**Notice to Comply with ELECTION LAW related to Absentee Ballot Boards, County Canvassing processes, County Certification of Election Results and Post Election Review Requirements**

November 4, 2024

Attn: County Auditor

RE: Notice of Demand that County and Municipal Election Officials Comply With ALL Federal and State Election Laws

Over the past week, many citizens have attempted to Guard the Ballots as Agents for Candidates for the elections on November 5, 2024. These requests have been denied, despite the clear language of MN Stat 209.05.

During conversations between Agents of Candidates and County election officials, there have been serious issues raised about ongoing violations of MN Election Law. These violations threaten the integrity of Minnesota’s elections and represent serious threats to those elections’ validity. The following are some examples of election laws that are believed to have been both violated in the past and are being violated currently.

* MN Statute 209.05 Guarding the Ballots is a permissive Statute. The plain language of the law permits a candidate to guard the ballots IN an election until the expiration of time for institution contests.
* MN Statute 203B.121, Subd. 3 requires a voter’s voting history be immediately noted to indicate a ballot was received and accepted by a ballot board. This notation is the ONLY way to ensure a voter is not able to vote twice.
	+ Any ballot board that is failing to immediately connect a voter’s ballot to the voter history upon acceptance is violating the law and undermining the security of the elections.
* MN Statute 203B.121, Subd. 4 allows an absentee ballot’s secrecy envelope to be opened, and once opened requires that a ballot to be duplicated if the ballot would be unreadable by a tabulator, and that the ballot be initialed by the members of the ballot board and deposited in the appropriate ballot box.

\*NOTE the definition of a Ballot Box: Secure box used to hold voted ballots. The ballot counter sits atop the ballot box. (Not all ballot boxes are tabulators. Even if a ballot box has the ability to tabulate ballots, tabulation must only be performed as allowed by MN Statute.)

* MN Statute 203B.121, Subd. 5 (a) governs the storage and counting of absentee ballots. At the end of each day that any absentee ballot is inserted into a ballot box, two members of the ballot board must:
	+ remove the ballots from the ballot box at the end of the day;
	+ without inspection, ensure the number of ballots removed from the ballot box equals the number of absentee ballots accepted that day; and
	+ seal and secure all ballots present in that location that day.
* MN Statute 203B.121, Subd. 5 (b) is clear: only after the polls close on election day, two members of the of the ballot board must:
	+ count the ballots,
	+ tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question.
		- The results must indicate the total votes for each candidate and question by precinct; and
		- report the vote totals tabulated for each precinct.
* Allow the public to observe the count. All counts shall be public- whenever a ballot box is tabulating votes it is counting.
	+ There should be NO tabulation of absentee votes until the polls close on November 5, 2024.
* MN Statute 203B.121, Subd. 5 (c):
	+ restates paragraphs (a) and (b) are requirements.
	+ further requires members of the ballot board to verify, no later than 24 hours after the end of voting, that no voter whose absentee ballot arrives after the rosters are marked or supplemental reports were generated, and whose ballot was accepted, voted in person on election day.
	+ ensure that any absentee ballot submitted by a person whose ballot was accepted previously or who voted in person on election day must be rejected.
* MN Statute 204C.19, recently amended in a manner that seems to allow for the opportunity to add ballots into the election outside of longstanding timelines and the hours during which the post office regularly functions.
	+ Absentee ballots are mailed as first-class mail and should be postmarked. The postmark ensures no ballot received after the deadline will be counted. Postal Service policy requires all absentee ballots to be postmarked. Any ballot delivered by the post office but not postmarked raises concerns about how a ballot was actually delivered and whether that delivery complied with election law.

\* NOTE: A federal mail fraud is a felony. (see 2024 Minnesota Election Laws, p. 26.)

* MN Chapter 204 governs the county canvassing board process. All provisions of the chapter must be followed.
	+ MN Statute 204C.33 requires:
		- the county canvassing board to meet between the third and tenth days following the state general elections. The revisor’s office suggests this timeframe was revised
		- The members of the canvassing board to:
			* take an oath of office.
			* promptly and publicly canvass the general election returns delivered to the county auditor.
			* Prepare and file a report with the county auditor as outlined in paragraphs (a) to (e).
		- Upon completion of the canvass, the county auditor must submit a certified report of the votes cast to the MN Secretary of State.

\* NOTE: Under MN Statute 5.15 (a), it is a felony to submit any certified document to the secretary of state that is false in any material respect. Mistake is not a defense to a violation of the law. (MN Statute 609.48 Subd. 2)

* MN Chapter 206 governs the postelection review process. All provisions of the chapter must be followed.

Voters across Minnesota expect the canvass of the election to reflect the legally cast votes. It will be critical that the county canvassing board compare, in every precinct, the number of voter histories that were connected to an accepted and counted ballot and the number of votes reported on election night by that precinct and absentee ballot board. These numbers must match before any election is certified.

The postelection review process is not complete and the time for a notice of a contest of election does not begin to run until all provisions of the law have been completed.

In conclusion, I must be clear that nobody wants there to be a single election contest filed. I join with people across Minnesota and the United States in prayer that the election results reflect the will of the PEOPLE, unencumbered by any apparent manipulation by nefarious actors.

As I have stated previously, the ONLY way to restore the public trust in our elections is to allow the public to return to the election process. Our elections belong to the PEOPLE, not the government. The government exists to serve the people and to respond to the concerns of the People, even when that response will prove the government has failed. Perhaps this response is especially necessary when the government fails to perform its mandated functions.

This is a demand that the County Auditor ensure that all laws were and are followed by county and municipal actors and that the results reported by these entities comply with the known facts of the election.

The demand is being made based upon:

* the very controversial issues raised in the 2016, 2020 and 2022 elections via previous litigation and the public record;
* Reports of alleged and ongoing violations of law and administrative rules related to:
	+ Improperly certified Electronic Voting Systems
	+ Failure to update the security of the Electronic Voting Systems
	+ MN Election Laws related to Electronic Voting Systems
	+ Public Accuracy Testing
	+ Party balance requirements for election judges
	+ Use of Poll Challengers
	+ The administration of ballot boards within the county
	+ Interference with statutory requirements allowing for public and/or candidate right to participate in and view election activities
	+ Failure to update the Statewide Voter Registration System

The following individuals are agents of the county and must be informed of this lawful demand immediately:

* All members of the Absentee Ballot Board
* All Election Judges
* All employees of the county and municipalities within the county who have duties related to the handling of identified election equipment, materials, ballots and records
* Vendors

Thank you for your cooperation and for complying with this demand.