Bring proof that they are Minnesota residents** to present to the Head Election Judge. They may use any of the proofs of residence allowed for Election Day registration. They do not have to prove residence in the precinct in which they are serving.
- **Only make challenges to voter eligibility based on the challenger's personal knowledge of ineligibility.** Challenges must be made in writing, under oath, based upon personal knowledge.
- **Follow the face covering mandate under Executive Order 20-81** and follow physical distancing requirements in the polling place to ensure voter and election judge safety.

Challengers must not speak to voters. The statute prohibits challengers from talking to voters *(See Minn. Stat. 204C.07, subd. 4, and 204C.12, subd. 2).* If a challenger has personal knowledge that an individual is not eligible, they should speak directly to the Election Judge to provide notice that they intend to challenge this voter. They should then fill out the form to challenge the voter. Once the grounds for the challenge have been put in writing, the Election Judge will question the voter.

In addition, challengers must NOT:

- Be disruptive
- Make lists of who has or hasn't voted
- Handle or inspect registration cards, files, or lists
- Attempt to influence voting
- Take pictures within the polling place
- Go within 6 feet of the ballot counter
- Go within 6 feet of a voting booth
- Go within 6 feet of any other electronic voting equipment
- Make challenges on the basis of mail sent by a political party that was returned as undeliverable or, in the case of registered mail, was refused by the recipient

Election Judges have a right to eject a challenger from the polling place for violating any of these provisions after being informed not to do so.

This document is available in alternate formats for individuals with disabilities.

From: Maeda, David (OSS) <David.Maeda@state.mn.us>
Sent: Tuesday, November 3, 2020 9:26 PM
To: Maeda, David (OSS) <David.Maeda@state.mn.us>
Subject: Ballot Guard Information

BALLOT SECURITY AND VISUAL GUARDS DESIGNATED BY CANDIDATES:

It is possible that you will receive from a candidate, a request on Election Night to post a visual guard of the ballots in this year's elections. This is permitted under section 209.05, under certain conditions. That statute states:

209.05 GUARDING THE BALLOTS.

In any election, upon demand made of the custodian of the ballots and upon notice to the candidate's opponent, a candidate may keep a continuous visual guard over the ballots until the expiration of the time for instituting contests. In case of a contest, the contestant or contestee may keep a visual guard over the ballots. The guard may be maintained either by the candidate, contestant, or contestee, or by their duly authorized agents, not exceeding two at a time for each party to the contest. If a candidate, contestant, or contestee seeks to guard the ballots, the custodian of the ballots shall appoint some suitable person to guard the ballots so they are not in the sole custody of the candidate, contestant, contestee, or their agents.

The candidate must:

- a) Make a demand upon the specific custodian of the ballots (preferably in writing or email); and
- b) Inform the opposing candidates for the office (with a copy to the custodian of the ballots to prove that);

Your county attorney should also review the written or emailed demand. Only if the candidate has met all the requirements of this statute must you allow the visual guard and post your own counterpart. Otherwise, the normal provisions applicable to count observation and physical security of the ballots as set forth in Minnesota Statutes, sections 204B.40; 204C.19, subd.1; 204C.28, subd. 1 (paragraph 2); 206.85, subd.1, clause 6; and 206.86, subd. 3 apply (especially 204B.28).

The custodian of the ballots must have their own person, perhaps a sheriff or other law enforcement official, at all times when the visual guard is present.

The candidate may maintain the visual guard until the time for a contest has passed. This year, that time, for multi-county candidates, will be until seven days after the State Canvassing Board meets on November 24, 2020, or at least until December 1, 2020.

Keeping guard outside of a locked room in which the ballots are secured is the equivalent of the statutory authority to "keep a visual guard over the ballots" as referred to in Minnesota Statutes Section 209.05.

As always, the actual count of the ballots is public, (interpreted this week by the Minnesota Supreme Court as the final tabulation, not the insertion of ballots into the tabulating machine) of the ballots, whether located in a polling place on Election Day, at an Absentee Ballot Board after the close of the polls, or at a central count location after the close of the polls.

Ballots are within the sole custody of county and local election officials until the State Canvassing Board receives a request for a recount. Federal officials and private parties have no role in the custody of the ballots.

Please forward this information on to each custodian of ballots in your county.

