

**DISTRICT 8B  
RECOUNT REPORT  
SUBMITTED TO  
THE STATE CANVASSING BOARD**

**November 22, 2004**

**A Summary of the Findings of the Recount Official**

**Directed by the State Canvassing Board**

**to Conduct A Recount Arising from the**

**November 2, 2004 General Election**

**INTRODUCTION**

This report includes a summary of the results of the "automatic" recount in Minnesota House of Representatives District 8B arising from the November 2, 2004 General Election. This recount was conducted in accordance with the Recount Plan adopted by the State Canvassing Board at its meeting of November 16, 2004. The recount began on November 17, 2004 and was concluded on November 18, 2004.

The Secretary of State thanks the following individuals for their assistance in conducting this recount: Recount Officials Bert Black and Mike McCarthy; Legal Adviser Alberto Quintela; Secretary of State staff members Shaun Denham, Heidi Hartwig; Tony Kielkucki; Jenny Kurz; Sheila Reger; and Ron Roeser. Holly Gustner also provided invaluable assistance in arranging for communications, and the coordination of supplies.

The Office of the Secretary of State thanks Isanti County Auditor Terry Treichel, Kanabec County Auditor Denise Cooper, and Pine County Auditor Kaye Jorgensen and their deputies and staff for the consideration, hospitality, and support that the Recount Officials and staff received in all three counties. The thorough, efficient recount conducted by the Recount Officials would not have been possible without the dedication and support of these County Auditors.

The Office of the Secretary of State also thanks the candidates and their representatives for their participation in the recount process. A recount is designed to ensure that every vote properly cast by a voter is properly counted. The cooperation of candidates and election administrators in the recount process ensures that the goal of integrity in all elections is met.

Bert Black

Recount Official

House of Representatives District 8B

Mike McCarthy

Recount Official

House of Representatives District 8B



## **AUTOMATIC RECOUNT**

### **STATE HOUSE OF REPRESENTATIVES, DISTRICT 8B**

1. DATES OF RECOUNT: November 17, 2004 (Isanti and Kanabec Counties); November 18, 2004 (Pine County)
2. RECOUNT OFFICIALS: Bert Black and Mike McCarthy
3. HAND COUNT OR OPTICAL SCAN COUNT: Hand count in all counties
4. CANDIDATES: Judy Soderstrom (Republican Party); Tim Faust (DFL Party)

Ms. Soderstrom and Mr. Faust were notified of the recount on November 16, 2004 by fax and e-mail. A copy of the notice is included at the end of this report.

## **DISTRICT 8B RESULTS**

|            | Before Recount | Following Recount | Net Change (before Challenged<br>Ballots) |
|------------|----------------|-------------------|---|
| Soderstrom | 9998           | 9973              | -25                                       |
| Faust      | 9904           | 9897              | -7  |
| Net Margin | Soderstrom +94 | Soderstrom +76    |   |

### **SUMMARY:**

THE RECOUNT SHOWED THAT JUDY SODERSTROM RECEIVED THE MOST VOTES AFTER THE RECOUNT, PENDING DETERMINATION OF THE CHALLENGED BALLOTS.

The Canvassing Board must make a determination with respect to the 49 challenged ballots, 30 of which are potential votes for Soderstrom, 18 of which are potential votes for Faust, and 1 which is a blank.

## **LIST OF VOTE TOTAL CHANGES**

|           |           |        |
|-----------|-----------|--------|
| Recounted | Recounted | Change |
|-----------|-----------|--------|



