

MEMORANDUM

TO: Members of the Elections Finance and Government Operations Committee

FROM: Anoka County Election Integrity Team (ACEIT)

DATE: March 4, 2025

RE: Comments on HF1800

Thank you for this opportunity to comment on HF1800. Thank you for promulgating these amendments to State statutes regarding elections.

The Anoka County Election Integrity Team (ACEIT) is a citizens group in Anoka County which advocates for secure, transparent and locally controlled elections, particularly at the municipal voting precinct level.

ACEIT supports all of the proposed amendments and submits the following specific comments:

1. Section 5: ACEIT supports this protection of municipal authority. In fact, we believe municipalities currently have this authority under MS201.221, Subd. 4 County rules which, in part, states: *Delegation to a municipal official requires the approval of the governing body of the municipality.* By separation attachment, ACEIT provides our analysis of the historical changes to MS 201.221, Subd. 4 which indicates that this protection was provided to municipalities in 1987. ACEIT points out that the use of electronic roster systems, as a delegated function from the county/auditor to municipal officials, must comply with this rule making provision. Therefore, ACEIT suggests that the currently proposed amending language include the following words at the end of the sentence: pursuant to section 201.221, subdivision. 4. This will clarify the existing intent of the reference to this section in 201.225, Subd. 1.

2. Section 24: ACEIT strongly supports this amendment to deem cast vote records (CVR) public. This public record should include both text data and the ballot images. CVR capabilities of the electronic tabulators, by design and by federal policy, were and still are the primary audit functions of these machines. Though a secondary source, not the original ballot, access to the scanned images and related data makes it possible for any person, even a grade schooler who likes numbers, to conduct their own audit of the election from each precinct to grand

totals. Many counties throughout the country post them on their websites. This is elementary. And there are ways to protect the anonymity of each voter.

3. Section 25: ACEIT strongly supports this amendment to allow for more municipal oversight of elections. There is a growing demand among municipalities to be included in the Post Election Review (PER). The current very small and broadly random selection by lot results in most municipalities not being selected for many years, even decades. That result does not meet any reasonable audit criteria. In 2024 seven municipalities in Anoka County requested to be included in the PER but were denied by the canvass board/county auditor. Therefore, municipalities should be enabled, as detailed in this amendment, to be included. We also point out that these additional mandated lot selections are a new minimum. County canvass boards/auditors may expand the lot selection beyond this minimum number as circumstances may warrant or to accommodate municipal requests.

Furthermore, there is a geo-political balance issue here. Some counties are located within more than one US congressional district. Anoka and Washington counties are located within three. Several other counties are located within two. There are instances where the existing small random lot selections do not result in all US congressional districts being represented within the county. That has happened in Anoka County. We are aware that the Secretary of State has the optional authority (though never used to our knowledge) to require representation of all US congressional districts at the state level as per MS206.89, Subd. 2. However, ACEIT would suggest that this should be required at the county level. This requirement would also provide for further geographic (or horizontal) balance of lot sampling within the county.

4. Section 26: ACEIT strongly supports this amendment. Expanding the PER to include all down ballot contested offices and questions provides needed vertical balance within the random sample. In 2024 seven Anoka County municipalities made this very request but were denied by the canvass board/county auditor. Down ballot offices and questions are often more closely contested than upper ballot offices. Therefore, postelection review audits of these offices and questions are vitally important.

We further request that the following amendments be made to remove regulations that were imposed upon municipalities and counties in 2023:

206.58 AUTHORIZATION FOR USE.

Subdivision 1. Municipalities.

(a) The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. ~~Once a municipality has adopted the use of an electronic voting system in one or more precincts, the municipality must continue to use an electronic voting system for state elections in those precincts.~~ The governing body must disseminate information to the public about the use of a new voting system at least 60 days prior to the election and must provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

Subd. 3. Counties.

(a) The governing body of a county may provide for the use of an electronic voting system in one or more precincts of the county at all elections. ~~Once a county has adopted the use of an electronic voting system in one or more precincts, the county must continue to use an electronic voting system for state elections in those precincts.~~ The governing body of the municipality must give approval before an electronic voting system may be adopted or used in the municipality under the authority of this section.

These 2023 additions mandating the use of an electronic voting system if used before should be revoked for the following reasons:

1. They limit the options of counties and municipalities to determine how they will count their ballots under a wide range of local circumstances.
2. They create an undue burden upon counties and municipalities in an environment of changing technologies and public interest.

3. They impose unfunded mandates upon counties and municipalities that may not be warranted by local circumstances.

Finally, ACEIT believes these amendments to our election statutes will increase security, transparency and local control as well as increase voter confidence in our election process and results.

Thank you for your consideration.