
Eyes on the Vote Count:

**Non-partisan Observer Reports of Minnesota's 2008
Post-Election Audit and Recount**

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May 26, 2009

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EXECUTIVE SUMMARY

Focus

This report describes the manual counting process in the 2008 Minnesota post-election audit and US Senate recount based on the reports of non-partisan observers. We analyze the accuracy of the optical scanners used in the audited precincts and we calculate the time and cost to conduct the audit. We also compare the vote margin change in the US senate recount with three other state legislative recounted races. We hope this will be of value to Minnesota as well as other states. This report does not focus on the processing of the rejected absentee ballots, which is at issue in the US Senate election contest.

Who We Are

Founded in 2004, Citizens for Election Integrity Minnesota (CEIMN) is a non-partisan, non-profit organization dedicated to ensuring accurate, transparent, and verifiable elections in Minnesota and nationwide.

Non-Partisan Observation Project

Over the last two years, CEIMN has organized four non-partisan observations of state-wide post-election audits or recounts in Minnesota. This effort has included partnerships with the League of Women Voters Minnesota and, for the 2008 recount, Common Cause Minnesota. The non-partisan observation of the US Senate race recount was the first of its kind in the country. For the 2008 post-election audit, 155 volunteers served as non-partisan observers and covered 75% of counties in Minnesota. For the 2008 recount, 77 volunteers served as non-partisan observers and covered 36% of all recount locations in Minnesota.

Verification of Minnesota's Election Outcomes

Key components, currently in Minnesota state laws, that help provide for a robust, independent verification of Minnesota's election outcomes include:

1. Voter-marked paper ballots that allow for manual post-election audits and manual recounts.
2. The requirement that recounts are conducted by hand, which is more efficient in determining voter intent than a machine count
3. A requirement to allow public observation of post-election audits and recounts that provides transparency
4. A recount provision for every close election contest

Highlights of Report Findings

The voting machines used in the audited precincts were shown to be accurate. All recount observers felt the counting procedures were accurate and none questioned the integrity of the count. No systematic concerns were raised by observers in the post-election audit or recount. Some procedures are in need of improvement, such as the absentee ballot process. The cost to conduct the audit is estimated at 9 cents per audited vote for a total cost of \$35,243.

The lessons learned from the observer reports and the unprecedented scrutiny of the US Senate recount can help to improve Minnesota's elections procedures.

Acknowledgments: CEIMN would like to thank the following members of the editing team for their invaluable assistance. Marjana callery, Dave Klein, Kirk Lund, Jenny Thomas and Megan Wade. We'd also like to thank the members of CEIMN's organizing committee for their help in organizing the audit and recount observations: Burt Berlowe, Kathy Bonnifield, Catherine Dorr, Linda Goodspead, Carol Johnson, Dave Klein, Kirk Lund, Mark Malmberg, Jim Moechnig and Nancy Rose-Balamut. Finally, we'd like to thank all of the non-partisan observation volunteers from around the state for their participation and support of election integrity in Minnesota.

POST-ELECTION AUDIT 2008 – OVERVIEW

According to *Best Practices and Principles for Post-Election Audits*,¹ a post-election audit routinely checks voting system performance in contests, regardless of how close margins of victory appear to be. A post-election audit refers to “hand-counting votes on paper records and comparing those counts to the corresponding machine vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark”². In Minnesota paper records means voter-marked paper ballots.

A post-election audit (hereafter referred to as “audit”) was conducted in Minnesota after the 2008 general election. Minnesota law uses the term “post-election review” to describe an audit. We use the term audit in this report as it is a more commonly known term. This law was first implemented in 2006 and is possible because Minnesota uses paper ballots³, which are tabulated by optical scanners⁴. Minnesota is one of just 17 states that require post-election audits⁵.

The audit law requires that the paper ballots be manually (hand) counted during the audit process for the following races: US Senate, US Representative and president alternating with governor. Election officials use the piling system to count the ballots. The piling system consists of separating the ballots into piles for each candidate. The piles are then counted separately. Ballots in each pile are counted in units of 25.

All of Minnesota’s 87 counties conducted an audit between November 6, 2008 and November 14, 2008, as required by state statute MS 206.89. There were 385,593 votes⁶ counted in the audit for all three races, which represents about 4% of the votes cast in each race. The audit was conducted by election officials at each county seat, with the exception of Hennepin County, where the audits were conducted in several cities across the county⁷.

The election officials in charge of the audit were required to randomly select two, three, or four precincts, based on the county population, or 3% of their precincts (whichever is greater) to be audited. Therefore, the number of precincts audited varied by county (see Table 01 below). Of the state’s 4131 precincts, 206 precincts were audited after the 2008 General Election.

1 <http://www.electionaudits.org/principles>

2 *Id.*

3 For people with accessibility needs, Automarks, which are ballots marking machines, are used to mark paper ballots. Voters are able to select their desired candidates on a touchscreen and the Automark marks their ballot appropriately. The Automark then returns the ballot to the voter and the voter has the chance to review their ballot before putting it into the optical scanner.

4 A few precincts hand count ballots instead of using optical scanners.

5 Minnesota statute refers to an audit as the Post Election Review. The Post Election Review Law, first enacted in 2006, covers the following races: governor or president, U.S. Senate, and U.S. Representative. If the audit reveals a difference greater than one half of one percent (0.5%) between the manual audit and the machine tally from Election Day, this will trigger further precincts to be audited. No additional audits were triggered in 2008. This was also the case in 2006, which was the first year the audits occurred.

6 This number is based off the Secretary of State’s audit reporting forms.

7 The city locations for the audit in Hennepin are Bloomington, Brooklyn Park, Eden Prairie, Edina, Maple Grove, Minneapolis, and Plymouth.

TABLE 01: Number of Precincts Audited per County⁸

Number of Precincts Audited	Number of Counties	Percentage of Counties
2	74	85%
3	7	8%
4	2	2%
5	2	2%
6	1	1%
13	1	1%

FIGURE 01: Number of Audited Ballots by Precinct

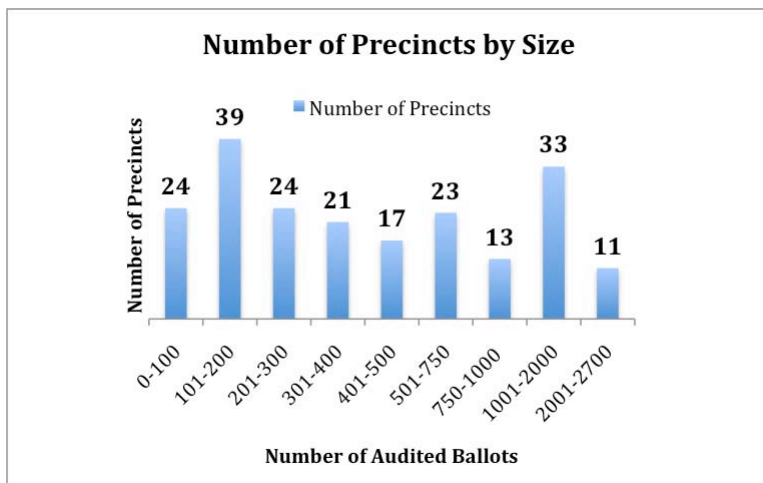
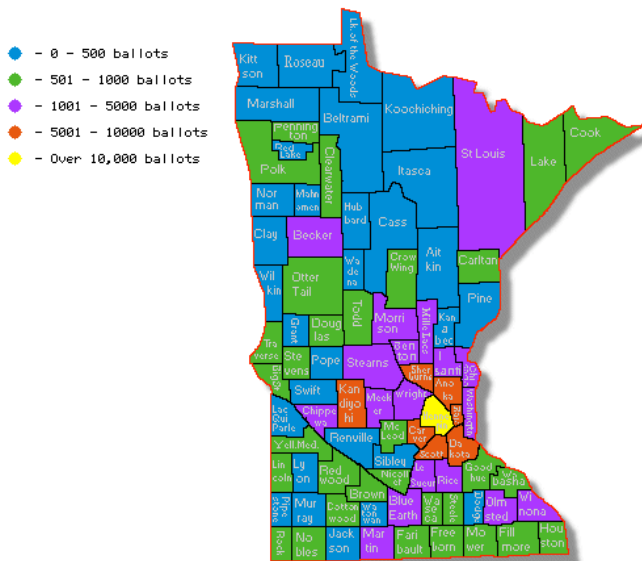


FIGURE 02: Number of Audited Ballots by County



⁸ Percentages are rounded and may not equal 100.00%.

RECOUNT 2008 – OVERVIEW

The recount law was first passed in 1981⁹. In a state primary or general election, when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office is within one-half of one percent (0.5%), a recount is automatically triggered. In county, municipal, and school district elections, if the margin is within one-half of one percent (0.5%), the losing candidate can request a recount at the county's expense. In addition, any candidate who loses above a margin of 0.5% can request a Discretionary Candidate Recount, which allows the candidate to select up to three precincts of their choosing for a manual recount at the candidate's expense.

Similar to the audit, all recounts in Minnesota are conducted by a manual count and use the piling system to count the ballots. However, unlike the audit, campaign representatives are allowed at the counting table as “challengers.” These challengers can question the voter intent of a ballot and request that the ballot be sent to the State Canvassing Board for further review.

In the 2008 general election, in addition to the US Senate race, three state-legislative races triggered automatic recounts, (See Table 02 below). In addition, 57 county, municipal, and school district races were eligible for a recount (Appendix A)¹⁰.

TABLE 02: 2008 Races that were Automatically Recounted

Race	Candidates	Victory Margin before Recount	Victory Margin after Recount	Winner
US Senate	Norm Coleman (R)	215		
	Al Franken (D)		225	X ¹¹
Senate District 16 Benton County Mille Lacs County Morrison County Sherburne County	Lisa Fobbe (D)	93	85	X
	Alison Krueger (R)			
	Al Doty (D)	76	76	X
	Mike Lemieur (R)			
House District 12B* Morrison County Crow Wing County	Gail Kulick Jackson (D)	99	89	X
	Sondra Erickson (R)			

* House District 12B includes: Deerwood, Bly Lake, Nokay Lake, Garrison, Maple Grove, Roosevelt, Platte Lake, Dagget Brook, St. Mathias, Fort Ripley, Rosing, Motley, Scandia Valley, Cushing, Parker, Darling, Green Prairie, Belle Prairie, Ripley, Platte, Little Falls, Pike Creek, Culdrum, Swanville, Swan River, Elmdale, and Two Rivers

** House District 16A includes: Baldwin, Princeton, Greenbush, Glendorado, St. George, Gilmanton, Maywood, Milo, Bogus Brook, Borgholm, Milaca, Granite Ledge, Alberta, Hayland, Page, Lakin, Morrill, Mudgett, Dailey, Mount Morris, Hillman, Lewis, Onamia, Bradbury, Leigh, Granite, Richardson, Kathio, South Harbor, East Side, and Isle Harbor

⁹ <http://www.revisor.leg.state.mn.us/statutes/?id=204C.35>

¹⁰ This information is from CEIMN's analysis of 2008 races that were eligible for a recount based on the Secretary of State's election statistics report. It is unknown how many of these county, municipal, or school district races were recounted because this information is not kept in any centrally accessible database.

¹¹ The state canvassing board has certified that Al Franken is the winner. Norm Coleman filed a Motion in Ramsey County District Court on January 6, 2009 to contest the certified results of the election. The Court found that Al Franken received more votes than Norm Coleman and dismissed Norm Coleman's Notice of Contest on April 13, 2009. Norm Coleman filed an appeal of the Court's determination on April 20, 2009, which remains pending as of the date of this report.

A COMPARISON OF THE VOTE MARGIN CHANGE IN THE 2008 RECOUNTED RACES

The percentage change in vote margin from the US Senate recount was quite similar to other state legislative races that were recounted and ranged only from 0.0% to 0.0455% as shown in the table below. The percentage change for the US Senate race - 0.018% - was in the middle of this range. Note that the US Senate race was over 50 times larger than these two other races, creating more potential room for absolute error or change.

TABLE 03: Change in 2008 Recounted Races¹²

	Lead before recount	Lead after recount	Net Change in Vote Margin	Total Number of Votes	Vote Margin change as a %
US Senate	215 (R)	225 (D)	-440	2,424,595	0.0181%
State Senate 16	93 (D)	85 (D)	-8	44,627	0.0179%
State Rep 12B	76 (D)	76 (D)	0	20,066	0.0000%
State Rep 16A	99 (D)	89 (D)	-10	21,999	0.0455%

Two other sources documented similar accuracy rates. First, Dr. Andrew Appel from Princeton University analyzed the accuracy rate of the optical scanners and found: "The 'net' accuracy of optical-scan voting was 99.99%."¹³ His analysis excludes the absentee ballot counts, which are included in the totals in Table 3.

Second, a report to Ramsey County election judges¹⁴ in mid May stated: "As a result of the recount, the accuracy of vote counting by our ballot counters was determined to be better than 99.9%."

¹² The 440 net change in the US Senate race included previously uncounted rejected absentee ballots which were ordered by the court to be added but were not apart of the recount counting process. Without this, the net change would be 264, or a 0.011% vote margin change. In addition, the 40 net change represents the change before the election contest panel included 351 more votes on April 7th, which awarded each candidate additional votes. Also, the total number of votes is for the top two candidates only, not the total number of votes in the race.

¹³ <http://www.freedom-to-tinker.com/blog/appel/optical-scan-voting-extremely-accurate-minnesota>

¹⁴ This report was sent by the Ramsey County Elections office.

NON-PARTISAN OBSERVATION PROJECT

AUDIT

In 2008, CEIMN, in partnership with the League of Women Voters (LWVMN), coordinated a statewide non-partisan citizen observation of the audit involving 155 volunteers who served as non-partisan observers (hereafter referred to as “observers”).

Observers were required to complete a training which included guidelines and expectations for non-partisan observation and an overview of the audit process. In addition, observers signed a Code of Conduct (Appendix B) and wore ID badges displaying their name and non-partisan observer role.

Observers were provided with a report form to document their observations (Appendix C). This form covered 21 questions. The questions fell into three categories: overall transparency of the audit, the counting process, and chain of custody. The report form was created in collaboration with election integrity leaders from Florida and Connecticut.

Observers were asked to complete as many questions on the form as possible. To ensure the most comprehensive reporting as possible, observers were encouraged to work with at least one other observer per counting team. Some counties have two or more reports depending on the number of observers who were available and how many counting teams the observers could observe.

Observers were asked to submit their reports on-line as well as to send a hard copy to CEIMN. One report was to be submitted for each observer team. In addition, CEIMN held two observer debriefings to discuss the observers' experiences of the audit and recount.

They filed 97 reports, which covered 75% of the counties in Minnesota (Appendix D). This report's analysis will primarily use the information from the observer reports¹⁵.