| County and<br>Precinct Name | Vote Totals<br>for Soderstrom | Vote Totals<br>for Faust | From Nov. 19<br>Canvass         |
|-----------------------------|-------------------------------|--------------------------|---------------------------------|
| <b>Isanti County</b>        |                               |                          |                                 |
| Braham City                 | 356                           | 312                      | -13 Soderstrom; -8 Faust        |
| Dalbo Township              | 216                           | 167                      | -1 Soderstrom; NC Faust         |
| Maple Ridge Tnp             | 196                           | 222                      | NC Soderstrom; NC Faust         |
| Stanchfield Township        | 349                           | 305                      | NC Soderstrom; +1 Faust         |
| <b>Isanti County Total</b>  | <b>1,117</b>                  | <b>1,006</b>             | <b>-14 Soderstrom; -7 Faust</b> |
| <b>Kanabec County</b>       |                               |                          |                                 |
| Ann Lake Township           | 101                           | 108                      | NC Soderstrom; NC Faust         |
| Arthur Township             | 543                           | 443                      | NC Soderstrom; NC Faust         |
| Braham *                    | 0                             | 0                        | NC Soderstrom; NC Faust         |
| Brunswick Township          | 370                           | 317                      | -1 Soderstrom; +1 Faust         |
| Comfort Township            | 308                           | 285                      | NC Soderstrom; NC Faust         |
| Ford Township               | 60                            | 35                       | NC Soderstrom; NC Faust         |
| Grass Lake Township         | 271                           | 237                      | -1 Soderstrom; -1 Faust         |
| Grasston                    | 36                            | 46                       | NC Soderstrom; NC Faust         |
| Hay Brook Township          | 78                            | 47                       | NC Soderstrom; NC Faust         |
| Hillman Township            | 126                           | 95                       | NC Soderstrom; NC Faust         |
| Kanabec Township            | 226                           | 179                      | -1 Soderstrom; NC Faust         |
| Knife Lake Township         | 309                           | 300                      | -1 Soderstrom; NC Faust         |
| Kroschel Township           | 62                            | 58                       | -1 Soderstrom; NC Faust         |
| Mora                        | 792                           | 888                      | -6 Soderstrom; -3 Faust         |
| Ogilvie                     | 90                            | 93                       | +1 Soderstrom; NC Faust         |
| Peace Township              | 280                           | 230                      | NC Soderstrom; NC Faust         |
| Pomroy Township             | 138                           | 80                       | NC Soderstrom; NC Faust         |

|                           |             |             |                                 |
|---------------------------|-------------|-------------|---------------------------------|
| Quamba                    | 27          | 21          | NC Soderstrom; NC Faust         |
| South Fork Township       | 194         | 160         | NC Soderstrom; NC Faust         |
| Whited Township           | 270         | 210         | NC Soderstrom; NC Faust         |
| <b>Kanabec Cty Totals</b> | <b>4281</b> | <b>3832</b> | <b>-10 Soderstrom; -3 Faust</b> |

\* There are no residents of the portion of Braham in Kanabec County.

### **Pine County**

|                           |             |             |                                 |
|---------------------------|-------------|-------------|---------------------------------|
| Arlone Township           | 101         | 98          | NC Soderstrom; - 1 Faust        |
| Barry Township            | 148         | 154         | NC Soderstrom; NC Faust         |
| Brook Park                | 18          | 31          | NC Soderstrom; NC Faust         |
| Brook Park Township       | 118         | 125         | NC Soderstrom; NC Faust         |
| Chengwatana Tnp           | 241         | 262         | -2 Soderstrom; NC Faust         |
| Dell Grove Township       | 203         | 240         | -1 Soderstrom; +1 Faust         |
| Henriette                 | 15          | 29          | NC Soderstrom; NC Faust         |
| Hinckley City             | 279         | 358         | +2 Soderstrom; -2 Faust         |
| Hinckley Township         | 220         | 216         | +1 Soderstrom; -1 Faust         |
| Mission Creek Tnp.        | 132         | 150         | NC Soderstrom; NC Faust         |
| Munch Township            | 59          | 92          | -2 Soderstrom; +1 Faust         |
| Pine City                 | 746         | 770         | +2 Soderstrom; +2 Faust         |
| Pine City Township        | 405         | 424         | NC Soderstrom; NC Faust         |
| Pokegama Township         | 707         | 826         | NC Soderstrom; +1 Faust         |
| Rock Creek                | 341         | 432         | NC Soderstrom; +1 Faust         |
| Royalton Township         | 286         | 300         | NC Soderstrom; NC Faust         |
| Sandstone City            | 301         | 363         | -1 Soderstrom; +1 Faust         |
| Sandstone Township        | 255         | 189         | NC Soderstrom; NC Faust         |
| <b>Pine County Totals</b> | <b>4575</b> | <b>5059</b> | <b>-1 Soderstrom; +3 Faust</b>  |
| <b>District 8B Totals</b> | <b>9973</b> | <b>9897</b> | <b>-25 Soderstrom; -7 Faust</b> |



## REMARKS:

NOTE: None of the challenged ballots listed below have been counted in the vote totals listed above.