-David

David Maeda

Director of Elections

Office of Minnesota Secretary of State, Steve Simon

180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd.

St. Paul, MN 55155

Phone: 651-556-0612

Website: <https://www.sos.state.mn.us/>

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
1	Aitkin	Dominion	ImageCast Evolution	Assistive	19
1	Aitkin	Dominion	ImageCast Evolution	Polling Place	19
1	Aitkin	Dominion	ImageCast Central	AB/MB	1
2	Anoka	ES&S	Digital Scan 850	AB/MB	1
2	Anoka	ES&S	Digital Scan 450	AB/MB	1
2	Anoka	ES&S	Digital Scan 200	AB/MB	22
2	Anoka	ES&S	Digital Scan 200	Polling Place	128
2	Anoka	ES&S	AutoMARK	Assistive	128
3	Becker	ES&S	Model 100	AB/MB	19
3	Becker	ES&S	Digital Scan 200	Polling Place	25
3	Becker	ES&S	AutoMARK	Assistive	44
4	Beltrami	ES&S	Digital Scan 450	AB/MB	2
4	Beltrami	ES&S	Digital Scan 200	AB/MB	1
4	Beltrami	ES&S	Digital Scan 200	Polling Place	14
4	Beltrami	ES&S	AutoMARK	Assistive	27
5	Benton	ES&S	Digital Scan 450	AB/MB	1
5	Benton	ES&S	Digital Scan 200	Polling Place	22
5	Benton	ES&S	AutoMARK	Assistive	23
6	Big Stone	Hart	Verity Touch Writer	Assistive	5
6	Big Stone	Hart	Verity Scan	AB/MB	5
6	Big Stone	Hart	Verity Scan	Polling Place	2
7	Blue Earth	Democracy Live	OmniBallot	Assistive	34
7	Blue Earth	ES&S	Digital Scan 450	AB/MB	1
7	Blue Earth	ES&S	Digital Scan 200	AB/MB	33
7	Blue Earth	ES&S	Digital Scan 200	Polling Place	33
8	Brown	ES&S	Digital Scan 450	AB/MB	1
8	Brown	ES&S	Digital Scan 200	Polling Place	7
8	Brown	ES&S	AutoMARK	Assistive	8
9	Carlton	ES&S	Model 100	Polling Place	36
9	Carlton	ES&S	Digital Scan 200	AB/MB	4
9	Carlton	ES&S	AutoMARK	Assistive	32
10	Carver	ES&S	Digital Scan 450	AB/MB	1
10	Carver	ES&S	Digital Scan 200	AB/MB	2
10	Carver	ES&S	Digital Scan 200	Polling Place	31
10	Carver	ES&S	AutoMARK	Assistive	32
11	Cass	Democracy Live	OmniBallot	Assistive	30
11	Cass	ES&S	Digital Scan 450	AB/MB	1
11	Cass	ES&S	Digital Scan 200	AB/MB	5
11	Cass	ES&S	Digital Scan 200	Polling Place	40
12	Chippewa	ES&S	Digital Scan 200	AB/MB	2
12	Chippewa	ES&S	Digital Scan 200	Polling Place	8
12	Chippewa	ES&S	AutoMARK	Assistive	8
13	Chisago	Hart	Verity Touch Writer	Assistive	23
13	Chisago	Hart	Verity Scan	AB/MB	3

