

Election Judges

Minn. Stat. §§ 204B.19-204B.26; 204B.29; 204B.31; Minn. Rules, ch. 8240

HOUSE RESEARCH

The most publicly visible role for an election judge is in the polling place on election day. However, election judges also perform a number of other tasks, including helping conducting recounts and postelection reviews, and serving on absentee ballot boards. A number of election judge tasks require a balance of judges from more than one political party.

What are the qualifications to be an election judge?

All eligible Minnesota voters are qualified to become an election judge, unless the voter:

- (1) is unable to read, write, or speak English;
- (2) is the spouse, parent, child, or sibling of another election judge in the same precinct;
- (3) is the spouse, parent, child, or sibling of a candidate in the election; or
- (4) is a candidate on the ballot in the election.

High school students age 16 or over may be appointed as an unaffiliated election judge trainee.

How are election judges chosen?

Election judges are appointed formally by either the municipality or county board, depending on where the judge is to serve. Judges are chosen from a set of lists submitted by each major political party. The list contains the names of eligible voters selected by the party to serve as election judges. The list of judges from each major political party must be submitted by June 1 of each year.

The law requires that the entity making the formal appointment of election judges first exhaust the lists of eligible judges submitted by the major political parties. If more judges are required after the lists have been exhausted (or if major party lists are not submitted), other qualified voters may be appointed as election judges, including voters not affiliated with a political party. Some jurisdictions require potential election judges to provide additional information and qualifications before being selected to serve as a judge.

Final election judge appointments must be made at least 25 days prior to the election. A head election judge is appointed for each polling place to direct and oversee the activities in that location.

In 2008, the secretary of state estimates that approximately 35,000 election judges were employed statewide.

Are election judges paid?

Election judges are entitled to be paid at least the prevailing Minnesota minimum wage for their work, but may choose to serve on a volunteer basis if desired. The rate of pay is established by the municipality, county, or school district in which the judge is serving.

Election judges are also entitled to time off from work without penalty to serve as an election judge, so long as the employer is provided written notice at least 20 days prior to the election. The employer may deduct from the judge's normal employee salary the amount of compensation provided for being an election judge. An employer may also restrict the number of election-judge absences at a work site to no more than 20 percent of the workforce at that site.

How much training does an election judge receive?

Election judges are required to attend a two-hour basic training session at least once every 24 months in order to remain qualified as an election judge. The training session must be held within 60 days of a state primary election or no less than three days prior to a state general election.

The content of the basic training session must include examples of forms and documents the judges will use on election day, a demonstration of the voting equipment to be used in the precinct, and discussion of various topics related to election judge duties, new laws or rules, and problems that have occurred in prior elections.

Election judges who will serve as the head judge in a precinct must additionally attend a one-hour training session at least once every two years.

State rule provides additional content and training requirements for more specialized circumstances, including training for emergency (last-minute) election judges, judges who will be facilitating absentee voting in health care facilities, local election administrators, and election judge training instructors.

How many judges are required to be in each polling place?

The law requires a minimum of three election judges in a precinct, but a municipality may appoint more if necessary. However, in precincts using an electronic voting system and in which more than 400 votes were cast at the last similar election, at least four judges are required. In precincts using paper ballots (without an electronic counting system), one judge must be appointed for every 150 ballots cast at the last similar election, and more are required to assist with counting if more than 300 votes were cast at the last similar election.

At least two election judges assigned to each precinct must be affiliated with different major political parties, and no more than half of the election judges in any one precinct may be of the same major political party (if there is an odd number of judges, a major political party may hold one more than half of the positions).

Are election judges required to take an oath to uphold the law?

Yes. Election judges are required to sign the following oath before performing their duties:

“I solemnly swear that I will perform the duties of election judge according to law and the best of my ability and will diligently endeavor to prevent fraud, deceit and abuse in conducting this election. I will perform my duties in a fair and impartial manner and not attempt to create an advantage for my party or for any candidate.”