1. **Braham City, Isanti County.** 23 ballots are challenged which were ruled by the Recount Official to be **14 for Soderstrom, 8 for Faust, and one not a valid vote** in this race. The ballots are challenged by Mr. Faust's representatives, with a subsequent cross-challenge by Ms. Soderstrom's representatives, on the grounds that they were not delivered with and packaged with the remaining ballots in this precinct, and that they were delivered substantially later than the remainder of the ballots. A description by Isanti County Auditor Terry Treichel describing the provenance of these ballots is attached to this report.

2. **Brunswick Township, Kanabec County.** One ballot is challenged which was ruled by the recount Official as a ballot for **Soderstrom**. Mr. Faust's representatives challenged this ballot on the grounds that this ballot should not be counted for Ms. Soderstrom because it is an overvote. Canvassing Board members will also note that the ballot has a label placed over the alleged mark and obliteration. Under 204C.22, Subd. 11 a mark which is made and then obliterated, when there is another clear mark for a candidate, will not result in the discounting of the ballot. According to information provided to the Recount Officials by the Kanabec County Auditor, the ballot was inspected by the counting judges at the counting center, the intent of the voter was determined, and the label was placed over the obliterated mark in order to permit the counting machine to accept and tabulate this vote. This also occurred in a number of other challenges in this county ( see below).

Note on Recount Official's Observation: The labels decribed in this challenge also appeared on a number of ballots in other precincts that were not challenged by the parties because they were offsetting (i.e. an equal number for each candidate) within a precinct.

3. **Grass Lake Township, Kanabec County.** Two ballots are challenged that were ruled by the Recount Official to be **one for Soderstrom and one for Faust**. Each candidate's representatives challenge the ballot ruled for the other candidate because it is an overvote. Canvassing Board members will also note that the ballot has a label placed over the alleged mark and obliteration. Under 204C.22, Subd. 11 a mark which is made and then obliterated, when there is another clear mark for a candidate, will not result in the discounting of the ballot. According to information provided to the Recount Officials by the Kanabec County Auditor, the ballot was inspected by the counting judges at the counting center, the intent of the voter was determined, and the label was placed over the obliterated mark in order to permit the counting machine to accept and tabulate this vote. This also occurred in a number of other challenges in this county.

4. **Kanabec Township, Kanabec County.** One ballot that was ruled by the Recount Official to be a vote for **Soderstrom** is challenged by Mr. Faust's representatives on the grounds that it is not a vote but rather an obliteration/erasure.

5, **Knife Lake Township, Kanabec County.** One ballot that was ruled by the Recount Official to be a vote for **Soderstrom** is challenged by Mr. Faust's representatives on the grounds that this is actually an overvote due to the mark in the oval for Mr. Faust.

6. **Mora, Kanabec County.** Nine ballots are challenged in this precinct.

Ballot #1, ruled by the Recount Official as a vote for **Soderstrom**, was challenged by Mr. Faust's representatives as being an overvote due to the presence of an additional mark in the oval for Faust.

Ballot #2, ruled by the Recount Official as a vote for **Soderstrom**, is challenged by Mr. Faust's representative as having an extraneous or identifying mark and therefore disqualified.

Ballot #3 ruled a vote for **Soderstrom**, is challenged by Mr. Faust's representatives as being an obliteration/erasure and therefore not a vote.

Ballot #4, ruled by the Recount Official as a vote for **Faust**, was challenged by Ms. Soderstrom's representatives as disqualified for having extraneous marks.

Ballot #5 ruled as a vote for **Faust** by the Recount Official is challenged by Ms. Soderstrom's representatives on the grounds that the extraneous marks disqualify the vote.

Ballot # 6, ruled by the Recount Official as a vote for **Soderstrom**, was challenged by Mr. Faust's representatives as an obliteration and thus not a vote and because this ballot has a number which is lined through at the top of the ballot which is an identifying mark.

Ballot #7, ruled by the Recount Official as a vote for **Soderstrom**, was challenged by Mr. Faust's representatives as an erasure and thus not a vote and because this ballot has a number which is lined through at the top of the ballot which is an identifying mark.

Ballot #8 ruled by the Recount Official to be a vote for **Soderstrom**, was challenged by by Mr. Faust's representatives as an obliteration and thus not a vote, as having extraneous marks and thus not a vote and because this ballot has a number which is lined through at the top of the ballot which is an identifying mark, disqualifying the vote.

Ballot #9, ruled by the recount Official to be a vote for **Faust**, was challenged by Ms. Soderstrom's representatives as being a stray mark and not a vote, and also becuase there is a number lined through at the top of the ballot which is an identifiyin mark and thus disqualifying the vote.