RECOUNT

CEIMN and LWVMN partnered with Common Cause Minnesota to organize a statewide non-partisan citizen observation of the recount, the first of its kind in the country. This was the fourth CEIMN-organized statewide citizen observation of post-election manual counts in Minnesota¹⁶. As seen in Table 02, the recount observation also included two state legislative races. Seventy seven volunteers served as recount observers. The majority of the volunteers had previously participated as audit observers.

Observers were provided with a report form to document their observations (Appendix E). The report form contained 23 questions, divided into three categories: overall transparency of the recount, the counting process, and chain of custody. This form was based on the post-election audit observer report form. However, several changes were made, such as the addition of a section on the process for challenged ballots.

Observers submitted 61 reports, which covered 36% of all the recount locations (Appendix F). In comparison to the audit, there were fewer recount locations covered because some observers from the audit opted to serve as challengers for the recount. This excluded them from being able to observe the

15 Phrases that refer to the observations (such as “observers report” or “observers stated”) indicate that the information came from the observer reports, unless otherwise noted.

16 The four statewide observations that CEIMN organized: 1) 2006 MN General Election Audit; 2) 2008 Primary Election MN Supreme Court recount; 3) 2008 General Election MN Audit; 4) 2008 General Election MN U.S. Senate recount

recount as part of this project. In addition, only two weeks were available to recruit and train new observers making it difficult to launch a comprehensive recount observation effort across the state.

Similar to the audit, recount observers were given ID badges to identify both their name and non-partisan observer role. Observers who had not previously observed the audit were required to attend a training that included guidelines for non-partisan observation and provided an overview of the recount process.

All recount observers signed a Code of Conduct. Those who had previously served as audit observers also signed an updated Code of Conduct (Appendix G). By signing this Code of Conduct, observers pledged that they would not serve as challengers for either candidate during the entire recount, to refrain from wearing any partisan material, to maintain strict impartiality, and to not publicly express or exhibit any bias or preference in relation to parties, candidates, or with reference to any issues in contention in the election process during their observations. Observers were instructed to report only what they observed and not what they heard second-hand.

As with the audit, observers were encouraged to work in teams of at least two individuals. They were the only trained, non-partisan observers present during the recount. Observers were asked to submit their reports on-line as well as to send a hard copy to CEIMN. One report was to be submitted for each observer team.

In an effort to enhance the transparency of the recount process, CEIMN created a blog at http://www.ceimn.org/minnesota_recount_blog. Observers called or e-mailed timely reports about the recount process and CEIMN posted these reports on the blog¹⁷. In addition to these reports, recount observers were also invited to attend the observer debriefing meetings held by CEIMN.

MINNESOTA RULES AND STATUTES PERTAINING TO AUDIT AND RECOUNT PROCEDURES

As explained above, both the audit and recount observers reported on three categories: transparency of the recount, the counting process, and chain of custody. Within these categories there were a number of specific procedures that observers were asked to report on, some of which were based in Minnesota statute or administrative rule.

The following table summarizes which procedures are outlined in Minnesota statute or administrative rule and what that law or rule specifies.

¹⁷ http://www.ceimn.org/minnesota_recount_blog

TABLE 04: Minnesota’s Audit and Recount Rules and Statues ¹⁸

Recount/Audit Procedure	Applies to:	Statue (MS)/ Rule (MR)	Explanation
Ability to Observe Counting Process	Audit	MS 206.89	The post-election review must be conducted in public at the location where the voted ballots have been securely stored after the state general election or at another location chosen by the county canvassing board.
Ability to Observe Counting Process	Audit/Recount	MR 8235.1000	Access to the immediate area of the voting system is limited to the recount official and legal adviser, officials of the election jurisdiction, the candidates and their representatives, and the technical persons necessary to the operation of the counting equipment. An observation area must be provided for the public.
Ability to View Info on Scanner Tapes	Audit/Recount	N/A	N/A
Chain of Custody (General)	Audit/Recount	MR 8235.0400	The official who has custody of the voted ballots is responsible for keeping secure and making available to the recount all election materials. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.
Chain of Custody (General)	Audit/Recount	MS 204C.28	The county auditor shall file the record and all envelopes containing ballots in a safe and secure place with envelope seals unbroken. Access to the record and ballots shall be strictly controlled. Accountability and a record of access shall be maintained by the county auditor during the period for contesting elections or, if a contest is filed, until the contest has been finally determined. Thereafter, the record shall be retained in the auditor's office for the same period as the ballots as provided in section 204B.40.
Chain of Custody (General)	Audit/Recount	Recount Manual Guideline	Open sealed containers only when recount team and observers are present.
Challenging ballots	Recount	M.R. 8235.0800	Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge. The precinct name, the reason for the challenge, and the name of the person challenging the ballot must be marked on the back of each challenged ballot before it is placed in an envelope marked "Challenged Ballots."

18 For further reference see MN Office of the Revisor website: <https://www.revisor.leg.state.mn.us/index.php>

Recount/Audit Procedure	Applies to:	Statue (MS)/ Rule (MR)	Explanation
Challenging ballots	Recount	<i>M.S. 204C.361; M.R. 8235.0800</i>	After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. After the count of votes for all precincts has been determined, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board. The requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.
Clarifying Procedures before Starting	Recount	Recount Manual Guideline	Always explain what is about to occur and explain why. Be completely thorough and transparent.
How to Resolve Discrepancies	Recount	Recount Manual Guideline	If there is <i>ANY</i> doubt about a precinct's results, count it again.
How to Resolve Discrepancies	Recount	Recount Manual Guideline	If manual count differs from the original results, you may want to have a different recount team validate the results, count again.
Machine Accuracy	Audit	MS 206.89	Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct. Do you need to specify that voter intent is counted for audits [and recounts]?
Maintaining Good Order	Audit/Recount	<i>M.R. 8235.0700</i>	No ballots or election materials may be handled by candidates, their representatives, or members of the public. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted.
Maintaining Good Order	Audit/Recount	<i>M.R. 8235.0700</i>	If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them.

Recount/Audit Procedure	Applies to:	Statue (MS)/ Rule (MR)	Explanation
Maintaining Good Order	Audit/Recount	<i>M.R. 8235.0700</i>	The recount official must ensure that public observation does not interfere with the counting of the ballots and prepare a summary of the recount vote by precinct.
Maintaining Good Order	Audit/Recount	<i>MR 8235.0600</i>	All recounts must be accessible to the public.
Maintaining Good Order	Recount	Recount Manual Guideline	Be respectful and expect respect. Be ready to think on your feet. Never hold a private conversation with only one of the parties. Always appear in control of yourself and the situation (despite a little natural nervousness).
Number of Persons on a Counting Team	Audit/Recount	N/A	N/A
Sealing Ballots	Audit/Recount	MR 8230.4385	A transfer case must be sealed with a seal so that it is impossible to open the case or to insert or remove ballots without breaking the seal. Within or attached to the transfer case must be a certificate signed by the judges indicating its contents, the precinct name, and the number of any seals used to seal the case or cases.
Sealing Ballots	Audit/Recount	MS 204C.25	The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures.
Sealing Ballots	Audit/Recount	MS 204C.28	The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount.
Two-Persons Deliver Ballots to Room	Audit/Recount	N/A	N/A

POST-ELECTION AUDIT 2008 – DESCRIPTION OF DATA

AUDIT DATA SUMMARY FROM OBSERVATION REPORTS

AUDIT: Transparency

Maintaining Good Order

In 100% of reported observations, officials maintained good order¹⁹ and prevented interference with the audit process. One report cited an issue before the audit process occurred.

Observations of issues:

- Washington County: The observer reported that the election judges did not know the audit was publicly observed. When the election judges asked the supervisor about this, the supervisor replied, "Let's get it out on the table - we don't like doing this either."

Training procedures

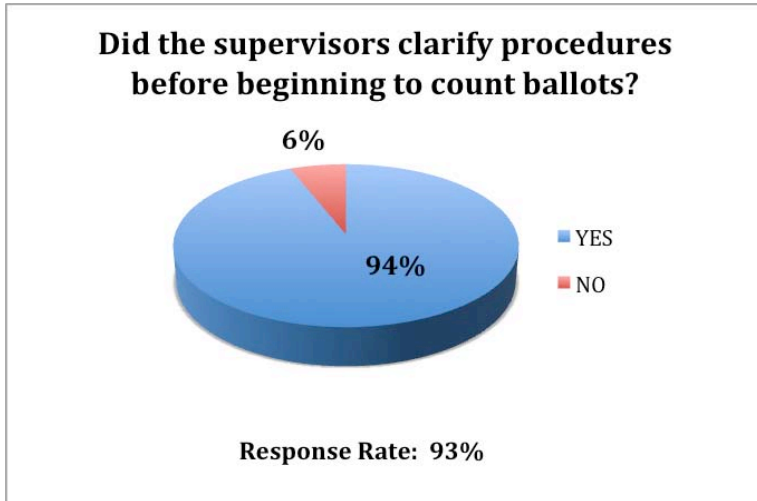
In 97% of reported observations, supervisors clarified procedures before the counting of ballots began (see Figure 03). Observers did not record what the procedures were; they only recorded if any training occurred. While it is not mandated by law for supervisors to cover procedures, this is an important step to ensure that everyone – including the election officials and observers – understand and are respectful of the process.

Observations of unclear, incomplete, or denied access to training procedures:

- Stevens, Redwood, and Lincoln Counties: Audit procedures were not clarified. Although it is unknown why procedures were not clarified in Stevens, Redwood and Lincoln counties, the observer reported that the election officials had previous experience with the manual counting process, which may explain why the supervisor did not go over any procedures before the audit began.
- Washington County: The observer who arrived early to listen to the procedures was told by the supervisor to leave the room while he went over procedures with the election judges only. He escorted her out of the room.
- Sibley, City of Minneapolis (Hennepin), Pipestone, and Clearwater Counties: Trainings were not observed, typically because the observers arrived after the training occurred.

¹⁹ The meaning of “good order” was not defined by the reporting form. Therefore, this question was open to subjective interpretation by the observer.

Figure 03: Clarifying procedures before counting

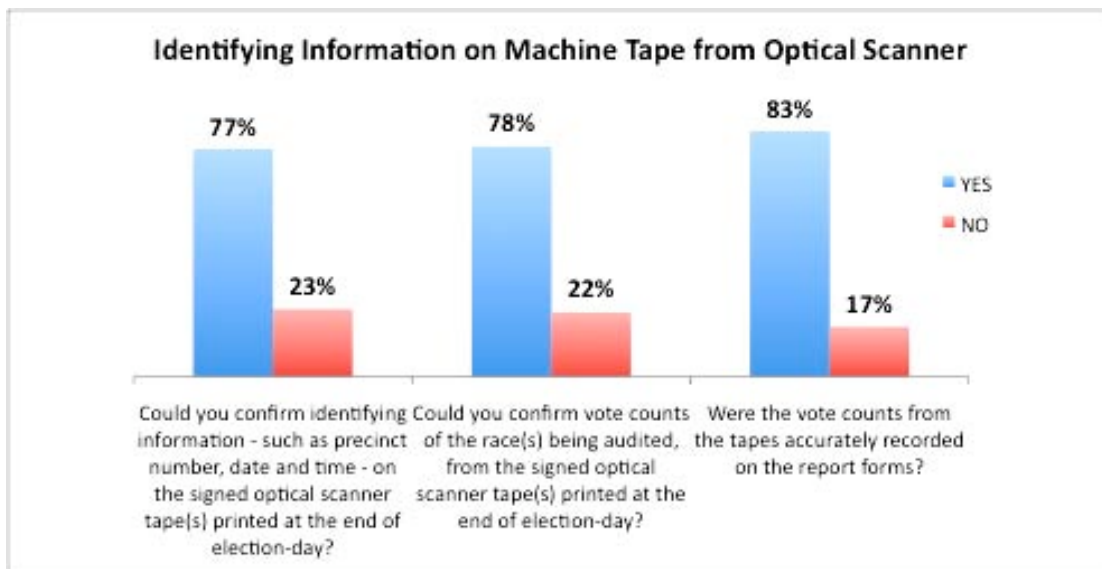


Identifying Information on the Optical Scan Machine Tape

Observers were encouraged to ask supervisors if they could look at the tapes from the optical scan machine for each precinct and confirm three things: precinct identification information; the vote count information on the tape; and the accurate transcription of the vote count information from the tape onto the forms that were used for the audit. This question was not a requirement for observers and they were instructed to be respectful of the supervisor's time in making this request.

The majority of observers reported that they were able to view the tapes and confirm this information (See Figure 04). However, some observers did not have time to inquire about the tape. In other cases, the tape was not immediately available and often locked away in another location. Retrieving it would have taken considerable time. Finally, some observers had very little time to inspect the tape, and thus they were not able to address all the questions in this section. This explains both the low and varying response rate for this question, as well as the “no” responses.

Figure 04: Information from Optical Scanner



AUDIT: Counting Process

Ability to Observe Counting Process

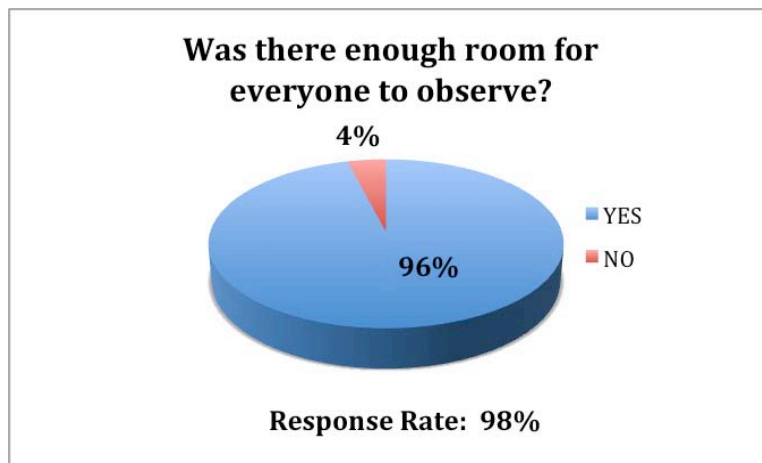
The audit is open to the public to observe. No law exists on how close or far away observers are allowed to be from the counting process. In addition, the Secretary of State gave no specific instructions. A general rule of thumb, articulated by Ramsey County Director of Elections, Joe Mansky²⁰, is that observers should sit or stand about an arm's length away from the counting table.

Almost all observers (98%) report that the public and the media were quiet and respectful during the counting process. In addition, over 90% report that there was enough room for all persons to observe the process and no observers were turned away from any of the audit locations (see Figure 05). Observers report a good ability to observe the counting process. This is illustrated by the large number of observers who were able to confirm the ballot counts and record the numbers for each of those ballot counts, as well as confirm that the number of ballots in each pile was accurate (See Figure 06).