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
13	Chisago	Hart	Verity Scan	Polling Place	26
13	Chisago	Hart	Verity Central	AB/MB	1
14	Clay	ES&S	Digital Scan 450	AB/MB	1
14	Clay	ES&S	Digital Scan 200	AB/MB	1
14	Clay	ES&S	Digital Scan 200	Polling Place	34
14	Clay	ES&S	AutoMARK	Assistive	35
15	Clearwater	ES&S	Digital Scan 200	AB/MB	3
15	Clearwater	ES&S	Digital Scan 200	Polling Place	16
15	Clearwater	ES&S	AutoMARK	Assistive	11
16	Cook	ES&S	Digital Scan 200	AB/MB	3
16	Cook	ES&S	Digital Scan 200	Polling Place	2
16	Cook	ES&S	AutoMARK	Assistive	4
17	Cottonwood	ES&S	Digital Scan 200	AB/MB	13
17	Cottonwood	ES&S	Digital Scan 200	Polling Place	13
17	Cottonwood	ES&S	AutoMARK	Assistive	12
18	Crow Wing	Dominion	ImageCast Evolution	Assistive	28
18	Crow Wing	Dominion	ImageCast Evolution	Polling Place	27
18	Crow Wing	Dominion	ImageCast Central	AB/MB	1
19	Dakota	Dominion	ImageCast Evolution	Assistive	139
19	Dakota	Dominion	ImageCast Evolution	Polling Place	139
19	Dakota	Dominion	ImageCast Central	AB/MB	14
20	Dodge	ES&S	Digital Scan 200	AB/MB	2
20	Dodge	ES&S	Digital Scan 200	Polling Place	21
20	Dodge	ES&S	AutoMARK	Assistive	19
21	Douglas	Democracy Live	OmniBallot	Assistive	23
21	Douglas	ES&S	Digital Scan 450	AB/MB	1
21	Douglas	ES&S	Digital Scan 200	AB/MB	2
21	Douglas	ES&S	Digital Scan 200	Polling Place	21
22	Faribault	ES&S	Digital Scan 200	AB/MB	22
22	Faribault	ES&S	Digital Scan 200	Polling Place	22
22	Faribault	ES&S	AutoMARK	Assistive	20
23	Fillmore	ES&S	Digital Scan 200	AB/MB	19
23	Fillmore	ES&S	Digital Scan 200	Polling Place	19
23	Fillmore	ES&S	AutoMARK	Assistive	18
24	Freeborn	ES&S	Digital Scan 450	AB/MB	1
24	Freeborn	ES&S	Digital Scan 200	AB/MB	1
24	Freeborn	ES&S	Digital Scan 200	Polling Place	10
24	Freeborn	ES&S	AutoMARK	Assistive	11
25	Goodhue	ES&S	Digital Scan 450	AB/MB	1
25	Goodhue	ES&S	Digital Scan 200	Polling Place	37
25	Goodhue	ES&S	AutoMARK	Assistive	38
26	Grant	ES&S	Digital Scan 200	AB/MB	2
26	Grant	ES&S	Digital Scan 200	Polling Place	1
26	Grant	ES&S	AutoMARK	Assistive	2

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
27	Hennepin	ES&S	Digital Scan 850	AB/MB	8
27	Hennepin	ES&S	Digital Scan 200	AB/MB	54
27	Hennepin	ES&S	Digital Scan 200	Polling Place	568
27	Hennepin	ES&S	AutoMARK	Assistive	525
28	Houston	ES&S	Digital Scan 200	AB/MB	2
28	Houston	ES&S	Digital Scan 200	Polling Place	11
28	Houston	ES&S	AutoMARK	Assistive	11
29	Hubbard	Democracy Live	OmniBallot	Assistive	17
29	Hubbard	ES&S	Digital Scan 450	AB/MB	1
29	Hubbard	ES&S	Digital Scan 200	Polling Place	19
30	Isanti	Democracy Live	OmniBallot	Assistive	20
30	Isanti	ES&S	Digital Scan 200	AB/MB	3
30	Isanti	ES&S	Digital Scan 200	Polling Place	18
31	Itasca	Democracy Live	OmniBallot	Assistive	26
31	Itasca	ES&S	Digital Scan 200	AB/MB	6
31	Itasca	ES&S	Digital Scan 200	Polling Place	24
32	Jackson	Democracy Live	OmniBallot	Assistive	11
32	Jackson	ES&S	Digital Scan 200	AB/MB	3
32	Jackson	ES&S	Digital Scan 200	Polling Place	5
33	Kanabec	ES&S	Digital Scan 200	AB/MB	2
33	Kanabec	ES&S	Digital Scan 200	Polling Place	19
33	Kanabec	ES&S	AutoMARK	Assistive	21
34	Kandiyohi	ES&S	Digital Scan 200	AB/MB	3
34	Kandiyohi	ES&S	Digital Scan 200	Polling Place	32
34	Kandiyohi	ES&S	AutoMARK	Assistive	32
35	Kittson	ES&S	Digital Scan 450	AB/MB	1
35	Kittson	ES&S	Digital Scan 200	Polling Place	3
35	Kittson	ES&S	AutoMARK	Assistive	3
36	Koochiching	ES&S	Digital Scan 200	AB/MB	2
36	Koochiching	ES&S	Digital Scan 200	Polling Place	6
36	Koochiching	ES&S	AutoMARK	Assistive	5
37	Lac Qui Parle	Democracy Live	OmniBallot	Assistive	6
37	Lac Qui Parle	ES&S	Digital Scan 450	AB/MB	1
37	Lac Qui Parle	ES&S	Digital Scan 200	Polling Place	5
38	Lake	ES&S	Digital Scan 200	AB/MB	1
38	Lake	ES&S	Digital Scan 200	Polling Place	14
38	Lake	ES&S	AutoMARK	Assistive	11
39	Lake Of The Woods	Democracy Live	OmniBallot	Assistive	2
39	Lake Of The Woods	ES&S	Digital Scan 200	AB/MB	5
39	Lake Of The Woods	ES&S	Digital Scan 200	Polling Place	2
40	Le Sueur	ES&S	Digital Scan 200	AB/MB	2
40	Le Sueur	ES&S	Digital Scan 200	Polling Place	16
40	Le Sueur	ES&S	AutoMARK	Assistive	15
41	Lincoln	ES&S	Digital Scan 200	AB/MB	1