7. **Whited Township, Kanabec County.** One ballot ruled by the Recount Official to be a vote for **Soderstrom** is challenged by Mr. Faust's representatives on the basis that there are identifying marks on this ballot that would disqualify the vote..



8. **Arlone Township, Pine County.** A vote that was ruled by the Recount Official to be a vote for **Faust** was challenged by Ms. Soderstrom's representatives on the grounds that the mark is actually an obliteration, thus showing voter intent not to vote for Faust.

9. **Chengwatana Township, Pine County.** Two ballots are challenged in this precinct. Both votes were ruled by the Recount Official to be votes for **Soderstrom**. Ballot #1 is challenged on the grounds that the additional mark in the Faust box makes this an overvote and thus not to be counted. Ballot #2 is challenged on the basis that the mark in this race extends into an additional candidate's area and thus the voter intent is not clear or this is an overvote, and the vote should not be counted.

10. **Hinckley Township, Pine County.** Two ballots are challenged, one of which was ruled as a **vote for Soderstrom, one a vote for Faust**, . The Board will note that there are marks for each candidate in each race except for one. This is interpreted as a vote for the sole remaining unmarked candidate based on past rulings of the State Canvassing Board. Each side challenges the vote for the opposing candidate on the grounds that this is actually an overvote, and thus not to be counted in this race. This pattern recurs in other precincts ( see below)

11. **Munch Township, Pine County.** One ballot ruled by the Recount Official to be a vote for **Soderstrom** is challenged by Mr. Faust's representatives as an overvote. The Board will note that there are marks for each candidate in each race except for one. This is interpreted as a vote for the sole remaining unmarked candidate based on past rulings of the State Canvassing Board. Each side challenges the vote for the opposing candidate on the grounds that this is actually an overvote, and thus not to be counted in this race. This pattern recurs in other precincts.

12. **Pine City, Pine County.** one ballot that was ruled by the Recount Official **not to be a vote** was challenged by Ms. Soderstrom's representatives on the basis that the mark in the Soderstrom oval was sufficient to constitute voter intent.

Note on Recount Official Observation: In this precinct, there were 1,572 ballots counted, plus the challenged ballot for a total of 1, 573 ballots actually present. After thorough review, the Recount Official and the candidate representatives agreed this was an accurate count of the ballots present. The summary sheet indicated a total of signatures plus absentee ballots equalling 1,574. There were also 4 ballots sequestered from the other ballots, in an envelope marked "pulled in order to balance ballots". The withdrawal of ballots is required under 204C.20, but with a preference first for withdrawing ballots that are not initialed by the election judges as required by law. The four sequestered ballots, which split 2 for Soderstrom, 2 for Faust, were all initialed. There had been uninitialed ballots throughout this precinct, which were indicated by local election officials to be the absentee ballots, none of which appear to have

been initialed. This was not raised by the parties, and it is the recommendation of the Recount Official to accept the count as the withdrawal process is beyond the scope of the mere recounting of ballots.

**13. Pokegama Township, Pine County.** One ballot, ruled by the Recount Official to be a vote for **Faust** was challenged by Ms. Soderstrom's representatives on the grounds that the legends at the top of both sides of the ballot, reading "Association to return snowplows to Pokegama Township" constitutes an identifying mark that would disqualify the vote.

Note on Recount Official's Observation: In this precinct there were 1, 572 ballots counted, plus the challenged ballot, for a total of 1, 573 ballots actually present. However, the summary sheet indicated that between voters signing the roster and absentee voters, there had been 1, 579 voters. This discrepancy of six ballots was not resolved in the recount. After thorough review and also after the deputization of the County Auditor and Pine County Elections Coordinator to visit Pokegama Township's offices, check the voting machine for any remaining ballots that may have been present, and to ask various questions of the town clerk ( see attached description of that inquiry and results) the Recount Officials and the candidate representatives agreed that the count of the ballots present was accurate. The summary sheet, while noting 1, 579 voters, also indicates consistently that there were 1, 572 ballots for all races. The Recount Official recommends that the Board accept the count reflected in the table above.