Problems with observing the counting process:

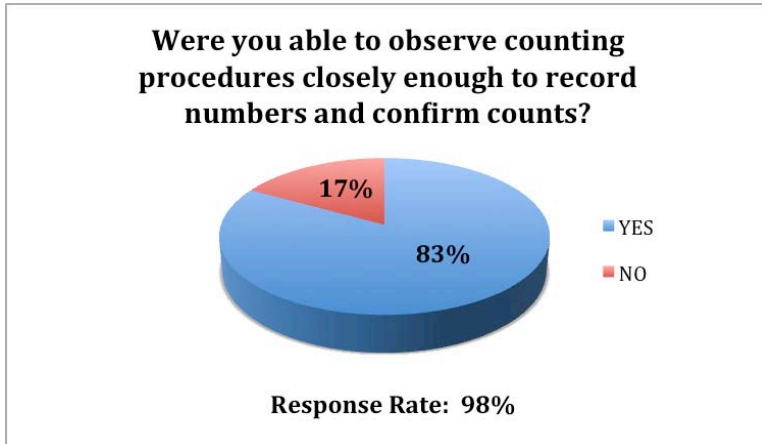
- Brown, St. Louis, Todd, Lincoln, and Wright Counties and the city of Edina (Hennepin): Observers report that restricted or limited counting-table access impaired their ability to confirm or record the ballot counts or the number of ballots in each pile.
- Pope, Renville, Stearns, Stevens, Todd and Wabasha Counties: Observers were unable to confirm or record the ballot counts or the number of ballots in each pile, although observers did not note exactly what caused this limitation.

Figure 05: Environment



20 Joe Mansky articulated this for CEIMN's 2006 training video. All 2008 volunteers were encouraged to watch this video prior to observing. The video can be found at: <http://www.youtube.com/watch?v=tjBJmYSEL20>

Figure 06: Ability to Confirm Accuracy of Counting Process



Counting Team Description

The number of counting teams at a location ranged from one to seven teams. The vast majority of reports indicate that audit locations had either one or two counting teams (see Figure 07). Generally larger counties, such as Hennepin, Anoka, St. Louis, and Ramsey, had five counting teams or more. Sherburne and Wright Counties, though smaller, had five counting teams.

About 97% of reports indicate that there were at least two individuals on a counting team (see Figure 08). While counts can be accurate with only one person conducting the counting, it is better for two or more people to conduct the counting to double-check the process and accuracy.

Counties using one person counting methods:

- Freeborn County: The County had a counting team with one person. The manual count in Freeborn matched the Election Day tally.
- Swift County: One person conducted the entire audit. The manual count matched the Election Day tally.

Figure 07: Counting Teams per Location (how many locations had one team, two teams, etc.)

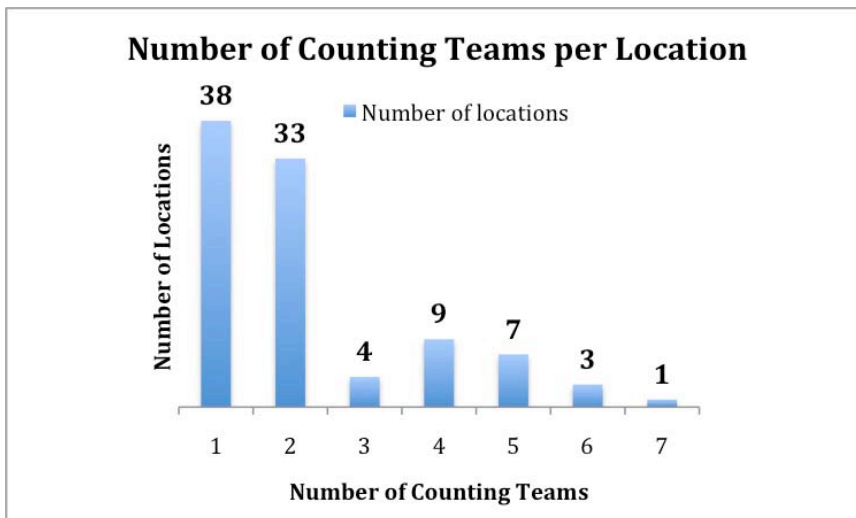
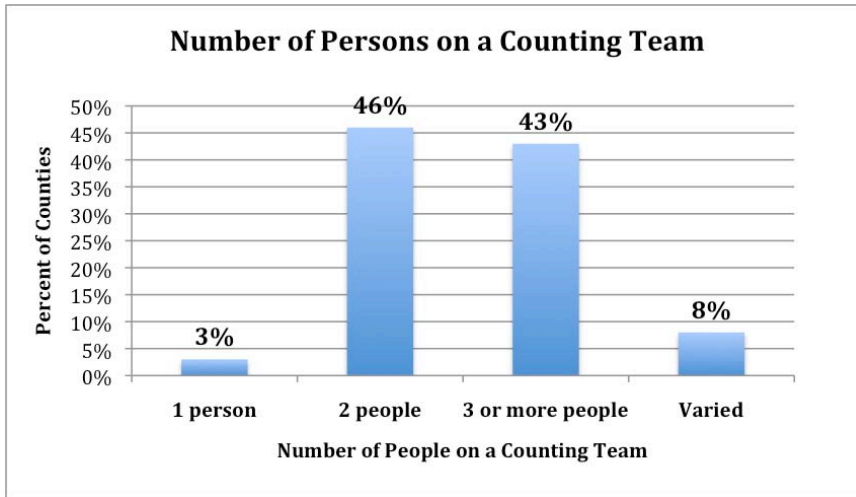


Figure 08: Number of Persons on a Counting Team

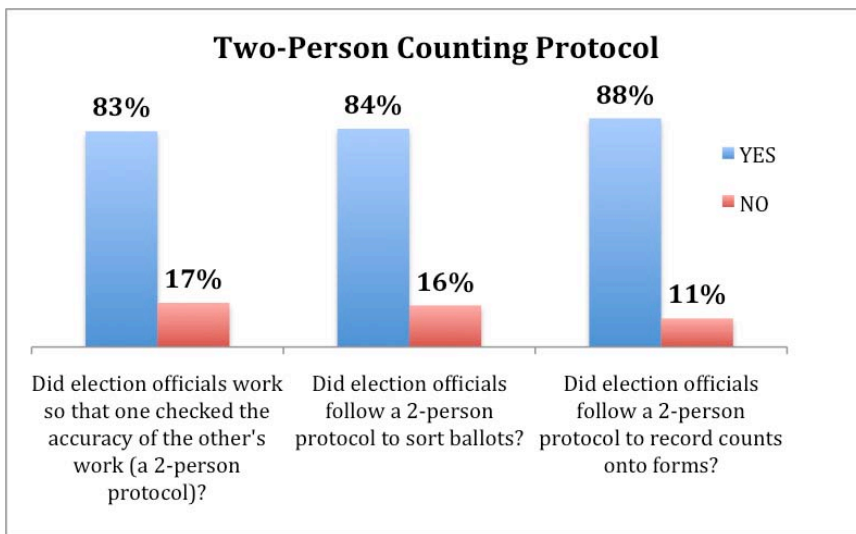


Counting Procedure

As described in the overview, election officials used the piling method to count the ballots. Specifically, a pile of 25 sorted ballots is counted and then the piles are crisscrossed on top of each other. The law specifies, “if the audit results in a change in the number of votes counted for any candidate the revised vote totals must be incorporated in the official result from those precincts.” (M.S. 206.89.) Observers focused primarily on three components of the counting process: use of a two-person protocol; discrepancies between the machine and manual count; and blind counting.

- Two-Person Protocol: This protocol means that one election official checks the accuracy of another election official’s work (see Figure 09). About 80% of reports indicate that election officials used a two-person protocol to check the accuracy of the counting process, including sorting the ballots, checking the accuracy of each other’s work, and recording ballot counts onto forms.

Figure 09: Two-Person Counting Protocol

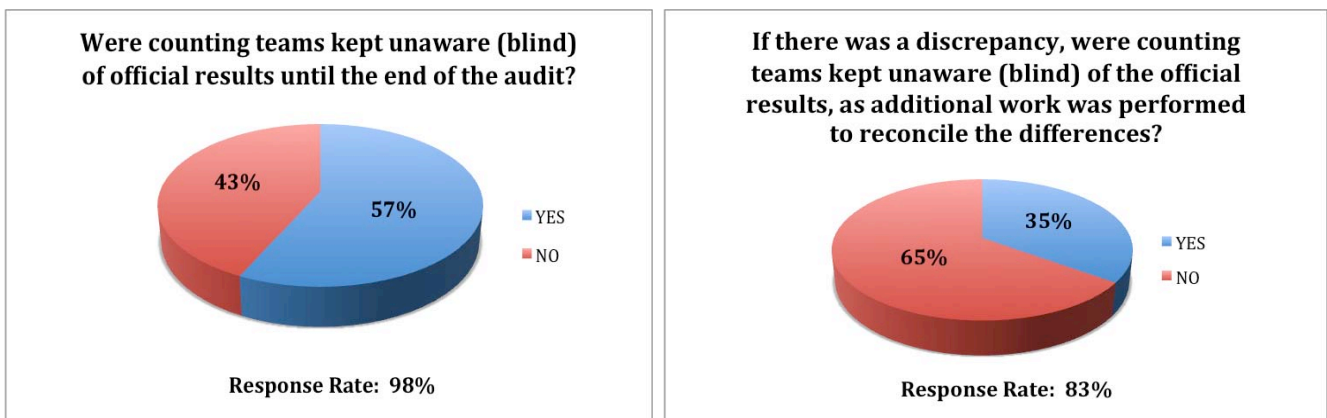


- **Discrepancies between Manual Audit Count and Machine Tallies:** Observers were asked to report any discrepancies that occurred between the manual audit count and the electronic machine tally, and to report what election officials did to resolve the discrepancies. Discrepancies were found in 56% of observed precincts. In the majority of these cases, either the same team or a new team recounted the ballots to verify the manual ballot count number.

Discrepancies and Problems with Resolution:

- **Carver and Morrison Counties:** The observers did not provide an explanation for why the discrepancy occurred. The Secretary of State reports provide no further evidence, except that the discrepancy in Morrison County is described as “one more ballot than machine counted.”
- **Dakota County:** The two supervisors in this county had different approaches to discrepancies. One supervisor did not conduct a second count when a precinct found a discrepancy. The other supervisor stated that “if the vote totals were not reconciled by the third count he would bring in [a] second team to recount.”
- **Ramsey County:** Four observer teams filed reports for Ramsey County. Each team watched a different precinct. Three of the reports indicate that officials recounted and checked the ballots when a discrepancy was found. However, one report indicates that there was “No additional work performed after discrepancy discovered.” According to the Secretary of State reports, this precinct had three discrepancies in each race.
- **Blind Counting:** Blind counting means that counting teams are kept unaware (“blind”) of the Election Day tally until the end of the audit, even if a discrepancy arises. Just over 55% of reports indicate that blind counting occurred during the audits. However, only 35% of the reports indicate that blind counting was used when trying to resolve such discrepancies.

Figure 10: Blind Counting



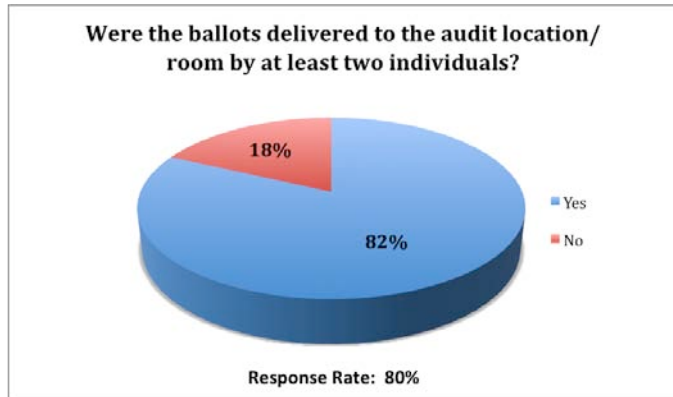
AUDIT: Chain of Custody

Chain of custody is subject to MR 8235.0400. This rule states that a supervising official must keep all election material secure. To assess chain of custody, observers reported on the unsealing and resealing of ballots and the number of individuals transporting the ballots from their secure location to the audit

room²¹.

The ballots were delivered to the recount location by at least two election officials in 82% of the reports. If only one election official delivered the ballots, it was typically the County Auditor or audit supervisor.

Figure 11: Delivery of Ballots to Audit Room

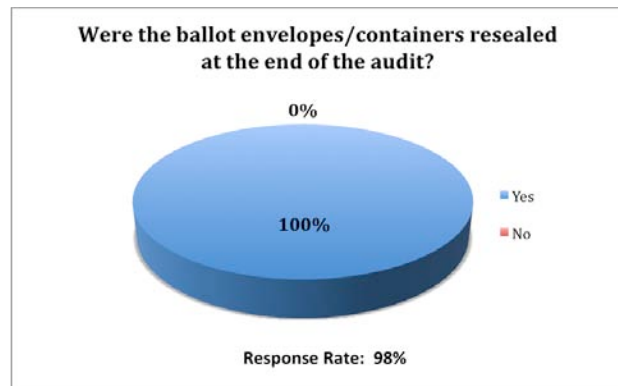
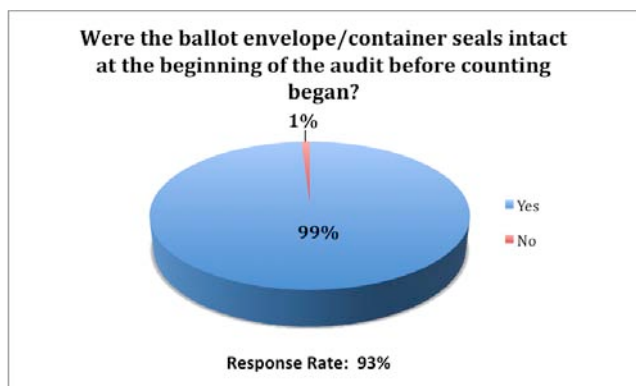


Security involves not only providing secure transportation of ballots, but also the proper sealing and containment of ballots at the counting location. Almost all of the reports (99%) indicated that the ballot envelope/container seals were intact when the audit started, that the ballots were returned to their proper envelopes, and that the ballot envelope/containers were resealed. Two exceptions were found.

Observations of Irregularities with Ballot Seals:

- Lyon County: Ballots from multiple precincts were kept in cardboard boxes. Precincts were separated by sheets of colored paper. The boxes were taped only with clear packing tape, and there were no signed seals on the tape or on the boxes. This was the case both when the boxes were first unsealed, and at the end of the audit when the officials resealed the boxes using only clear packing tape and no signed seals.
- Lac Qui Parle County: Ballot envelopes were sealed at the end of the day, using only clear packing tape and no signed seals.

