MEMORANDUM

TO: Anoka County Board of Commissioners and Staff

FROM Anoka County Election Integrity Team (ACEIT)

DATE: October 10, 2023

SUBJECT: Election Judge Oath Issue

PRESENTER: Robert Kirchner (by Kelly Christianson)

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Introduction

In 2022 I served as an election judge in the City of Coon Rapids during the Primary Election on August 9. I signed the Summary Statement printed out from the ES&S tabulator.

Subsequently, it came to my attention that by doing so I was certifying that the data on the tape “**correctly show the number of votes** **cast for each candidate**” as per the *2022 State of Minnesota Election Judge Guide*, p. 68. It seemed to me that this is something we cannot independently verify, unlike the ballot count. So I, along with others, asked for clarification from the City of Coon Rapids. In my meeting the Coon Rapids City Clerk simply said: “That’s the law.” As a result, I resigned.

Analysis

On page 68 the *Guide* states: “Certificate of Election Judges (for optical scan): We the undersigned election judges hereby certify…that the number of ballots entered into this summary statement **correctly show the number of votes cast for each candidate.”**

This sentence makes sense for hand count precincts but not for optical scan precincts. My research shows no support for this statement in MN Statutes or Rules. Later, I obtained a copy of the Summary Statement oath which has somewhat different language but is also confusing.

Requested Action

I respectfully request that the Anoka County Attorney review this question and provide a legal opinion or guidance for all election judges serving in Anoka County.

Note: This Memorandum and Report will be emailed to Board Members, County

Administrator, PRT Division Head and Elections Manager.