**14. Sandstone City, Pine County.** Three ballots are challenged in this precinct. Ballot #1 is the same situation as the Hinckley challenges. In this case, the ballot was ruled a vote for **Faust**. Ms. Soderstrom's representatives challenge, believing this to be an overvote and therefore not a vote in this race. Ballots #2 and 3 were ruled by the recount Official to **not be votes in this race**. Mr. Faust's representatives suggest that the ballots show a clear intent to vote for the DFL candidate for the House, that is, Mr. Faust, even though these ballots show the names of the candidates, both Republican and DFL in House District 8A, the adjoining district, which also includes a substantial portion of Pine County. It is not known with certainty why ballots for 8A would be included with the ballots for an 8B precinct.

#### **SUMMARY:**

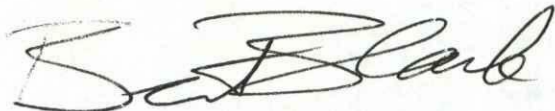
As a result of the Recount, pending the results of challenges, Judy Soderstrom had the most votes in the Recount. The Recount Officials, once the Board determines the results of all challenges, will revise this report to reflect those determinations and will post the final revised report after the adjournment of this Board meeting of November 22, 2004.

#### **CERTIFICATION BY RECOUNT OFFICIAL**

The undersigned Recount Officials, duly appointed by the Secretary of State in accordance with Minnesota Rules 8235.0200, certify that the recount conducted by the Officials at the direction of the State Canvassing Board was performed in compliance with state statutes and rules:



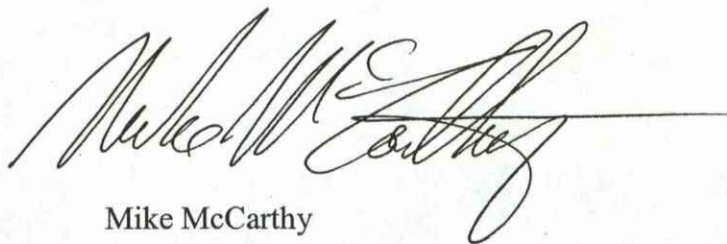
DATED: November 22, 2004

A handwritten signature in cursive script, appearing to read "Bert Black".

Bert Black

Recount Official for

Recount in District 8B

A handwritten signature in cursive script, appearing to read "Mike McCarthy".

Mike McCarthy

Recount Official for

Recount in District 8B

Recount of Votes Cast for the Office of State Representative District 8B  
At the State General Election Held November 2, 2004

|                           | JUDY<br>SODERSTROM | TIM FAUST   | TOTAL<br>BALLOTS | JUDY<br>SODERSTROM | TIM FAUST   | WRITE IN<br>OTHER | BLANK or<br>DEFECTIVE | CHALLENGED |
|---------------------------|--------------------|-------------|------------------|--------------------|-------------|-------------------|-----------------------|------------|
| <b>PINE County</b>        |                    |             |                  |                    |             |                   |                       |            |
| 0005 - ARLONE TWP.        | 101                | 99          | 204              | 101                | 98          | 4                 |                       | 1          |
| 0020 - BARRY TWP.         | 148                | 154         | 308              | 148                | 154         | 6                 |                       |            |
| 0035 - BROOK PARK         | 18                 | 31          | 50               | 18                 | 31          |                   | 1                     |            |
| 0040 - BROOK PARK TWP.    | 118                | 125         | 251              | 118                | 125         | 8                 |                       |            |
| 0055 - CHENGWATANA TWP.   | 243                | 262         | 519              | 241                | 262         | 14                |                       | 2          |
| 0075 - DELL GROVE TWP.    | 204                | 239         | 447              | 203                | 240         | 4                 |                       |            |
| 0100 - HENRIETTE          | 15                 | 29          | 44               | 15                 | 29          |                   |                       |            |
| 0105 - HINCKLEY           | 277                | 360         | 656              | 279                | 358         |                   | 19                    |            |
| 0110 - HINCKLEY TWP.      | 219                | 217         | 447              | 220                | 216         |                   | 9                     | 2          |
| 0135 - MISSION CREEK TWP. | 132                | 150         | 288              | 132                | 150         | 6                 |                       |            |
| 0140 - MUNCH TWP.         | 61                 | 91          | 156              | 59                 | 92          |                   | 4                     | 1          |
| 0175 - PINE CITY          | 744                | 768         | 1573             | 746                | 770         | 5                 | 51                    | 1          |
| 0185 - PINE CITY TWP.     | 405                | 424         | 847              | 405                | 424         | 1                 | 17                    |            |
| 0195 - POKEGAMA TWP.      | 707                | 825         | 1573             | 707                | 826         | 39                |                       | 1          |
| 0200 - ROCK CREEK         | 341                | 431         | 793              | 341                | 432         | 1                 | 19                    |            |
| 0205 - ROYALTON TWP.      | 286                | 300         | 601              | 286                | 300         | 15                |                       |            |
| 0210 - SANDSTONE          | 302                | 362         | 688              | 301                | 363         | 1                 | 20                    | 3          |
| 0215 - SANDSTONE TWP.     | 255                | 189         | 453              | 255                | 189         | 9                 |                       |            |
| <b>County Totals</b>      | <b>4576</b>        | <b>5056</b> | <b>9898</b>      | <b>4575</b>        | <b>5059</b> | <b>113</b>        | <b>140</b>            | <b>11</b>  |
| <b>Office Totals</b>      | <b>9998</b>        | <b>9904</b> | <b>20507</b>     | <b>9973</b>        | <b>9897</b> | <b>422</b>        | <b>166</b>            | <b>49</b>  |