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
41	Lincoln	ES&S	Digital Scan 200	Polling Place	8
41	Lincoln	ES&S	AutoMARK	Assistive	9
42	Lyon	ES&S	Digital Scan 200	AB/MB	4
42	Lyon	ES&S	Digital Scan 200	Polling Place	8
42	Lyon	ES&S	AutoMARK	Assistive	8
43	Mcleod	ES&S	Digital Scan 450	AB/MB	1
43	Mcleod	ES&S	Digital Scan 200	AB/MB	2
43	Mcleod	ES&S	Digital Scan 200	Polling Place	12
43	Mcleod	ES&S	AutoMARK	Assistive	9
44	Mahnomen	Dominion	ImageCast Evolution	AB/MB	2
44	Mahnomen	Dominion	ImageCast Evolution	Assistive	5
44	Mahnomen	Dominion	ImageCast Evolution	Polling Place	3
45	Marshall	ES&S	Digital Scan 850	AB/MB	1
45	Marshall	ES&S	Digital Scan 200	Polling Place	1
45	Marshall	ES&S	AutoMARK	Assistive	2
46	Martin	ES&S	Digital Scan 450	AB/MB	1
46	Martin	ES&S	Digital Scan 200	AB/MB	1
46	Martin	ES&S	Digital Scan 200	Polling Place	6
46	Martin	ES&S	AutoMARK	Assistive	18
47	Meeker	Democracy Live	OmniBallot	Assistive	14
47	Meeker	ES&S	Digital Scan 200	AB/MB	2
47	Meeker	ES&S	Digital Scan 200	Polling Place	13
48	Mille Lacs	ES&S	Model 100	Polling Place	10
48	Mille Lacs	ES&S	Digital Scan 200	AB/MB	2
48	Mille Lacs	ES&S	Digital Scan 200	Polling Place	10
48	Mille Lacs	ES&S	AutoMARK	Assistive	21
49	Morrison	ES&S	Digital Scan 450	AB/MB	1
49	Morrison	ES&S	Digital Scan 200	AB/MB	2
49	Morrison	ES&S	Digital Scan 200	Polling Place	20
49	Morrison	ES&S	AutoMARK	Assistive	21
50	Mower	ES&S	Model 100	Polling Place	12
50	Mower	ES&S	Digital Scan 200	AB/MB	2
50	Mower	ES&S	Digital Scan 200	Polling Place	9
50	Mower	ES&S	AutoMARK	Assistive	15
51	Murray	ES&S	Digital Scan 200	AB/MB	15
51	Murray	ES&S	Digital Scan 200	Polling Place	15
51	Murray	ES&S	AutoMARK	Assistive	31
52	Nicollet	ES&S	Digital Scan 200	AB/MB	2
52	Nicollet	ES&S	Digital Scan 200	Polling Place	15
52	Nicollet	ES&S	AutoMARK	Assistive	15
53	Nobles	ES&S	Digital Scan 200	AB/MB	17
53	Nobles	ES&S	Digital Scan 200	Polling Place	17
53	Nobles	ES&S	AutoMARK	Assistive	26
54	Norman	ES&S	Digital Scan 200	AB/MB	5