Figure 12: Security of Ballot Seals



21 Observers also reported on the number of individuals that kept watch over the ballots during the process. However the question was poorly worded and therefore is not useful in this analysis.

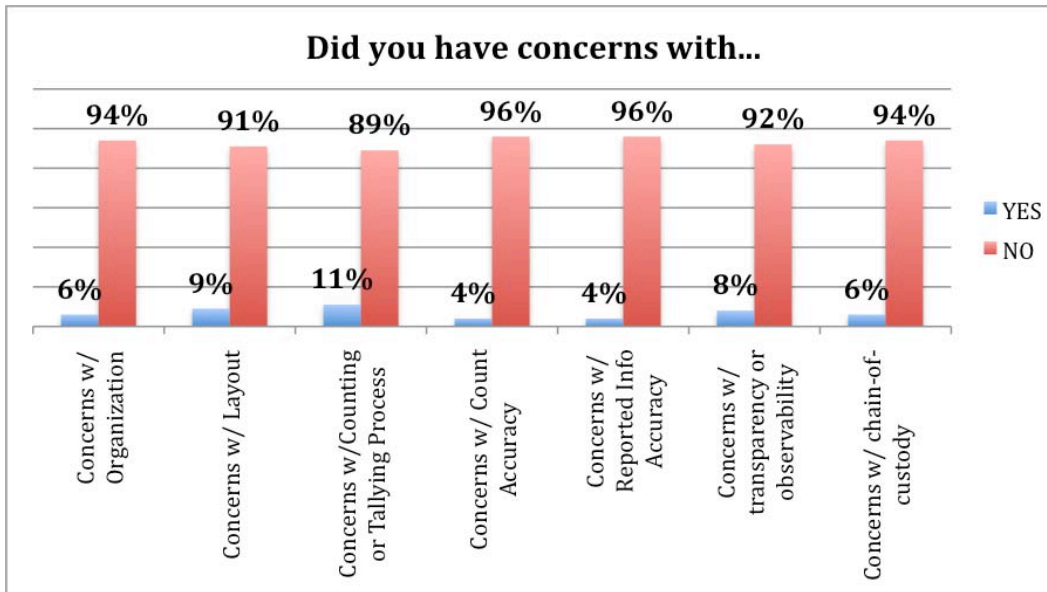
AUDIT: General Observer Concerns

Observers were asked on the report form if they had any concerns about the audit²². The report form listed seven areas for observers to report their concerns (see Figure 13):

1. Room layout
2. Recount organization
3. Integrity of counting and tallying process
4. Accuracy of manual count
5. Accuracy of the information reported to the Secretary of State
6. Transparency/observability of the process
7. Chain of Custody

- Of these seven areas, there was no single issue in which *a majority* of the observers expressed concern. In addition, as Figure 13 illustrates, there were few concerns about the audit overall.
- The three concerns most cited by observers were the counting and tallying procedures (3), layout of the room (1), and the observability of the process (6) (see Figure 13). These concerns involved the sorting and counting process or observer/room restrictions in which the observers were unable to clearly see the marks on the ballots or were unable to observe election officials counting the ballots.

Figure 13: Observer Concerns



²² The information reported does not necessarily reflect the concerns of CEIMN

RECOUNT 2008 – DESCRIPTION OF DATA

RECOUNT DATA SUMMARY FROM OBSERVATION REPORTS

RECOUNT: Transparency

Maintaining Good Order

In 98% of reported observations, officials maintained good order and prevented interference with the recount process. Only one problem was reported for this area.

Observations of Lack of Good Order:

- Mower County: The county auditor responded to the ballot challenges by the campaign representatives in a way that the observer described as a “confrontation [that] interfered with all table counting. The auditor was loud so the people in the room - either looked up, or looked in the part of the room that the voice came from, and continued to look in this direction... the counting did stop momentarily (1-3 minutes depending on the table) and did slow down considerably.”

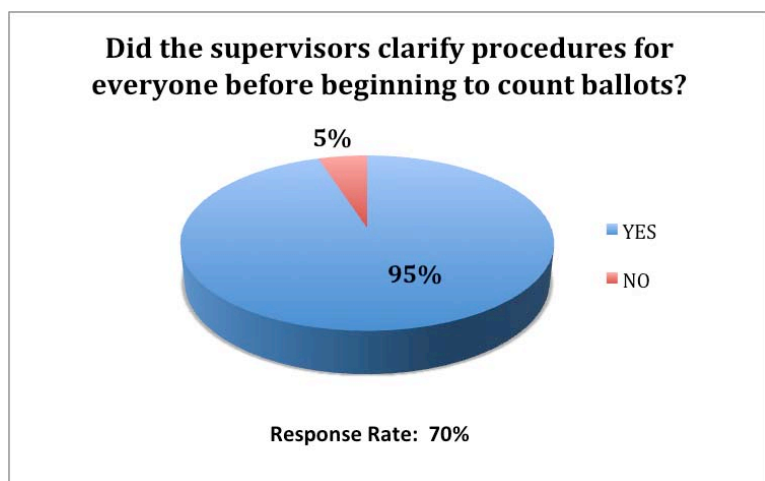
Training Procedures

Similar to the audit, observers were asked to report if supervisors clarified any procedures before the recount started. 95% of reports state that supervisors clarified procedures (see Figure 14).

Instances when procedures were not clarified or were unobserved:

- City of Minneapolis (Hennepin): Three reports indicate that supervisors did not clarify procedures before the start of the recount. The observers stated that this was because counting had been going on for multiple days and all the election officials were experienced and knew the rules.
- Ramsey, Kanabec, Mille Lacs, Stearns, Clay, Washington, Stevens Counties and Cities of Minnetonka, Eden Prairie, Minneapolis, and Shorewood (Hennepin): Trainings were not observed, typically because the observers arrived after the training occurred.

Figure 14: Clarifying Procedures Before Counting



RECOUNT: Counting Process

Ability to Observe the Counting Process

During the recount, the Secretary of State only required county supervisors to give counting-table access to challengers. Supervisors had discretion for allowing such access to observers, the public, or the media (see Figure 15 and MR 8235.1000 and 8235.0700 in Table 04).

Similar to the audit, observers report that the environment was conducive for observation, indicating that challengers, the public, and the media were quiet and respectful during the counting process (see Figure 16). However, counting-table access for observers was generally not good enough to allow observation of all counting processes (see Figure 17). In debriefing meetings, observers frequently cited counting-table access as an issue. In addition, observers cited that counting table access was not consistent across the state. In some locations, election officials had to limit counting-table access due to the sheer number of observers at a location, which in part caused a lack of access or inconsistent access. Access to counting tables is up to the discretion of the recount official, M.R. 8235.0700, see Table 04).

Examples of the variety of counting-table access:

- Chisago and Koochiching Counties: Observers were able to roam around the counting tables.
- City of Brooklyn Center (Hennepin), Dakota and Sherburne Counties: Election officials enforced strict viewing areas.
- Brooklyn Center (Hennepin): The observers stated that an “eight-foot space provided the Deputy Recount Official with ‘walking space’ in front of the tables. In practice, it became a gathering place for various groups of the challengers creating blockades which effectively obscured any kind of meaningful view of what was going on at the tables.”
- Kandiyohi County: There were two counting locations and in one location the observer reported that they were not allowed directly in the counting room because access was “limited to one party observer per party per table plus one party leader for each candidate.”
- City of Minneapolis (Hennepin): Supervisors increasingly restricted counting-table access to counting tables as the recount progressed.
 - Day 4: An observer reported that “Election officials had laid down tape for a viewing area that was 5-10 feet from the tables, but CEIMN observers, media, and other public observers were allowed to cross it. Officials were not diligent about enforcing the boundary.”
 - Days 7 & 8: Observers reported that they were kept 10 feet or more away from the counting tables.

Figure 15: Distance from Counting Table

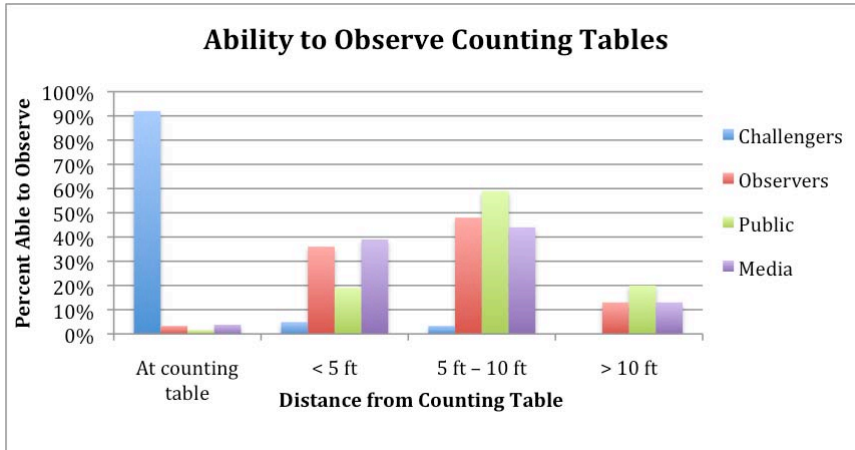


Figure 16: Environment

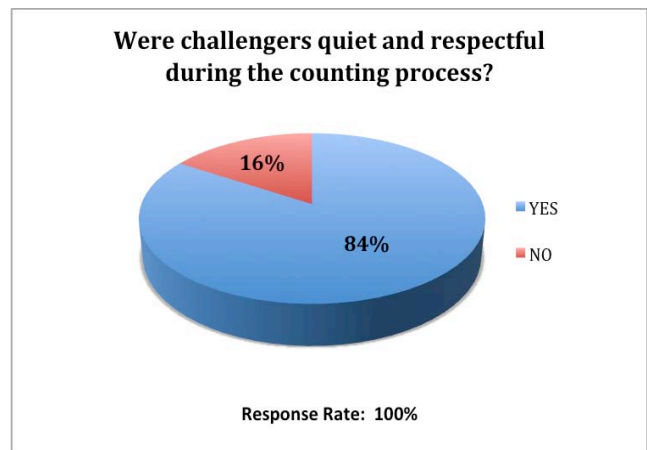
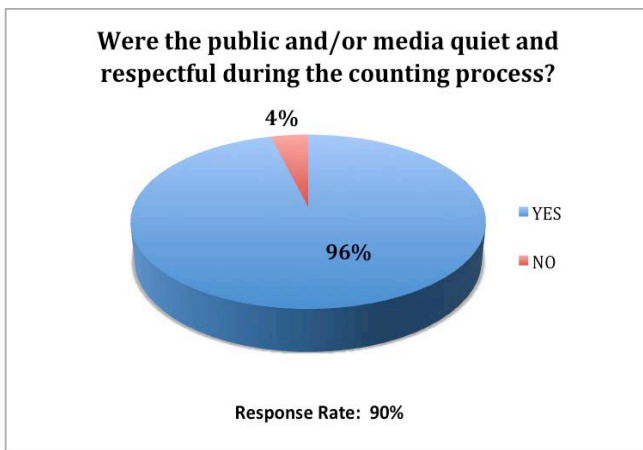
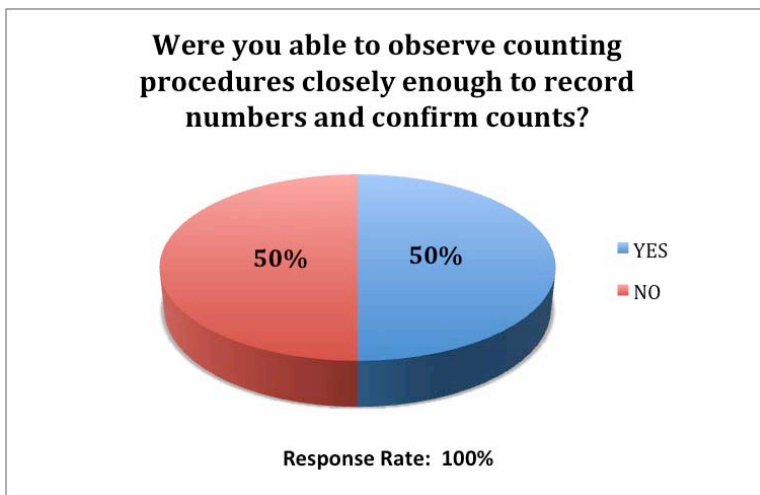


Figure 17: Ability to Confirm Accuracy of Counting Process



Counting Team Description

The majority of recount locations had six or fewer counting teams (see Figure 18). Each counting team typically worked on one precinct. The number of counting teams often corresponded to the size of the recount location and/or county. For example, five of the six most populous counties in Minnesota - Ramsey, Hennepin, Washington, Dakota, and Anoka - had eight or more counting teams at a location.

In 92% of reports, counting teams had at least two people on each team (see Figure 19). Typically counters were election judges; however, county staff occasionally served as counters as well.

Observations of Counting Team Problems:

- Blue Earth, Cities of Robbinsdale and Minnetonka (Hennepin), and Chisago Counties: Each location had at least one team with only one counter on a team.
- City of Robbinsdale (Hennepin): The observer reported that the count for Ward 1 came up short. The officials looked for additional Ward 1 ballots that would make the count match. These ballots were found in a box labeled “unused ballots” in the vault where the other ballots were stored.