Recount of Votes Cast for the Office of State Representative District 8B  
At the State General Election Held November 2, 2004

|                        | JUDY<br>SODERSTROM | TIM FAUST   | Recount<br>TOTAL<br>BALLOTS | JUDY<br>SODERSTROM | TIM FAUST   | WRITE IN<br>OTHER | BLANK or<br>DEFECTIVE | CHALLENGED |
|------------------------|--------------------|-------------|-----------------------------|--------------------|-------------|-------------------|-----------------------|------------|
| <b>ISANTI County</b>   |                    |             |                             |                    |             |                   |                       |            |
| 0015 - BRAHAM CITY     | 369                | 320         | 741                         | 356                | 312         | 50                |                       | 23         |
| 0030 - DALBO TWP       | 217                | 167         | 406                         | 216                | 167         | 23                |                       |            |
| 0045 - MAPLE RIDGE TWP | 196                | 222         | 432                         | 196                | 222         | 14                |                       |            |
| 0070 - STANCHFIELD TWP | 349                | 304         | 679                         | 349                | 305         | 25                |                       |            |
| <b>County Totals</b>   | <b>1131</b>        | <b>1013</b> | <b>2258</b>                 | <b>1117</b>        | <b>1006</b> | <b>112</b>        |                       | <b>23</b>  |
| <b>KANABEC County</b>  |                    |             |                             |                    |             |                   |                       |            |
| 0005 - ANN LAKE TWP.   | 101                | 108         | 217                         | 101                | 108         | 8                 |                       |            |
| 0010 - ARTHUR TWP.     | 543                | 443         | 1019                        | 543                | 443         | 31                | 2                     |            |
| 0015 - BRAHAM          | 0                  | 0           | 0                           | 0                  | 0           | 0                 |                       |            |
| 0020 - BRUNSWICK TWP.  | 371                | 316         | 706                         | 370                | 317         | 18                |                       | 1          |
| 0025 - COMFORT TWP.    | 308                | 285         | 609                         | 308                | 285         | 2                 | 14                    |            |
| 0030 - FORD TWP.       | 60                 | 35          | 95                          | 60                 | 35          |                   |                       |            |
| 0035 - GRASS LAKE TWP. | 272                | 238         | 527                         | 271                | 237         | 17                |                       | 2          |
| 0040 - GRASSTON        | 36                 | 46          | 86                          | 36                 | 46          | 4                 |                       |            |
| 0045 - HAY BROOK TWP.  | 78                 | 47          | 130                         | 78                 | 47          | 5                 |                       |            |
| 0050 - HILLMAN TWP.    | 126                | 95          | 227                         | 126                | 95          | 6                 |                       |            |
| 0055 - KANABEC TWP.    | 227                | 179         | 419                         | 226                | 179         | 13                |                       | 1          |
| 0060 - KNIFE LAKE TWP. | 310                | 300         | 620                         | 309                | 300         | 2                 | 8                     | 1          |
| 0065 - KROSCHER TWP.   | 63                 | 58          | 121                         | 62                 | 58          |                   | 1                     |            |
| 0070 - MORA            | 798                | 891         | 1738                        | 792                | 888         | 49                |                       | 9          |
| 0080 - OGILVIE         | 89                 | 93          | 188                         | 90                 | 93          | 5                 |                       |            |
| 0085 - PEACE TWP.      | 280                | 230         | 518                         | 280                | 230         | 8                 |                       |            |
| 0090 - POMROY TWP.     | 138                | 80          | 224                         | 138                | 80          | 6                 |                       |            |
| 0095 - QUAMBA          | 27                 | 21          | 50                          | 27                 | 21          | 2                 |                       |            |
| 0100 - SOUTH FORK TWP. | 194                | 160         | 366                         | 194                | 160         | 11                | 1                     |            |
| 0105 - WHITED TWP.     | 270                | 210         | 491                         | 270                | 210         | 10                |                       | 1          |
| <b>County Totals</b>   | <b>4291</b>        | <b>3835</b> | <b>8351</b>                 | <b>4281</b>        | <b>3832</b> | <b>197</b>        | <b>26</b>             | <b>15</b>  |

