#### What is a recount?

A recount is a process in which election officials review by hand each ballot that was cast on Election Day to determine precisely the vote count between two candidates whose vote margin is extremely close. On Election Night, most Minnesotans place their ballots in optical-scan machines that electronically tally the votes at the end of the night. While these machines are very accurate and are periodically audited to ensure that accuracy, a recount ensures that all ballots are viewed by hand to determine each voter's candidate choices. A small percentage of voters — usually about 1 in every 2,000 or 3,000 (approximately 1,000 out of 2 million voters) mark their ballot in a way that cannot be read by the machine. For example, the voter circles a candidate name or makes a marking outside of the bubble. A recount ensures that these votes are also properly tallied.

### Are recounts common?

Recounts of statewide offices are rare. However, every election year there are a handful of recounts that must occur to determine which candidates received the most votes in an election. In 2008, there were two high profile statewide recounts in the Minnesota Supreme Court primary race and the US Senate race. But there were also three legislative races that required recounts as well as a number of county, city and school board races. Prior to elections, election officials make preparations and arrangements in the event a recount is required or requested. Minnesota law may require automatic recounts in three legislative races in 2010 because voter margins in each race are within one-half of one percent.

# Will there be a recount in the 2010 gubernatorial election?

It is likely that a recount will occur but we do not know for sure yet. *Minnesota Statutes*, section 204C.35, requires a hand recount of ballots for any federal or state election where the margin between the two candidates receiving the most votes is less than one-half of one percent. The State Canvassing Board reviews election results reported by each of Minnesota's 87 counties. If the margin between candidates Dayton and Emmer remains within one-half of one percent when the State Canvassing Board convenes on November 23, a hand recount will be authorized by law.

### Can an automatic hand recount be waived?

Yes. The candidate who trails the vote leader has the option of waiving the automatic recount. The waiver must be submitted in writing to the canvassing board.

# Who pays for a statewide recount?

If the margin between the two top candidates falls within one-half of one percent, an automatic hand recount is required by state law. In the instance that an automatic hand count is required, the taxpayers pay for the recount. If the vote margin is greater than the one-half of one percent, a candidate can still request a full or partial recount but it is at his or her own expense.

# Why do vote totals on the Secretary of State's website change after Election Day?

On Election Night, county election officials enter *unofficial* election results on the Office of the Secretary of State office's website. Following Election Day, county election officials audit and proof their work to make any corrections as necessary before they canvass their results.

It is routine for election officials to discover a number of small errors, including improper data entry, transposition of digits (e.g., entering the number 48 instead of 84), and other items that affect the reported outcome. For example, in 2006 the difference between the number of votes for U.S. Senate candidates Mark Kennedy and Amy Klobuchar changed by more than 2,100 votes between the first unofficial results reported on this office's website and the final official results reported to the State Canvassing Board.

As corrections are entered on the website by the local election officials, the statewide unofficial results are updated to reflect the changes. Each county auditor will present their final tallies to their respective county canvassing boards for approval. These reports are then sent to the Office of the Secretary of State where they are carefully reviewed and incorporated into a statewide canvass report that is presented to the State Canvassing Board.

#### When do election results become official?

Results of statewide and multi-county races are not official until they have been certified by the State Canvassing Board which, according to state law, must meet three weeks after Election Day. The board meets on November 23, 2010.

### What is the State Canvassing Board?

The board was created by the state Constitution to canvass and certify state and federal election results in Minnesota. It consists of two justices of the Minnesota Supreme Court, two judges of the district court and is chaired by the Secretary of State. By state law, the board must meet three weeks following Election Day (Nov. 23, 2010). State Canvassing Board members for the 2010 general election are State Supreme Court Associate Justice Paul H. Anderson, State Supreme Court Associate Justice David Stras, District Court Judge Denise Reilly of Hennepin County, District Court Judge Gregg Johnson of Ramsey County and Secretary of State Mark Ritchie.

### When will the recount of the gubernatorial election begin and end?

Under state law, the recount cannot begin until official results have been certified by the State Canvassing Board, which meets on November 23. The recount will begin in designated locations around the state beginning Nov. 29. The counting process will take approximately 9 days for election officials to review and count 2.1 million ballots by hand. Any ballots challenged by either of the candidates will be sent to the State Canvassing Board to be reviewed Dec. 8 – 10. The State Canvassing Board is currently scheduled to conclude the recount and certify the results on Dec. 14, 2010.

### Where will the recount occur?

The official recount will be conducted in approximately 85 locations throughout the state, generally in county courthouses and other public buildings. In some locations more than one recount "station" will be used depending on the size of the jurisdiction. A list of the dates, times and locations is now available. Visit <a href="http://www.sos.state.mn.us/index.aspx?page=1635">http://www.sos.state.mn.us/index.aspx?page=1635</a> for more information. The review of challenged ballots will be completed by the State Canvassing Board at the State Office Building in St. Paul.

# Is the recount open to the public?

Yes. Viewing areas have been established for the public to watch the recounting of ballots and attend all county and State Canvassing Board meetings. Please refer to the Secretary of State's website for information about times and locations.

## Who may physically handle ballots during a hand recount?

Ballots may only be handled by trained election officials throughout the entire recount process. Candidates, their representatives and the public may view the recount process but cannot touch the ballots.

### What is the process for recounting ballots?

The recount process is determined and detailed by Minnesota law. The first step in a recount process is to assemble all eligible ballots. The ballots are counted precinct by precinct within the county in which they were cast. A recount official, generally the county auditor, is designated for each county and is in charge of the room in which the recount is occurring.

Ballots are then separated into piles — one for each candidate involved in the recount, and one for all other ballots, including those cast for other candidates, those for which the voter's intent cannot be determined, and/or those declared ineligible due to markings or other problems. All ballots within a precinct are sorted at the same time and are examined by an election official to determine the voter's intent, in accordance with *Minnesota Statutes*, section 204C.22. Each candidate is allowed to have a representative observe the election officials sorting, and a candidate's representative may challenge the decision of the election official.

If there is an objection to the decision being made by the election official by either one or both of the candidates' representatives, the ballot in dispute becomes "challenged." The recount official may decide whether or not the challenge is valid. If it is decided the challenge is valid, and if the challenge is not withdrawn, the ballot is marked as challenged and sent to the State Canvassing Board for review and decision.

Once ballots have been sorted into these piles, they are counted by election officials in stacks of 25 and the precinct's vote count for each candidate is announced.

#### Are absentee ballots counted in a recount?

Yes. Accepted absentee ballots are sorted by precinct and counted along with the votes cast in the polling place.

### What is a "challenged" ballot?

During recounting, a candidate's representative may disagree with the election official's determination of voter intent on a ballot. These challenged ballots then go to the State Canvassing Board for review and decision.

### Why would a ballot be challenged?

There are essentially two reasons a ballot can be challenged. One reason is that the voter's intent is unclear. Ballots can also be challenged if the voter has written information on the ballot that could make the ballot identifiable. "Identifying marks" are defined by the law as a voter's signature, an ID number, or a name written completely outside of the space for a write-in candidate.

# Where can I see the results as the ballots are being counted?

Precinct results will be reported nightly on the Secretary of State's website.

# Is the recount in the Governor's Race the only race being recounted?

No, the Secretary of State's Office is working with local election officials to conduct four recounts: the recount in the Governors' race as well State House Districts 15B, 25B and 27A.