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
54	Norman	ES&S	Digital Scan 200	Polling Place	2
54	Norman	ES&S	AutoMARK	Assistive	4
55	Olmsted	ES&S	Digital Scan 850	AB/MB	1
55	Olmsted	ES&S	Digital Scan 200	Polling Place	87
55	Olmsted	ES&S	AutoMARK	Assistive	88
56	Otter Tail	ES&S	Digital Scan 200	AB/MB	10
56	Otter Tail	ES&S	Digital Scan 200	Polling Place	77
56	Otter Tail	ES&S	AutoMARK	Assistive	73
57	Pennington	ES&S	Digital Scan 200	AB/MB	6
57	Pennington	ES&S	Digital Scan 200	Polling Place	15
57	Pennington	ES&S	AutoMARK	Assistive	15
58	Pine	ES&S	Model 100	AB/MB	21
58	Pine	ES&S	Model 100	Polling Place	7
58	Pine		0 Hand Count	Polling Place	7
58	Pine	ES&S	Digital Scan 200	AB/MB	27
58	Pine	ES&S	AutoMARK	Assistive	48
59	Pipestone	Democracy Live	OmniBallot	Assistive	3
59	Pipestone	ES&S	Digital Scan 200	AB/MB	3
59	Pipestone	ES&S	Digital Scan 200	Polling Place	3
60	Polk	Democracy Live	OmniBallot	Assistive	6
60	Polk	ES&S	Digital Scan 450	AB/MB	1
60	Polk	ES&S	Digital Scan 200	Polling Place	19
60	Polk	ES&S	AutoMARK	Assistive	6
61	Pope	ES&S	Digital Scan 200	AB/MB	3
61	Pope	ES&S	Digital Scan 200	Polling Place	10
61	Pope	ES&S	AutoMARK	Assistive	14
62	Ramsey	Hart	Verity Touch Writer	Assistive	158
62	Ramsey	Hart	Verity Scan	AB/MB	1
62	Ramsey	Hart	Verity Scan	Polling Place	168
62	Ramsey	Hart	Verity Central	AB/MB	11
62	Ramsey	ES&S	Digital Scan 850	AB/MB	1
62	Ramsey	ES&S	Digital Scan 200	Polling Place	1
62	Ramsey	ES&S	AutoMARK	Assistive	1
63	Red Lake	ES&S	Digital Scan 200	AB/MB	1
63	Red Lake	ES&S	Digital Scan 200	Polling Place	4
63	Red Lake	ES&S	AutoMARK	Assistive	6
64	Redwood	ES&S	Digital Scan 200	AB/MB	1
64	Redwood	ES&S	Digital Scan 200	Polling Place	17
64	Redwood	ES&S	AutoMARK	Assistive	17
65	Renville	ES&S	Digital Scan 200	AB/MB	2
65	Renville	ES&S	Digital Scan 200	Polling Place	32
65	Renville	ES&S	AutoMARK	Assistive	28
66	Rice	ES&S	Digital Scan 450	AB/MB	1
66	Rice	ES&S	Digital Scan 200	AB/MB	3