## Bert Black

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**From:** Terry Treichel [terry.treichel@co.isanti.mn.us]  
**Sent:** Friday, November 19, 2004 3:18 PM  
**To:** Bert.Black@state.mn.us  
**Cc:** Mike.Mccarthy@state.mn.us  
**Subject:** Chain of custody of 23 ballots in the City of Braham

23 ballots remained locked in the "write-in bin" of the ballot box when the election judges brought summary tapes, voted ballots and other election supplies. Head election judge Dixie Randall signed in at the Isanti County Auditors office at 11:35 PM on Nov. 2, 2004. City Clerk Sally Hoy was the only person to have access to the key to the ballot box that evening.

At some time around 8:00 - 8:30 AM on November 3, 2004, city clerk Sally Hoy went into the room with the ballot box and upon checking the bins discovered the ballots. She then notified city employee Donna Holland immediately. Donna was in the next room. Then she called and notified Isanti County Auditor, Terry Treichel.

The ballots remained in the custody of Sally until Donna delivered them to the county auditor at around 4:15 PM on Nov. 3. At that time County Auditor sealed the envelope and signed across the seal. The envelope was locked in a cabinet with other voted ballots until the recount on November 17.

If you have any further questions, feel free to call.

Terry F. Treichel  
Isanti County Auditor  
(763) 689-8211



Findings of Kaye Jorgensen, County Auditor and Cathy Johnson, Elections Administrator concerning Pokegama Township on November 18, 2004:

Kaye drove to Pokegama Town Hall and inspected the ballot machine. She checked the right and left sides of the ballot box, as well as the auxiliary slot and determined there were not any missing ballots. She asked the town clerk, Rosalyn Blomker, if she was aware of any missing ballots and their whereabouts and Rosalyn said no. Kaye then asked if Rosalyn knew of any duplicate signatures on the roster and Rosalyn said she did not know, she was on the other side of the room and that the election judge, Tori Sigurdson took care of the new registrations and we may want to check with her. Kaye also asked if the 1,436 "in person" voter count was correct and Rosalyn said yes.

Cathy spoke with the head election judge, Anita Sparks by telephone. Cathy asked if Anita was aware of any missing ballots and Anita said no. Cathy then asked if she was aware of any duplicate signatures on the roster. Anita responded that one new registered voter signed the roster in the wrong spot and that it wasn't discovered until later in the day. A note was written on the page where the voter signed that they had signed in the wrong spot. She said it was possible that the election judges wrote that particular person's name in the correct area of the roster and neglected to cross off the original information. She said it was possible that the signature may have been counted twice. Anita was also asked if the 1,436 "in person" voter count was incorrect or could someone have signed the roster twice and she responded no.

## MINUTES

### STATE CANVASSING BOARD Room 10, State Office Building November 16, 2004

#### 1. Call to Order

Secretary of State Mary Kiffmeyer called the State Canvassing Board to order at 1:44PM. Other members present were Associate Justice Paul H. Anderson, Minnesota Supreme Court; Associate Justice Russell Anderson, Minnesota Supreme Court; Chief Judge Gregg Johnson, Second District Court; and Chief Judge Lucy Wieland, Fourth District.

#### 2. Approval of the September 21, 2004, State Canvassing Board Minutes

After review of these minutes, Associate Russell Anderson moved that the minutes be approved as submitted. Chief Judge Gregg Johnson seconded the motion. There being no further discussion, Secretary Kiffmeyer called the question and the motion was adopted without opposition.