Figure 18: Number of counting teams at a recount location²³

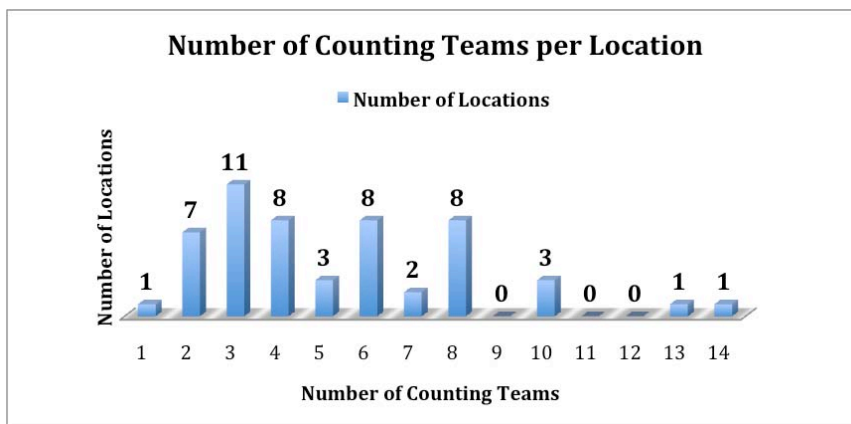
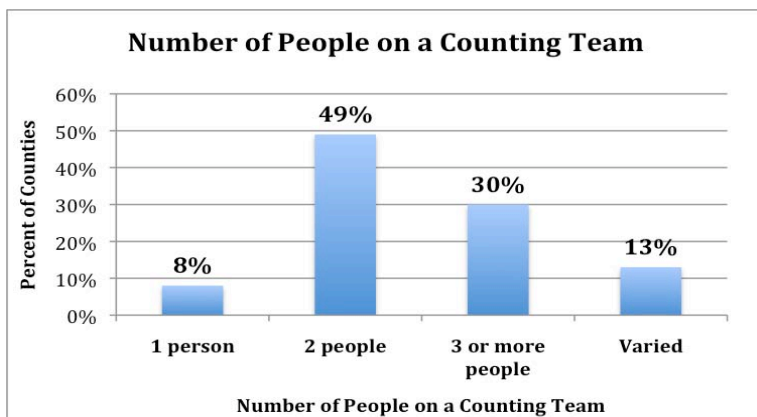


Figure 19: Number of People on a Counting Team



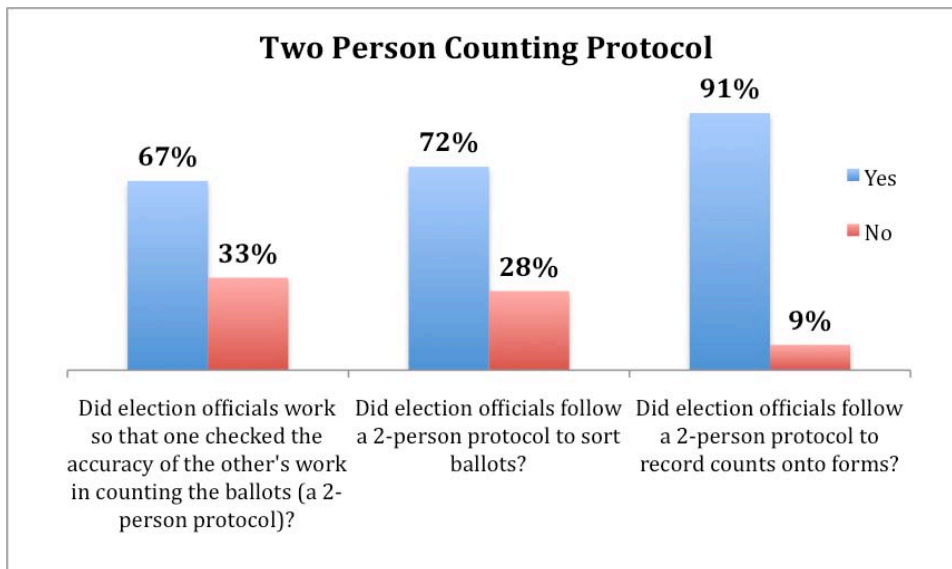
²³ Some locations varied the number of counting teams depending on the workload that day. For example, Minneapolis had 13 teams one day and 14 teams another day.

Counting Procedure

Three questions on the reporting form addressed counting procedure. These questions entailed: use of a two-person protocol; the independence of counting team members; and the handling of challenged ballots.

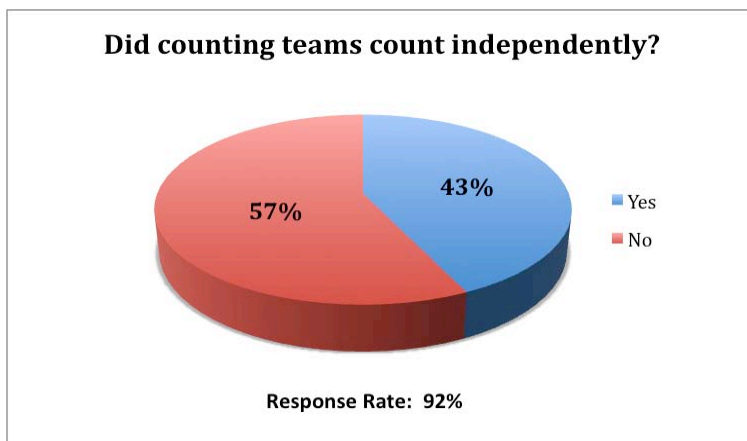
- **Two-Person Protocol:** This protocol involves one election official checking the accuracy of another election official’s work (see Figure 20). The protocol was reportedly used for counting the ballots, sorting the ballots, and recording the counts onto official forms in over 65% of the non-partisan observer reports.

Figure 20: Two-Person Counting Protocol



- **Independence of Members of Counting Teams:** For the purpose of this report, “independence” means that each official on the counting team counts the same pile of ballots independently, and then the officials check to see if their tallies match (see Figure 21). Observers documented that this process occurred in 43% of counting teams.

Figure 21: Counting Teams Work Independently



- Handling of Challenged Ballots: The process for challenged ballots involves ensuring that the election officials remove challenged ballots from the counting pile. The officials must note the reason for the challenge, identify the precinct, and affix the challenger's name on the ballot (typically it is written on a label, which is then placed on the ballot). Election officials then place the labeled, challenged ballots into one envelope that is separate from the other ballots. These envelopes are secured and stored in a secured location. The Canvassing Board will later rule on whether or not to accept the challenged ballot.

In 100% of reports, challenged ballots were removed and placed into a separate envelope. In addition, all the reports indicate that a reason was included for the challenge.

Possible problems with challenged ballots:

- In observer debriefings many observers commented that the number of challenged ballots often seemed excessive. (Many of their challenges were later found to be frivolous or were withdrawn by both parties.)"²⁴

RECOUNT: Chain of Custody

Similar to the audit, the chain of custody for the recount is subject to MR 8235.0400. To assess chain of custody, observers reported on the unsealing and resealing of ballots, the number of individuals that kept watch over the ballots during the process, and the number of individuals transporting the ballots from their secure location to the recount room (see Figure 22). At least 94% of the reports indicated that the following procedures were followed:

- Ballot envelopes/containers were sealed before the count began.
- Ballots were kept under the observation of at least two individuals throughout the recount process.
- Ballot envelopes/containers were resealed after being counted.

Ballots were delivered to the recount room by at least two persons/officials except in Todd, Stevens, Ramsey, City of Hopkins and City of Minneapolis (Hennepin), and Chisago Counties.

Observers reported difficulties in their ability to observe chain of custody procedures. This difficulty is evidenced by the high rate of unanswered chain of custody questions on the observer report forms. Several reports indicated potential chain of custody weaknesses.

Observations of Issues with Chain of Custody Procedures:

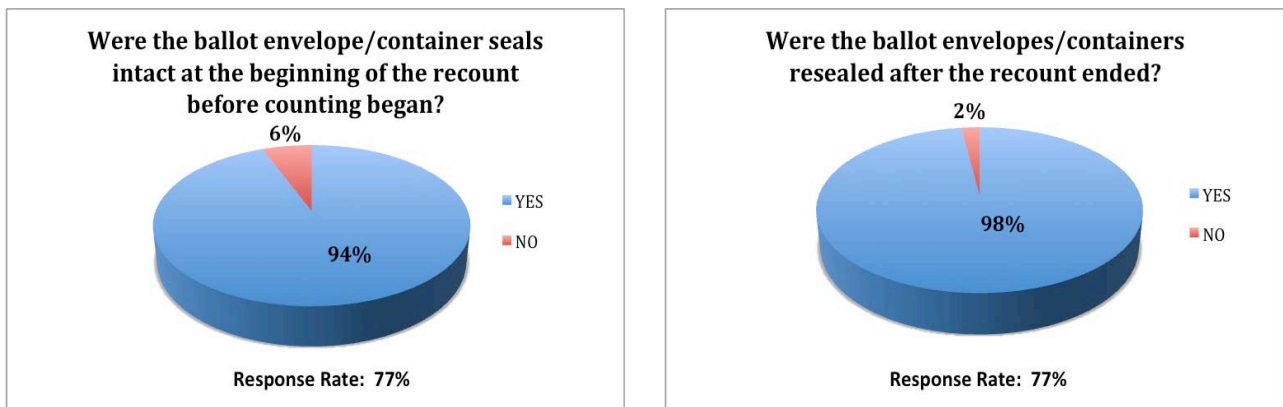
- Brown County: Although all the ballot envelopes were properly taped and signed by election judges, some of the ballot boxes from smaller precincts were not sealed. The ballots from larger precincts were in sealed metal containers.

²⁴ Although there is not a legal definition for "frivolous challenge," it refers to any challenge that clearly falls outside of the scope of allowable challenges under MS 204C.22.

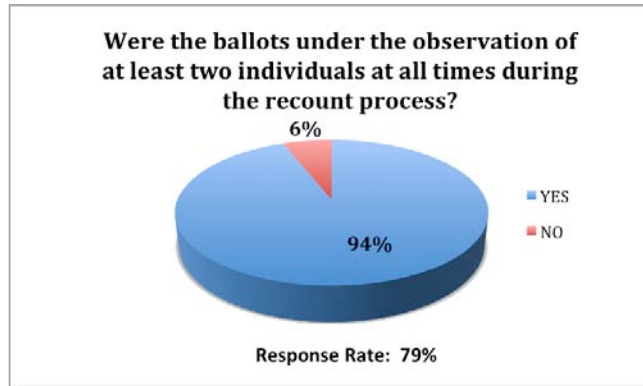
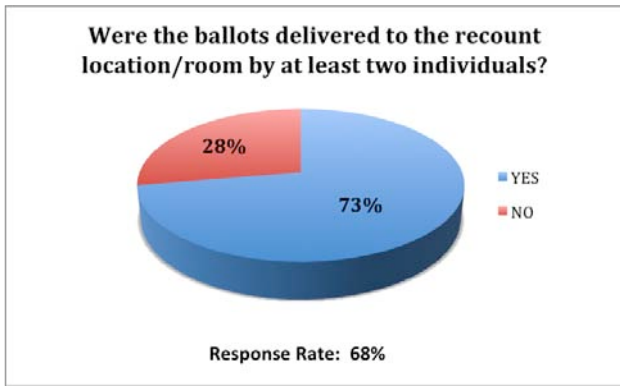
City of Minneapolis (Hennepin): An observer reported that election officials staged ballots at the end of one day, but that the ballot envelopes were not resealed at the end of the staging process²⁵. The observer also reported that representatives from both campaigns were present and observed the staging process. The observer stayed 10 – 15 minutes after the staging process to receive the official results from the day, and then left before some of the election officials that evening. The observer was unable to confirm if the ballot envelopes were resealed before election judges left for the evening. In addition, on a few occasions this observer was at the recount location before the counting had started in the morning and reported that the ballots that were staged the prior evening (when the observer was present) were unsealed.

- City of Robbinsdale (Hennepin County): See comments under “Observations of Counting Team Problems”.
- Koochiching County: There were a number of chain of custody issues in Koochiching. The observer reported that none of the following issues had an impact on the accuracy of the recount in this county.
 - The majority of ballots were loose in unsealed boxes at the beginning of the recount.
 - When returned to the vault, the majority of ballots were not in any type of envelope within the boxes. In other cases, there were ballots in sealed envelopes but within unsealed boxes.
 - The ballots, some 6,000 in number, were kept in a room that doubles as an employee coatroom and was not locked at the time. The observer accompanied the supervisor when the supervisor returned the ballot boxes and envelopes to the room after the recount was finished for each precinct. The observer reported that neither the ballot boxes nor the ballot envelopes were sealed when they were returned to the room.
 - Ballots from multiple precincts were counted on one machine, because the county did not have enough optical scanners for each precinct. Therefore, some of the boxes contained multiple precincts. As a result, election officials had to first sort through the ballots and separate them into the correct precincts.

Figure 22: Chain of Custody Procedures



²⁵ “Staging” refers to opening a ballot envelope and arranging ballots to face the same direction so they are easier to sort and count.



RECOUNT: General Observer Concerns

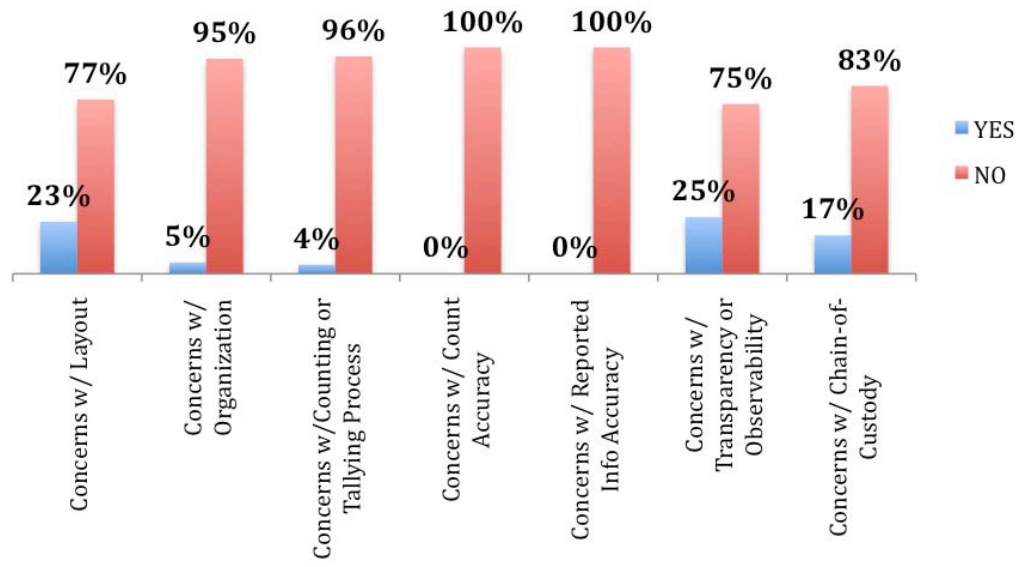
At the end of each report, observers were asked if they had any concerns in seven different areas (see Figure 23):

1. Room layout
2. Recount organization
3. Integrity of counting and tallying process
4. Accuracy of manual count
5. Accuracy of the information reported to the Secretary of State
6. Transparency/observability of the process
7. Chain of Custody

- There was no single issue in which *a majority* of the observers expressed concern.
- It is important to note that none of the reports expressed concern about the accuracy of the manual count or the accuracy of the information reported to the Secretary of State.
- The two concerns reported most by observers were about the layout of the room (#1) and the transparency/visibility of the process (#6). Chain of custody (#7) was the third most reported observer concern. (This differs from the audit, in which the counting process was the greatest concern for observers.)
 - All of the concerns about the layout of the room or the transparency/observability of the process involved concerns with the table arrangements or restricted access to the counting tables. Both of these issues limited the observers' ability to see all of the precincts being counted or made it difficult to appropriately confirm ballot-counting and transparency procedures.
 - The chain of custody concerns involved not knowing where the ballots were being stored, and a general inability to observe chain of custody procedures.

Figure 23: Observer Concerns

Did you have concerns with...



SECRETARY OF STATE INFORMATION – ANALYSIS of AUDIT DATA

AUDIT: SECRETARY OF STATE OFFICIAL REPORTING FORMS

In 2006 CEIMN recommended counties “list voter errors separately as they conduct their audits, so that the discrepancy counts are as accurate as possible.” CEIMN also recommended that the Secretary of State provide a standardized audit reporting form for all the counties.