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
66	Rice	ES&S	Digital Scan 200	Polling Place	31
66	Rice	ES&S	AutoMARK	Assistive	31
67	Rock	Democracy Live	OmniBallot	Assistive	3
67	Rock	ES&S	Digital Scan 200	AB/MB	2
67	Rock	ES&S	Digital Scan 200	Polling Place	5
68	Roseau	Democracy Live	OmniBallot	Assistive	5
68	Roseau	ES&S	Digital Scan 200	AB/MB	4
68	Roseau	ES&S	Digital Scan 200	Polling Place	4
69	St. Louis	ES&S	Model 100	AB/MB	5
69	St. Louis	ES&S	Model 100	Polling Place	23
69	St. Louis		0 Hand Count	Polling Place	36
69	St. Louis	ES&S	Digital Scan 850	AB/MB	1
69	St. Louis	ES&S	Digital Scan 200	AB/MB	19
69	St. Louis	ES&S	Digital Scan 200	Polling Place	80
69	St. Louis	ES&S	AutoMARK	Assistive	139
70	Scott	Dominion	ImageCast Evolution	AB/MB	5
70	Scott	Dominion	ImageCast Evolution	Assistive	51
70	Scott	Dominion	ImageCast Evolution	Polling Place	46
70	Scott	Dominion	ImageCast Central	AB/MB	2
71	Sherburne	Dominion	ImageCast Evolution	Assistive	35
71	Sherburne	Dominion	ImageCast Evolution	Polling Place	35
71	Sherburne	Dominion	ImageCast Central	AB/MB	35
72	Sibley	ES&S	Digital Scan 200	AB/MB	3
72	Sibley	ES&S	Digital Scan 200	Polling Place	7
72	Sibley	ES&S	AutoMARK	Assistive	8
73	Stearns	ES&S	Digital Scan 850	AB/MB	1
73	Stearns	ES&S	Digital Scan 450	AB/MB	1
73	Stearns	ES&S	Digital Scan 200	Polling Place	96
73	Stearns	ES&S	AutoMARK	Assistive	85
74	Steele	ES&S	Digital Scan 200	AB/MB	2
74	Steele	ES&S	Digital Scan 200	Polling Place	24
74	Steele	ES&S	AutoMARK	Assistive	24
75	Stevens	ES&S	Digital Scan 200	AB/MB	6
75	Stevens	ES&S	Digital Scan 200	Polling Place	3
75	Stevens	ES&S	AutoMARK	Assistive	5
76	Swift	Democracy Live	OmniBallot	Assistive	6
76	Swift	ES&S	Digital Scan 200	AB/MB	8
76	Swift	ES&S	Digital Scan 200	Polling Place	8
77	Todd	Democracy Live	OmniBallot	Assistive	37
77	Todd	ES&S	Digital Scan 200	AB/MB	1
77	Todd	ES&S	Digital Scan 200	Polling Place	36
78	Traverse	ES&S	Digital Scan 200	AB/MB	4
78	Traverse	ES&S	Digital Scan 200	Polling Place	3
78	Traverse	ES&S	AutoMARK	Assistive	4

CountyID	CountyName	Equipment Model Make	EquipmentModelName	Usage	Number Of Units In County
79	Wabasha	ES&S	Digital Scan 200	AB/MB	5
79	Wabasha	ES&S	Digital Scan 200	Polling Place	22
79	Wabasha	ES&S	AutoMARK	Assistive	27
80	Wadena	ES&S	Digital Scan 200	AB/MB	14
80	Wadena	ES&S	Digital Scan 200	Polling Place	14
80	Wadena	ES&S	AutoMARK	Assistive	15
81	Waseca	Democracy Live	OmniBallot	Assistive	1
81	Waseca	ES&S	Digital Scan 200	AB/MB	2
81	Waseca	ES&S	Digital Scan 200	Polling Place	15
81	Waseca	ES&S	AutoMARK	Assistive	16
82	Washington	Hart	Verity Touch Writer	Assistive	1
82	Washington	Hart	Verity Scan	Polling Place	1
82	Washington	Hart	Verity Central	AB/MB	1
82	Washington	ES&S	Digital Scan 850	AB/MB	2
82	Washington	ES&S	Digital Scan 200	Polling Place	81
82	Washington	ES&S	AutoMARK	Assistive	82
83	Watonwan	ES&S	Digital Scan 200	AB/MB	5
83	Watonwan	ES&S	Digital Scan 200	Polling Place	4
83	Watonwan	ES&S	AutoMARK	Assistive	4
84	Wilkin	Democracy Live	OmniBallot	Assistive	8
84	Wilkin	ES&S	Digital Scan 200	AB/MB	8
84	Wilkin	ES&S	Digital Scan 200	Polling Place	8
85	Winona	ES&S	Digital Scan 200	AB/MB	2
85	Winona	ES&S	Digital Scan 200	Polling Place	36
85	Winona	ES&S	AutoMARK	Assistive	37
86	Wright	ES&S	Digital Scan 450	AB/MB	1
86	Wright	ES&S	Digital Scan 200	AB/MB	66
86	Wright	ES&S	Digital Scan 200	Polling Place	66
86	Wright	ES&S	AutoMARK	Assistive	44
87	Yellow Medicine	ES&S	Digital Scan 200	AB/MB	3
87	Yellow Medicine	ES&S	Digital Scan 200	Polling Place	7
87	Yellow Medicine	ES&S	AutoMARK	Assistive	10