#### 3. Presentation of Canvass Report for the November 2, 2004, General Election

Secretary Kiffmeyer recognized Tony Kielkucki, Deputy Secretary of State-Elections, Office of the Secretary of State, who presented the Canvass Report for the November 2, 2004 General Election. Deputy Kielkucki presented the Canvass Board with the 60 page canvass report as well as a reduced 3 page report that provided summary data. Deputy Kielkucki went on to describe the contents of the 3 page report, and noted that this report included a break down for each county for the following categories: Registered as of 7AM, 2,977,496; Registered on Election Day, 581,904; Absentee Ballots Regular, 228,760; Total Voting, 2,842,912. The report also contained the totals for Absentee Ballots and Federal Absentee Ballots Presidential.

Deputy Kielkucki provided additional comments/detail for the following categories: The number of registrants on election day increased by 20% from the previous general election, this is the highest since the 1980 general election. The number of absentee ballots regular that were cast is



an 8.2% increase from the 2000 general election, the last highest was in the 2000 general election which was an 6.4% increase from the previous general election. Finally, the total percent of voters voting in the State of Minnesota was 77.32%. This is a 15.6% increase from the last 2000 general election. Deputy Kielkucki concluded his presentation.

#### 4. Approval of Canvass Reports

After review of the State Canvass Reports, Associate Justice Russell Anderson, Minnesota Supreme Court moved, seconded by Chief Judge Gregg Johnson, Fourth District Court. Associate Justice Paul H. Anderson, Minnesota Supreme Court asked, in light of the large number of same day registrants, whether there were any difficulties? Deputy Kielkucki explained that the reports received were positive in nature and that it was a very smooth process. Deputy Kielkucki went on to state that the smooth process is attributed to his staff of election administrators, the county and local officials, the thorough training of the election judges, as well as the leadership provided by Secretary Kiffmeyer.

Secretary Kiffmeyer made note that the results must be certified prior to the discussion of the recount. There being no further discussion, Secretary Kiffmeyer called the question and the motion was adopted without question.

#### 5. Signing of Certification

Secretary Kiffmeyer read the Certification to the State Canvassing Board members. The State Canvass Board members proceeded to sign the certification of the 2004 General Election Canvassing Board Report.

#### 6. Presentation of Report Concerning Apparent Recounts and Ties; Waiver of Recounts by Candidates

The report was provided to the State Canvass Board members for their review. Deputy Kielkucki made reference to Minnesota Statutes, Chapter 204C.35 subdivision 1B which states that an automatic recount takes place when the threshold has been triggered. The threshold is less than  $\frac{1}{2}$  of 1% of the votes cast for that office.

## 7. Presentation of Recount Plan

Deputy Kielkucki outlined the following details of the recount plan: Scope, State Representative, District 8B. This is a multi-county jurisdiction comprising Isanti, Kanabec, and Pine Counties. Deputy Kielkucki pointed out that, because this is a House District Recount that will take place within three counties, it falls before this current sitting State Canvassing Board's jurisdiction.

## 8. Motion for Approval of Recount Plan

Chief Judge Lucy Wieland, Fourth District Court moved for approval of the Recount Plan, Associate Justice Paul H. Anderson, Minnesota Supreme Court seconded.

## 9. Designation of Recount Officer and Legal Advisor

Secretary Kiffmeyer mentioned that this Recount Plan is similar to previous Recount Plans. Secretary Kiffmeyer proceeded by appointing Bert Black, Business & Legal Analyst, Office of the Secretary of State and Mike McCarthy, Election Administrator, Office of the Secretary of State as the Recount Officials. Secretary Kiffmeyer proceeded by appointing Alberto Quintela, Chief Deputy Secretary of State as the Recount Legal Advisor. Secretary Kiffmeyer stated that the Recount Team is experienced and well trained.

## 10. Setting Date of Next Canvassing Board Meeting

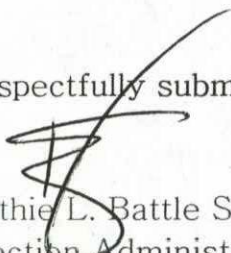
The next scheduled State Canvassing Board meeting will be held Monday, November 22, 2004 at 10AM, Room 10, State Office Building. Secretary Kiffmeyer noted that all of the judges will remain the same except for Chief Judge Lucy Wieland, Fourth District Court, who will be out on vacation. A replacement will serve in her place.



## 11. Adjournment

There being no further business to come before the State Canvassing Board, Chief Judge Lucy Wieland, Fourth District Court moved for adjournment, seconded by Chief Judge Gregg Johnson, Second District Court, motion passed. Secretary Kiffmeyer adjourned the meeting at 1:57PM.

Respectfully submitted,



Kathie L. Battle Sayles  
Election Administrator  
Office of the Secretary of State