The Secretary of State made several updates for the 2008 Audit, creating a standardized reporting form that included three columns to track discrepancy counts: “unadjusted difference,” “exception,” and “adjusted difference.”

The audit reporting form asked counties to record six items (see Figure 24):

- ERS (“Election Recording System”) Votes: Optical scanner tally of all votes from Election Day.
- Hand-Counted Votes: Manual count tally from audit.
- Unadjusted difference: Any difference between the Election Day tally and the manual count tally. All differences should be reflected in this column, regardless of why they occurred.
- Exceptions: Any valid votes that were unreadable by the optical scanners. These will be referred to as “**unreadable valid votes.**”
- Adjusted Difference: The unadjusted difference minus any exceptions. The adjusted differences will be referred to as “**machine errors.**” For example, this category would include any votes that the optical scanner should have picked up but didn't.
- Exception Reason Notes: Counties had to record a reason for any unreadable valid votes, hopefully verifying that the votes in this column really were exceptions and not machine inaccuracies.

Figure 24: Example Audit Reporting Form (from MN Secretary of State's website)²⁶:

ANOKA COUNTY, PRECINCT: 5640 - LINO LAKES P-4						
OFFICE: US SENATOR						
Candidate Name	ERS Votes	Hand- Counted Votes	Unadjusted Difference	Exceptions (valid votes, not readable)	Adjusted Difference (unadjusted difference minus exceptions)	Exception Reason Notes
DEAN BARKLEY	286	287	1	1	0	Voter marked with very fine line
NORM COLEMAN	1177	1177	0	0	0	
AL FRANKEN	548	548	0	0	0	
CHARLES ALDRICH	4	4	0	0	0	
JAMES NIEMACKL WRITE-IN	1 3	1 3	0 0	0 0	0 0	
BLANK FOR OFFICE	16	15	1			
OVER/DEFECTIVE FOR OFFICE	0	0	0			
Office Totals:	2035	2035	2	1	0	
Final Results:			0.00%	ACCEPTABLE		

Using the above six categories, counties had to distinguish between unreadable valid votes and machine

²⁶ http://www.sos.state.mn.us/docs/post_election_audit_review.pdf

inaccuracies. While this was a significant step in the right direction, the reporting on these auditing report forms was inconsistent. Many counties made mistakes in categorizing votes. In addition, the forms did not capture all the data needed to make a complete analysis about the accuracy of the optical scanners. The inconsistent reporting was related to both the form design and mistakes made by the counties.

Reporting Issues with Secretary of State Audit Forms:

- Kandiyohi, St. Louis, and Sherburne Counties: Did not report an explanation for unreadable valid votes.
- Anoka, Aitkin, Blue Earth, Dakota, Douglas, Goodhue, Hubbard, Kanabec, Lac Qui Parle, Lake, Murray, Redwood, Renville, Scott, Stevens, Thief River falls, Todd, and Wilkin Counties: Did not report the “blank for office” numbers for the ERS total.
- Fillmore, Grant, Marshall, Mille Lacs, Morrison and Wright Counties: Did not report either the “blank for office” or “over/defective for office” numbers for the ERS total.
- St. Louis, Jackson, Olmsted, Red Lake, Martin and Ramsey Counties: Did not report the “blank for office” numbers in the ERS or Hand-Counted Votes total.
 - Olmsted, Red Lake, Martin and Ramsey Counties: The office totals for each race did not match because of this issue.
- Beltrami and Scott Counties: Mis-recorded numbers under machine inaccuracies. This is poor reporting as all differences or errors, regardless of the reason, should be recorded under the unadjusted column.
- There was a lack of consistency in how to report unexplained votes that either put the Hand-Counted Votes over or under the ERS.
 - Winona and Faribault Counties: Reported these votes as unreadable valid votes.
 - Wright County: Reported this vote as a machine error.
- While an explanation was required for any unreadable valid vote, no explanation was required for machine inaccuracies. Therefore, it was difficult to assess if what counties recorded as machine inaccuracies really were machine inaccuracies.

Five issues caused counties to report a higher machine inaccuracy rate than what really occurred:

- Beltrami, Douglas, and Mille Lacs Counties: Unreadable valid votes were also recorded in the machine inaccuracy column, which is incorrect (see definition of adjusted difference above).
- Brown, Cities of Plymouth and Maple Grove (Hennepin), McLeod, Mille Lacs and Waseca Counties: Had inconsistent reporting. These counties would record an issue as an unreadable valid vote for one race, but then would record the same issue as a machine inaccuracy for another race.
- There was a lack of consistency in whether a check mark or “X” was interpreted as an

unreadable valid vote or as a machine inaccuracy²⁷. In several counties (Kandiyohi, Itasca, Olmsted), these marks were made very lightly and were likely categorized as unreadable valid votes because the mark was too light for the machine to read the vote.

- Steele and Pipestone Counties: Reported such marks as a machine inaccuracy.
- Becker, Big Stone, Kandiyohi, Itasca, Olmsted, Polk, Pope, Red Lake, St. Louis: Reported such marks as an unreadable valid vote.
- Brown County: Reported such marks as an unreadable valid vote and machine error.
- Douglas, Freeborn, Itasca, McLeod, Marshall, Pipestone, Renville, and Stevens Counties: Recorded an issue as machine inaccuracies that were actually unreadable valid votes. These issues include jammed and re-fed ballots, unfilled ovals that showed voter intent in another way, ovals filled with pencil, votes where officials interpreted voter intent, and votes not run through the scanner on Election Day.
- Scott County: The official form did not include write-in votes under the ERS column (although the optical scanner did read all write-in votes), but the official form did include write-in votes under the Hand-Counted Votes total (see table X). Therefore, write-in votes were counted as machine inaccuracies on the official forms, when in reality the machine did count them on Election Day. This mistake resulted in 32 extra discrepancies (across all three races). (PAGE 498)

AUDIT: MACHINE ERROR RATE

The machine error rate represents the accuracy of the audited optical scanners. Using the information from the Secretary of the State’s audit reporting forms, the optical scanners had an error rate of 0.054%, indicating an accuracy rate of 99.946%. This represents 207 errors (see Table 06).

Table 06: Machine error (optical scanner) rate based on Office of the Secretary of State (OSS) reporting forms

	Overall
OSS report forms calculation	207
OSS report forms machine error rate	0.0537%

When the reporting errors described in the previous section are taken into account, a corrected optical scanner error rate can be calculated which represents a lower machine error rate. One more factor is taken into account when calculating this corrected optical scanner error rate:

- When a voter makes an X or check mark in the vote target (oval), the optical scanners cannot always read this mark. No protocol has yet been established to determine whether to categorize these instances as "machine error" or as a "valid vote unreadable by the optical scanner." Here are some examples from the Office of the Secretary of State’s reporting form:
 - In Brown County, Cottonwood Township, a voter made a small x in the oval. For the Presidential and Senate races, this x is counted as a “valid” unreadable vote. However,

²⁷ There were likely more than the following five counties that had “X”s or check marks, but did not report this in the “explanation” section. We could only report what was recorded in the “explanation” section.

for the Representative race, it is counted as a “machine” error’.

- In Itasca County, Greenway Township P-3, a ballot marked with an “X” is counted as a “valid” unreadable vote’. However, in Pipestone County, Jasper, a ballot marked with an “X” is counted as a machine error.

Given the above, two rates are provided in Tables 07 and 08: one error rate counts the “X”s and check marks as optical scanner errors (see Table 07), the other error rate counts the “X”s and check marks as valid votes unreadable by the optical scanner, therefore not considered machine error (see Table 08). These two rates provide a reliable range for the corrected optical scanner error rate, both of which are lower than the rate derived from the Secretary of State’s reporting forms. These two optical scanner error rates of 0.034% and 0.040% translate to accuracy rates of 99.960% and 99.966%. This represents between 129 and 150 errors.

Table 07: Checkmarks and Xs counted as machine (optical scanner) error

	President	Senate	Rep	Overall
CEIMN adjusted calculation for Machine error rate	61 0.0475%	45 0.0360%	44 0.0355%	150 0.0389%

Table 08: Checkmarks and Xs counted as unreadable by machine (optical scanner)

	President	Senate	Rep	Overall
CEIMN adjusted calculation for Machine error rate	50 0.0389%	40 0.0320%	39 0.0314%	129 0.0335%

AUDIT: TIME AND COST

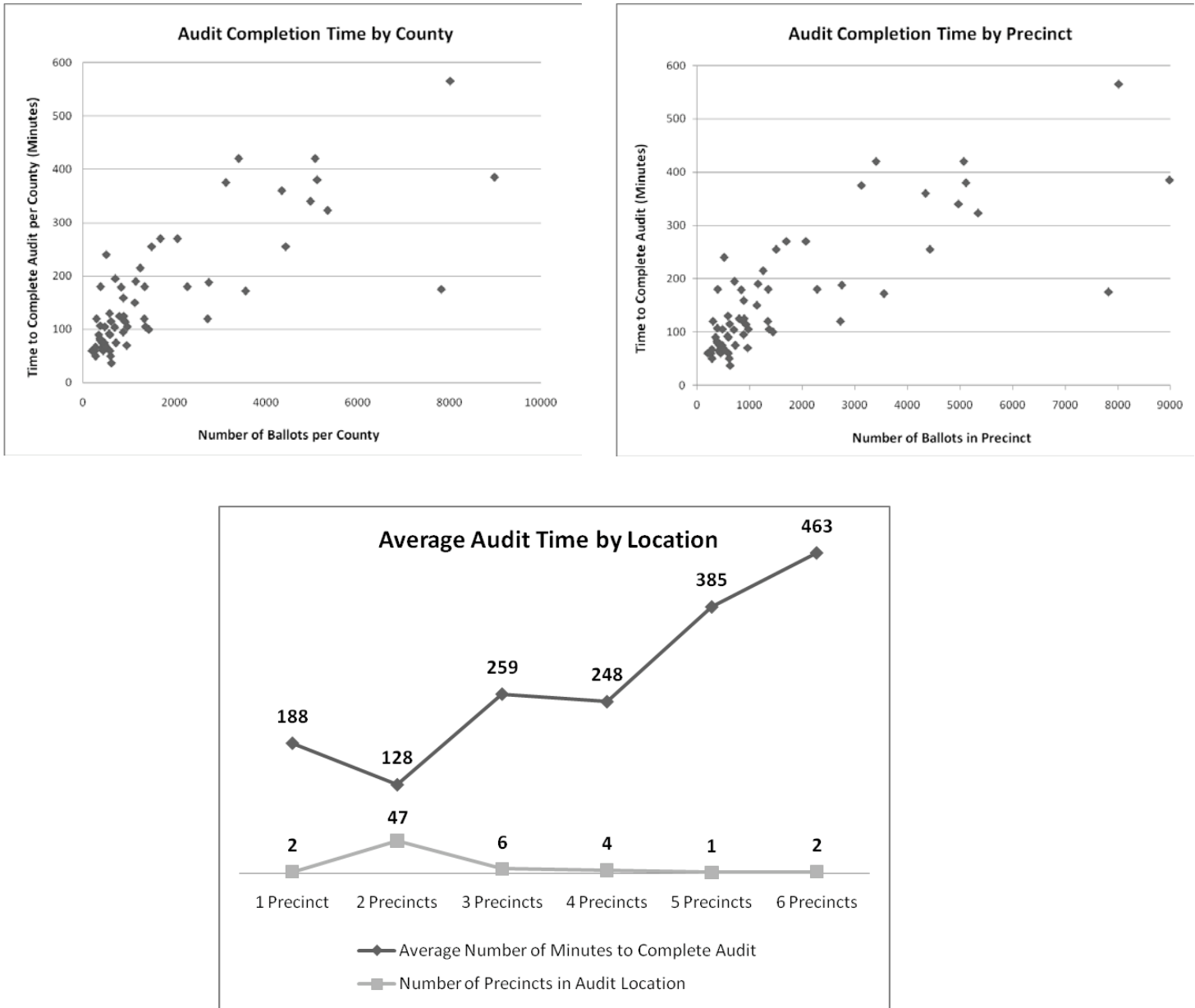
Time to Complete Audit

Observers recorded the start time and the end time for the audit. While there were fluctuations, generally locations with more precincts and/or more ballots took longer to finish the audit process (see Figure 25). Many possible reasons exist for why some locations may have taken longer than others, such as resolving discrepancies between the machine tally and the manual count or retrieving misplaced ballots from another location.

Of the locations observed that reported this information, the average precinct size was 1714 ballots and the average time to complete the audit at a location was 163.30 minutes (almost 2 hours and 45 minutes)²⁸. The average time to count a vote was 5 seconds.

²⁸ These calculations are based on information from 60 counties and 62 locations. Observers did not report this information from all the counties that were observed or audited. This additional information would likely decrease these calculations because they are from smaller precincts and counties: for example, the average precinct size of all the audited precincts in Minnesota is 632 ballots, significantly smaller than 1714 ballots as reported above.

Figure 25: Audit Time Data



Cost of the Audit

All counties were contacted regarding the estimated cost to conduct the audit. Responses were received from 35 counties representing 210,690 audited votes out of a total of 385,593 audited votes. The primary cost incurred were for election judges wages and secondly, election officials wages. The estimated average cost, per audited vote, is 9.14 cents. Based on this figure, the total estimated cost to conduct the audit is \$35,517. Note, this cost will drop for the 2010 audit as only two races, US Representative and Governor, will be audited (the next US Senate election is scheduled for 2012). The cost to conduct the recount was not calculated for this report.

RECOMMENDATIONS

This report provides a description of the manual counting process based on the non-partisan observers' reports from the 2008 Minnesota audit and US Senate recount. Therefore, the recommendations below focus on the audit and recount processes. This report does not focus on the processing of the rejected absentee ballots, which are at issue in the election contest. As noted above, the current process for handling absentee ballots on Election Day is also in need of improvement. However, we have sought to limit our recommendations to those aspects of the election process for which we had clear data from the non-partisan observation process.

AUDIT AND RECOUNT

- A two-person protocol should be required whenever ballots are counted manually, including the ability for the second counter to verify the sort and number of ballots in each pile.
- The optical scan tallies should not be visible or available to the counters during the counting process, including any additional counting of ballots when discrepancies occur.
- Counting locations should be required to post end-of-the-day audit or recount tallies for observers and the public to review.
- The unsealing and sealing of ballots, as well as the transportation of the ballots to and from their secure location, should be publicly observable.
- Whenever ballots are retrieved from or returned to locked storage, two election officials should always be present.

RECOUNT

- The recount rule should give greater clarity and criteria to guide election officials in deciding when a challenged ballot should be deemed frivolous or legitimate.

AUDIT

- We support changing the Minnesota audit law to forgo the scheduled audit of any race that will also be recounted.
- The audit supervisor should be required to make optical scanner poll tapes available upon request of the observers.
- Access should be provided for all audit observers to clearly see all marks on the ballots.
- If a discrepancy is found between the optical scan tally and the manual audit count, the ballots should be counted again manually, using a different counting team if possible.
- Audit reporting forms should be revised so that categories are clearly defined and guidelines provided so they are filled out consistently.
- An explanation should be given whenever there is a difference between the optical scanner tally and the manual audit count.
- The audit sampling method should be changed from a fixed percentage to an adjustable-percentage (see following explanation.)

Minnesota's audit law uses a fixed percentage sampling method where the same number of precincts, by county, are randomly selected to be audited. Another model, known as the risk limiting model, uses an adjustable-percentage, where the number of precincts to audit is based on the size of the margin of victory. The smaller the margin of victory, the larger the percentage of precincts to be audited. With the risk limiting model, most statewide races require very few ballots to be counted to confirm machine accuracy (less than our current audit size).

With this risk limiting audit model, the total number of precincts audited, on average, would be roughly similar

to the total number of precincts currently audited in our state. This audit model is more efficient and more effective at detecting election errors than our current model. This model represents audit best practices²⁹. For example, New Jersey passed a similar law in 2008 and several states have proposed similar laws. The soon-to-be-released Voter Confidence and Increased Accessibility Act of 2009 sponsored by US Representative Rush Holt (NJ) would require states to adopt one of two sampling methods: a tiered sampling provision in which, depending on the closeness of the race, at least 3% of precincts, 5% of precincts, or 10% of precincts would be audited; or an adjustable-percentage method with no fixed minimum number of precincts. In addition, the League of Women Voters recently released an audit report endorsing this model³⁰.

CONCLUSIONS

This section is based on the non-partisan observer reports and reflects these three areas covered in the report.

TRANSPARENCY

Election officials for both the audit and recount did an effective job of maintaining good order and preventing disruptions that could interfere with the counting or observing process. In addition, the high percentage of election officials who clarified procedures before the audit or the recount added transparency and helped reduce confusion and misunderstandings throughout the process.

While access to the counting tables in the audit was good overall, there were five locations where the ability to observe was limited. This is a concern because, given that state law requires the audit be open for public observation, audit observers should have adequate access to review the ballots as they are counted.

COUNTING PROCESS

The inclusion of at least two counters per counting team was a strength in the audit and recount counting process. The only exceptions were two locations in the audit and three locations in the recount. Having at least two officials can increase the efficiency and speed of counting, as well as provide a second person to double-check the count. However, the intense scrutiny by challengers during the recount provided an additional check on the accuracy of the counting process.

Election officials performed exceptionally well in ensuring that challenged ballots were marked and separated according to state law.

CHAIN OF CUSTODY

Audit: There were no instances of unsealed ballot containers or envelopes, or any examples of broken chain of custody. However, two counties used clear packing tape to seal containers/envelopes, which is less secure and accountable than using signed seal labels or numbered pull tags. Given this, best practices for securing ballots need to be clarified.

Recount: The overwhelming majority of counties followed good chain of custody procedures. Ninety percent of the reports indicate that ballots were sealed both before and after the counting and that ballots were under the observation of at least two officials during the counting. However, chain of custody was inadequate in one county. Four other counties showed minor chain of custody issues. This suggests a need for better specificity with chain of custody procedures.

29 Principles and Best Practices for Post-Election Audits: <http://www.electionaudits.org/principles.html>

30 Report on Election Auditing by the Election Audits Task Force: <http://tinyurl.com/pcf826>

During the recount, the city of Minneapolis was unable to produce a number of ballots in one precinct. This break in the chain of custody is of concern, but the State Canvassing Board determined that an independent verification provided by the optical scanner poll tapes and signatures on voter logs documented that votes were cast. This situation underscores the value of an independent verification to confirm that votes were cast and highlights the need to improve chain of custody procedures.

OVERALL CONCLUSIONS

These key components, that currently exist in state laws, help provide for a robust, independent verification of Minnesota's election outcomes:

- A voter-marked paper based system that allow for manual recounts and manual audit
- The requirement that recounts are conducted by hand, which is more efficient in determining voter intent than a machine count
- A public observation of audits and recount that provides transparency
- A recount provision for every close election contest
- A robust escalation mechanism in the audit law whereby additional precincts are audited if discrepancies are found
- The requirement that the audit tally is binding on the official results, offering a corrective measure prior to certification
- The option of additional targeted audits by losing candidates.
- Clear procedures regarding chain of custody and ballot accounting.

The voting machines used in the audited precincts were accurate. The process was transparent and efficiently administered by county and city election officials. No systematic concerns were raised by any observers in the audit or the recount. In addition, for the recount, all observers felt the counting procedures were accurate and none questioned the integrity of the counting.

Vote totals typically rise whenever there is a hand recount of a machine tally, as occurred in the recount. This is because some voters mis-mark their ballots - for example, by circling an oval instead of filling it in - in such a way that optical scanners cannot detect their intent. This underscores the importance of conducting recounts by hand count.

The absentee ballot process is the most troubling aspect of this election. The lesson learned is that there must be a uniform method for processing all ballots. We support efforts to streamline the absentee ballot process. We strongly oppose any calls for a runoff election. Runoff elections result in a precipitous drop in voter turnout, are very expensive, and while they may reduce the chances of an automatic recount, do not preclude such a scenario.

Minnesota's manual recount procedures are solid overall. What we have learned from this unprecedented scrutiny will help to make the process better.



APPENDIXES

**Appendix A: County, municipal, and school district races eligible for a recount in
2008 general election**

Race Type	Percent difference btw top two candidates	Vote difference btw top two candidates	Total # votes
City Cncil, Urbank	0.00%	0	37
City Cncil, Seaforth	1.85%	1	54
City Cncil, Dovray	3.33%	2	60
Cncil Mem, Spec, Bruno	1.45%	1	69
City Cncil, Revere	0.00%	0	73
City Cncil, West Union	1.28%	1	78
City Cncil, Bock	2.20%	2	91
City Cncil, Garvin	1.08%	1	93
City Cncil, Williams	1.01%	1	99
City Cncil, Kingston	0.00%	0	132
City Cncil, MN City	2.53%	4	158
City Cncil, Flensburg	1.57%	3	191
City Question, Akeley	0.50%	1	201
Mayor, City of Fisher	2.74%	6	219
City Cncil, Northrop	0.87%	2	230
City Cncil, Gonvick	0.42%	1	240
City Cncil, Woodlake	1.47%	5	340
City Cncil, Vermillion	2.07%	8	386
City Cncil, Littlefork	0.20%	1	488
City Cncil, Rollingstone	0.00%	0	565
Cncil Mem, Warren, 02	0.34%	2	586
City Cncil, Lake Benton	0.34%	2	590
Ctiy Cncil, Lilydale	0.28%	2	702
City Cncil, Moose Lake	0.30%	3	1004
City Cncil, Rush City	0.33%	4	1218
Cnty Comm, Dis 2	0.07%	1	1435
Aldersperson, 01, Granite Falls	0.34%	5	1460
Cnty Comm, Dis 3	0.37%	9	2439
Mayor, Big Lake	0.39%	15	3849

Cnty Comm, Dis 2	0.20%	8	3975
City Cncil, Northfield	0.19%	14	7501
Mayor, Austin	0.37%	39	10480
Cncil Mem, Brook Pk We	0.26%	28	10665
ISD 707, School Bd Mem	0.00%	0	8
ISD 2142, School Question 1	25.00%	4	16
ISD 006, School Bd Mem	0.48%	13	2736
ISD 441, School Bd Mem	0.20%	6	2955
ISD 533, School Bd Mem	0.50%	24	4838
ISD 038, School Bd Mem	0.24%	12	4918
ISD 116, School Bd Mem	0.11%	6	5375
ISD 085, School Bd Mem	0.44%	24	5414
ISD 2609, School Bd Mem	0.37%	20	5430
ISD 091, School Bd Mem	0.04%	2	5511
ISD 097, School Bd Mem	0.20%	12	5888
ISD 2137, School Bd Mem	0.14%	9	6281
ISD 239, School Bd Mem	0.03%	2	6409
ISD 2890, School Bd Mem	0.27%	19	7083
ISD 2071, School Bd Mem	0.04%	3	7864
ISD 846, School Bd Mem	0.31%	27	8583
ISD 531, School Bd Mem	0.35%	39	11061
ISD 051, School Bd Mem	0.39%	51	13018
ISD 186, School Bd Mem	0.01%	1	13614
ISD 829, School Bd Mem	0.31%	48	15714
ISD 2149, School Bd Mem	0.13%	21	16038
ISD 477, School Bd Mem	0.24%	56	23504
ISD 728, School Bd Mem	0.20%	87	43019
ISD 270, School Bd Mem	0.01%	10	117939

Appendix B: Audit Observation Code of Conduct

2008 Code of Conduct

1. Volunteer Observer Code of Conduct

As an observe of the Minnesota post-election audit I agree to:

- 1) Maintain strict impartiality in the conduct of my duties and will, at no time during the audit, publicly express or exhibit any bias or preference in relation to parties, candidates, or with reference to any issues in contention in the election process. I will behave in a nonpartisan manner at all times.
- 2) Undertake my duties in an unobtrusive manner and will not interfere in the counting process.
- 3) Base my conclusions for the reporting forms on my personal observations or on clear and convincing facts or evidence.
- 4) Only discuss my observation experience with the media if asked, and will refer all other media inquiries to leadership at Citizens for Election Integrity Minnesota.
- 5) Not touch the ballots.
- 6) Exhibit the highest levels of personal discretion and professional behavior.

*** 1. Name and Date (e.g. Sue Martyn, 10/30/08)**

Appendix C: Audit Observation Report Form

Observer Report Form - Citizens for Election Integrity MN

1. Identification, Location, Start

1. Observer Identification

Observer Name, E-mail, Phone

Observer Name, E-mail, Phone

Observer Name, E-mail, Phone

2. Location Identification

Observation Date:

County Observed:

Precinct Observed:

Precincts Selected for Audit:

3. On-Site Supervisor Identification

Name and Title:

Phone and Email:

4. Number of Non-CEIMN Observers: If known, who did they represent? (Party? Candidate? Org?)

5. Identifying People On-Site

	Yes	No	Unobserved	N/A
Did County personnel wear identification?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did Vendor personnel wear identification?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did other personnel wear identification?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If other personnel wore identification, who were they? Please describe any concerns you might have had with identifying people on-site.

6. Start Times

	HH	MM	AM/PM
Scheduled Start of Today's Meeting	<input type="text"/>	<input type="text"/>	<input type="text"/>
Time First Observer Arrived	<input type="text"/>	<input type="text"/>	<input type="text"/>
Actual Start of Today's Meeting	<input type="text"/>	<input type="text"/>	<input type="text"/>

7. Total number of Personnel On-site

County Elections Staff

Election Judges

Media

State Elections Officials

Voting System Vendor

Other

Observer Report Form - Citizens for Election Integrity MN

8. Transparency Part I

	Yes	No	Unsure
Was there enough room for everyone to observe everything?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were any observers turned away?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comments or notes	<input type="text"/>		

9. Chain of Custody & Ballot Transport

	Yes	No	Unobserved
Were the ballots delivered to the audit location/room by at least two individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If yes to the previous questions, were the ballots under the observation at least two individuals at all times during the meeting?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were the ballot envelope/container seals intact? (If no, contact either Mark or Sarah immediately at 612-724-1736)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Please explain any No answers above:	<input type="text"/>		

2. Observing And Verifying The Counting

10. Training and Orientation

	Yes	No	Unobserved
Did the supervisor clarify procedures for everyone before beginning to count ballots?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use this space if further explanation is needed	<input type="text"/>		

11. Counting Procedure

	Yes	No	Unobserved	N/A
Were you able to observe counting procedures closely enough to record numbers and confirm counts?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials work so that one checked the accuracy of the others work (a 2-person protocol)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials follow a 2-person protocol to sort ballots?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials follow a 2-person protocol to record counts onto forms?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Please explain any No answers:	<input type="text"/>			

12. Blind Counting

	Yes	No	Unobserved	N/A
Were counting teams kept unaware (blind) of official results until the end of the audit?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sometimes machine counts and manual counts don't match or don't match at first. If this happened, were counting teams kept unaware (blind) of the difference between machine counts and manual counts, as additional work was performed to reconcile the differences?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials find any discrepancies between the machine count from Election Day and the manual audit count? **If yes, please explain the discrepancy and how they resolved it (e.g. recounting, changing counting teams, reviewing machine tapes, etc).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use this space if further explanation is needed	<input type="text"/>			

Observer Report Form - Citizens for Election Integrity MN

13. Transparency Part II

	Yes	No	Unobserved	N/A
Were you able to confirm that the number of BALLOTS in each pile was counted accurately?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If multiple team were counting one precinct, were you able to confirm the COUNTS FROM MULTIPLE TEAMS were correctly totaled?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did officials maintain good order and prevent interference during the audit process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Use this space if further explanation is needed

14. Election Officials and Counting Teams

Number of Counting Teams

Total Number of Counting Personnel

Total Number of Supervising Personnel

15. Number of Persons on Counting Teams

	1	2	3	4	Other	Varied
Smallest counting team	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify any "Other" answers or explain any "Varied" answers

3. Completing the Observation and Verification

Note: Please take a moment to fill in the information on your Tally Form now.

16. Confirming Machine Counts Used in the Audit

	Yes	No	Unobserved
Could you confirm identifying information - such as precinct number, date and time - on the signed optical scanner tape(s) printed at the end of election-day?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Could you confirm vote counts of the race(s) being audited, from the signed optical scanner tape(s) printed at the end of election-day?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were the vote counts from the tapes accurately recorded on the report forms?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any No answers:

17. Closing Chain of Custody

	Yes	No	Unobserved	N/A
Could you confirm that ballots were returned to their proper envelopes/containers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were the ballot envelopes/containers resealed?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any "No" answers.

Observer Report Form - Citizens for Election Integrity MN

18. Official Forms

(After the observation is complete, ask for a copy of the official tally form that they will send to the Secretary of State)

	Yes	No	N/A
Did you confirm that totals agreed by the counting team(s) were recorded accurately on the report forms?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Could you see and obtain a copy the official forms?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were copies of the official report forms made available to the public?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain No or N/A answer:

19. Further Audits - Escalation

	Yes	No	Not Determined
Did the county election officials indicate that a further audit will be needed after today?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If yes or not yet determined, please provide the NAME and PHONE for the county official's contact below. CALL Mark or Sarah immediately at 612-724-1736.

20. Completion

Time Today's Meeting Ended: HH : MM AM/PM

21. Observer Concerns

	Yes	No	Unobserved
Do you have any concerns over the way the room was laid out?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns that the auditing was not well-organized?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns with the integrity of the counting and totaling process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns that the manual count was inaccurate?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns that the reported information is inaccurate?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns with the transparency/observability of the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns with the chain-of-custody?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any Yes answers:

22. We, as a team, agree on all items reported by us on these forms, and believe our report to be accurate and factual, to the best of our knowledge and understanding.

Signature #1

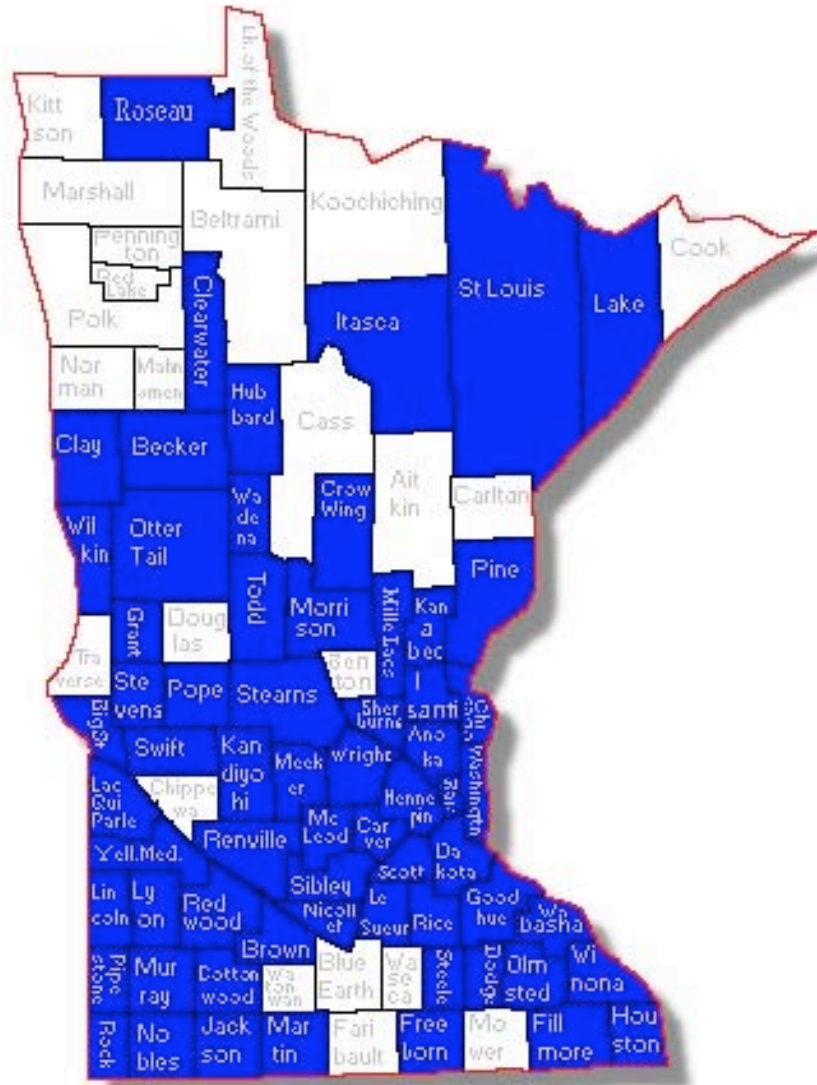
Signature #2

Signature #3

23. Additional comments:

Appendix D: Observed Audited Counties

Observed Audited Counties	
Anoka	Mille Lacs
Becker	Morrison
Benton	Murray
Big Stone	Nicollet
Brown	Nobles
Carver	Olmsted
Chisago	Otter Tail
Clay	Pine
Clearwater	Pipestone
Cottonwood	Pope
Crow Wing	Ramsey
Dakota	Redwood
Dodge	Renville
Fillmore	Rice
Freeborn	Rock
Goodhue	Roseau
Grant	Scott
Hennepin	Sherburne
Houston	Sibley
Hubbard	St. Louis
Isanti	Stearns
Itasca	Steele
Jackson	Stevens
Kanabec	Swift
Kandiyohi	Todd
Lac qui Parle	Wabasha
Lake	Wadena
LeSueur	Washington
Lincoln	Wilkin
Lyon	Winona
Martin	Wright
McLeod	Yellow
Meeker	Medicine



Appendix E: Recount Observation Report Form

Recount Observer Report Form - Citizens for Election Integrity MN

1. Identification, Location, Start

1. Observer Identification

Observer Name, E-mail, Phone

2. Location Identification

Observation Date:

County Observed:

Location Observed (Hennepin only):

Day of Counting:

3. On-Site Supervisor Identification

Name and Title:

Phone and Email:

4. Number of Non-CEIMN Observers: If known, who did they represent? (Party? Candidate? Org?)

5. Identifying People On-Site

	Yes	No	Unobserved	N/A
Did County personnel wear identification?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did Vendor personnel wear identification?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did other personnel wear identification?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If other personnel wore identification, who were they? Please describe any concerns you might have had with identifying people on-site.

6. Start Times

	HH	MM	AM/PM
Scheduled Start of Today's Meeting	<input style="width: 20px;" type="text"/>	: <input style="width: 20px;" type="text"/>	<input style="width: 100px;" type="text"/>
Time First Observer Arrived	<input style="width: 20px;" type="text"/>	: <input style="width: 20px;" type="text"/>	<input style="width: 100px;" type="text"/>
Actual Start of Today's Meeting	<input style="width: 20px;" type="text"/>	: <input style="width: 20px;" type="text"/>	<input style="width: 100px;" type="text"/>

7. Total number of Personnel On-site

County Elections Staff	<input style="width: 50px;" type="text"/>
Election Judges	<input style="width: 50px;" type="text"/>
Media	<input style="width: 50px;" type="text"/>
State Elections Officials	<input style="width: 50px;" type="text"/>
Voting System Vendor	<input style="width: 50px;" type="text"/>
Other	<input style="width: 50px;" type="text"/>

Recount Observer Report Form - Citizens for Election Integrity MN

8. Transparency Part I

	At counting table	Less than 5 ft	5 ft - 10ft	More than 10ft
How far away from the counting were the party/candidate observers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How far away from the counting were CEIMN observers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How far away from the counting were any other public observers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
How far away from the counting were the media?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments or notes

9. Were any observers turned away?

- Yes
- No
- Unobserved

Please explain a "yes" answer

10. Chain of Custody & Ballot Transport

	Yes	No	Unobserved
Were the ballots delivered to the recount location/room by at least two individuals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If yes to the previous questions, were the ballots under the observation at least two individuals at all times during the meeting?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were the ballot envelope/container seals intact? (If no, contact either Mark or Sarah immediately at 612-724-1736)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any No answers above:

2. Observing And Verifying The Counting

11. Training and Orientation

	Yes	No	Unobserved
Did the supervisor clarify procedures for everyone before beginning to count ballots?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Use this space if further explanation is needed

12. Challenged Ballots

	Yes	No	Not Observed
Were challenged ballots removed and place into a separate envelope?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Was the reason they were challenged written on the back of the ballot?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please keep a tally of the number of ballots that were challenged below.

Recount Observer Report Form - Citizens for Election Integrity MN

13. Counting Procedure

	Yes	No	Unobserved
Were partisan observers quiet and respectful during the counting process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were non-partisan observers quiet and respectful during the counting process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were the public and/or media quiet and respectful during the counting process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were you able to observe counting procedures closely enough to record numbers and confirm counts?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials work so that one checked the accuracy of the others work in counting the ballots (a 2-person protocol)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials follow a 2-person protocol to sort ballots?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did election officials follow a 2-person protocol to record counts onto forms?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any No answers:

14. Counting Team Procedure

	Yes	No
Did any counting teams count independently? (One counter counts a pile, then a second counter counts that same pile, and then they check to see if their totals match.)	<input type="checkbox"/>	<input type="checkbox"/>
If yes, was there any discrepancy between the two counters totals?	<input type="checkbox"/>	<input type="checkbox"/>

If there was a discrepancy, please explain the discrepancy, what was done to resolve it, and if it was resolved.

15. Transparency Part II

	Yes	No	Unobserved	N/A
Were you able to confirm that the number of BALLOTS in each pile was counted accurately?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did officials maintain good order and prevent interference during the recount process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Use this space if further explanation is needed

16. Election Officials and Counting Teams

Number of Counting Teams

Total Number of Counting Personnel

Total Number of Supervising Personnel

17. Number of Persons on Counting Teams

	1	2	3	4	Other	Varied
Smallest counting team	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify any "Other" answers or explain any "Varied" answers

3. Completing the Observation and Verification

18. Closing Chain of Custody

	Yes	No	Unobserved	N/A
Could you confirm that ballots were returned to their proper envelopes/containers?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were the ballot envelopes/containers resealed?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any "No" answers.

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19. How does the supervisor describe the security procedures used to secure the ballots between days of counting (if the counting will take multiple days)?

20. Recording Total Numbers at End of Day (Please e-mail the results asap to Sarah at sarah@ceimn.org)

Total Franken Ballots:

Total Coleman Ballots:

Total Other Ballots:

Total Contested/Challenged Ballots:

Total Spoiled Ballots:

Total Number of Ballots overall:

21. Official Forms

(If you are present at the finish of the recount for a county, ask for a copy of the official tally form that they will send to the Secretary of State)

	Yes	No	N/A
Could you see and obtain a copy the official forms?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were copies of the official report forms made available to the public?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain No or N/A answer:

22. Completion

Time Today's Meeting Ended: HH : MM AM/PM

23. Observer Concerns

	Yes	No	Unobserved
Do you have any concerns over the way the room was laid out?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns that the recount was not well-organized?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns with the integrity of the counting and totaling process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns that the manual count was inaccurate?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns that the reported information is inaccurate?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns with the transparency/observability of the process?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you have any concerns with the chain-of-custody?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

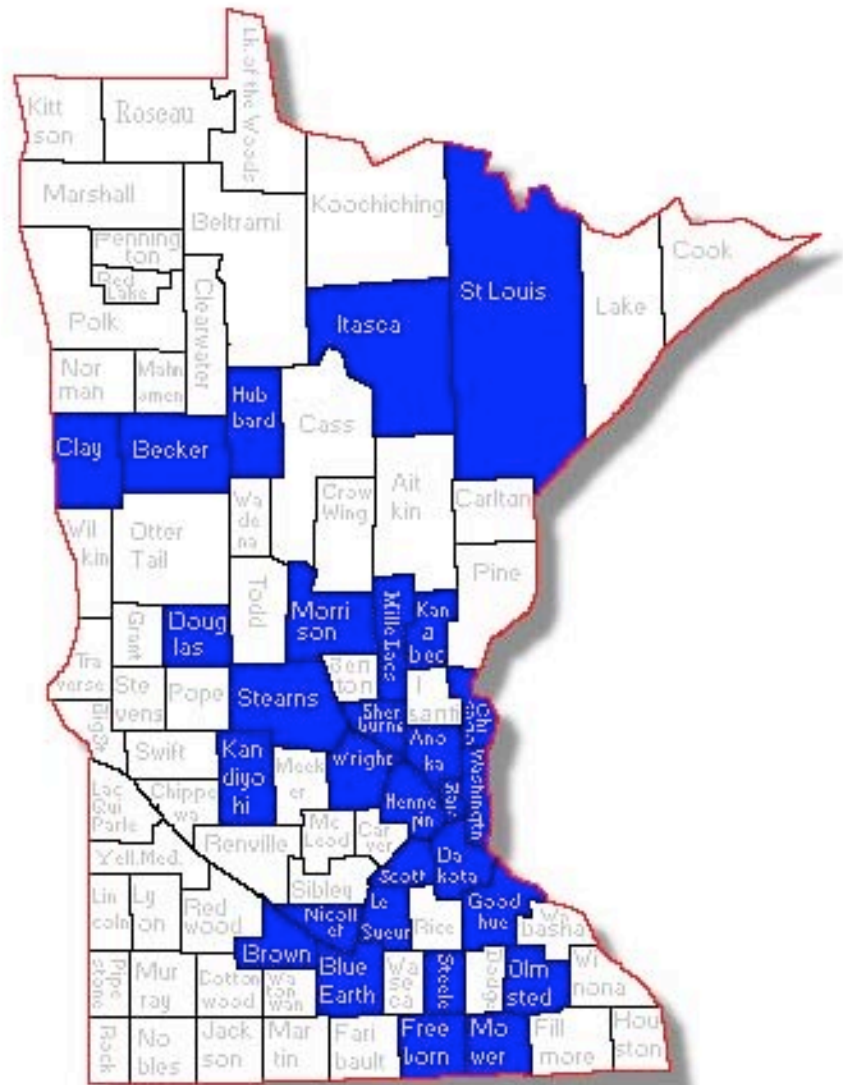
Please explain any Yes answers:

24. I support all items that I reported on this form, and believe my report to be accurate and factual, to the best of my knowledge and understanding.

Signature

Appendix F: Observed Recount Locations

Observed Recount Locations	
Anoka	Le Sueur
Becker	Maple Grove
Bloomington	Mille Lacs
Blue Earth	Minneapolis
Brooklyn	
Center	Minnetonka
Brown	Morrison
Chisago	Mower
Clay	New Hope
Dakota	New Ulm
Douglas	Nicollet
Eden Prairie	Olmsted
Edina	Ramsey
Freeborn	Robbinsdale
Golden Valley	Scott
Goodhue	Sherburne
Hopkins	Shorewood
Hubbard	St. Louis
Independence	Stearns
Itasca	Steele
Kadiyohi	Washington
Kanabec	Wright
Koochiching	



Appendix G: Recount Observation Code of Conduct

Code of Conduct - 2008 Recount

1. 2008 Code of Conduct - MN Recount

The Non-Partisan Observation effort is sponsored by Citizens for Election Integrity MN, League of Women Voters MN, and Common Cause MN.

As a Non-Partisan Observer of the Minnesota Recount I agree:

- 1) To maintain strict impartiality in the conduct of my duties. At no time during the recount will I publicly express or exhibit any bias or preference in relation to parties, candidates, or with reference to any issues in contention in the election process. I agree to not wear any partisan clothing or materials. I will behave in a non-partisan manner at all times.
- 2) To undertake my duties in an unobtrusive manner, and not to interfere in the counting process.
- 3) To base my conclusions for the reporting forms on my personal observations or on clear and convincing facts or evidence.
- 4) That I am not authorized to speak or write on behalf of CEIMN, League of Women Voters MN, or Common Cause MN publicly, either during or after the recount observation. I will refer all media inquiries to leadership at CEIMN.
- 5) To not observe the recount for another party or partisan group on another day.
- 6) Not to touch the ballots.
- 7) To exhibit the highest levels of personal discretion and professional behavior.

1. Name and Date: