

209.05 GUARDING THE BALLOTS.

In any election, upon demand made of the custodian of the ballots and upon notice to the candidate's opponent, a candidate may keep a continuous visual guard over the ballots until the expiration of the time for instituting contests. In case of a contest, the contestant or contestee may keep a visual guard over the ballots. The guard may be maintained either by the candidate, contestant, or contestee, or by their duly authorized agents, not exceeding two at a time for each party to the contest. If a candidate, contestant, or contestee seeks to guard the ballots, the custodian of the ballots shall appoint some suitable person to guard the ballots so they are not in the sole custody of the candidate, contestant, contestee, or their agents.

History: [1959 c 675 art 10 s 3](#); [1961 c 607 s 4](#); [1986 c 408 s 6](#)

It is Time to Bring The People Back Into the Election Process

The plain language of the statute above can be easily understood by The People.

The statute lays out a clear process that can be started **in any** election by a **candidate**.

In Any Election

A candidate who believes the ballots must be guarded must do **two simple things** before beginning a **visual guard over the ballots**:

- **The candidate** must submit the demand to guard the ballots to the custodian of the ballots.
- **The candidate** must provide notice of the demand to guard the ballots to the candidate's opponents.

Upon receiving a demand to guard the ballots from a candidate, **the custodian of the ballots** must perform one action:

- ***The custodian of the ballots shall appoint some suitable person to guard the ballots so they are not in the sole custody of the candidate, contestant, contestee or their agents. A suitable person could be any person, including a person serving on the local ballot board, a local election official or any person who is an employee of the local government***

The word “In” does not mean after: The word “In” means during.

- It would be nonsensical to assert that ballots can only be guarded after the ballots have been tabulated, especially if there are concerns that the laws are not being followed during the collection and processing of those ballots.

If there are violations of election law occurring prior to the tabulation of ballots, then guarding the ballots **ONLY AFTER** these violations are allowed to occur would result in protecting illegal ballots

On the other hand, **if the ballots are guarded throughout the election period, the threat of illegal ballots disenfranchising legal voters is minimized.**

Additionally, **the possibility of any person having the means to add illegal ballots into the process after the election is also diminished.**

There are many reasons a candidate may believe ballots must be guarded during an election, including but not limited to:

- an unverifiable chain of custody;
- a lack of transparency in the election process;
- a perceived past pattern of election officials failing to comply with election law;
- observed violations of election law; and / or
- rules that contradict the law.

During and After Any Election

If a candidate contests an election, the candidate becomes a contestant.

ANY ELIGIBLE VOTER may contest an election under MN Statute 209.02. Such a voter would be a contestant. A candidate in an election being contested by an eligible voter would be a contestant if they joined the eligible voter in the contest or would be a contestee if they opposed the voter's election contest.

209.02 CONTESTANT; GROUNDS.

Subdivision 1. **General.** Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota Election Law.

When the demand to guard the ballots is made connected to an election contest, the law states: In case of a contest, the contestant or contestee may keep a visual guard over the ballots.

Join With The People to Rebuild Trust in Our Elections

There can be no disputing the fact that many, many Minnesotans do not trust the processes in place during our elections. It may be that every person employed by local governments to run our elections is above reproach, but The People do not seem to believe that the government is immune from the corruption that plagues society, today.

By guarding the ballots together, we can bring The People back into the election process and restore trust in our election system.

If we expect the people to trust the government. we must also expect elected officials and the government to trust the people.

It is time to let the people observe the election process, as agents of a candidate, as allowed by Minnesota law.

Royce White candidate for Us Senate is the first statewide candidate to make the “Demand” of the custodian to “Guard the Ballots”

For More Information

Contact: (YOUR NAME or ???)



August 20, 2024

Minnesota Office of the Secretary of State
Veterans Service Building, Suite 210
20 W 12th Street
St. Paul, MN 55155

Dear Secretary Simon:

On August 13, 2024, Minnesota Republicans voted to elect me as their candidate for the United States Senate because they know that I will fight fearlessly to restore and protect the liberties endowed by our Creator and protected by our federal and state constitutions.

As you are aware, there is a divide between the people related to election integrity in Minnesota and the United States. I am sure you agree it is in the interest of all people that we do everything within our power to resolve the election-related concerns of millions of voters.

MN Statute 209.05, provided below, allows candidates to demand ballots be guarded in any election. While very few candidates have exercised their right to guard the ballots, I will be honored to provide Minnesota voters with the opportunity to participate in guarding the ballots in the upcoming November 2024 elections.

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History: [1959 c 675 art 10 s 3](#); [1961 c 607 s 4](#); [1986 c 408 s 6](#)

Establishing and verifying the required chain of custody of every ballot cast in our elections is foundational to rebuilding voter trust in our elections. I look forward to coordinating the effort to guard the ballots in our upcoming election with the Secretary of State and my opponent, as this collaboration will be a step towards protecting the integrity of the election and demonstrate unified support for resolving the concerns of Minnesota citizens.

My campaign can be reached via email at info@roycewhite.us or by phone at 952-204-9419 to discuss this matter. We will submit the necessary notice to my opponent at the appropriate time.

Respectfully,

Royce A. White
Minnesota's Republican Candidate for United States Senate

Prepared and paid for by Royce White for Senate.



Sent via email

September 16, 2024

Secretary of State Steve Simon
Veterans Service Building
Suite 210
20 W 12th Street
Saint Paul, MN 55155
c/o justin.erickson@state.mn.us

Dear Secretary of State Simon:

I write in response to the September 5, 2024, letter sent by your General Counsel, Justin R. Erickson. This letter attempted to create a framework related to my intent to demand to guard the ballots in the impending statewide elections.

I appreciate your attorney's efforts to clarify what is allowed under Minnesota Statutes section 209.05. With all due respect, the plain language of the law is very clear:

To clarify what is required by statute I will summarize the plain language requirements of MN Statute 209.05. In order to guard the ballots in any election:

- The candidate** must submit the demand to guard the ballots to the custodian of the ballots.
- The candidate** must provide notice of the demand to guard the ballots to the candidate's opponents.
- The custodian of the ballots**, at the local level, "*shall appoint some suitable person to guard the ballots...*"

A demand to guard the ballots may occur "*In any election...*"

- The word "in" does not mean after. The word "in" means during.

It is nonsensical to assert that ballots can only be guarded after the ballots have been tabulated, especially if there are concerns that the laws are not being followed during the collection and processing of those ballots.

There are many reasons a candidate may believe ballots must be guarded during an election, including but not limited to:

- an unverifiable chain of custody;
- a lack of transparency in the election process;
- a perceived past pattern of election officials failing to comply with election law;
- observed violations of election law; and
- rules that contradict the law.

If there were violations of election law prior to the tabulation of ballots, the ballots being protected could be illegal ballots made legal by the inability of a candidate to have agents protect the process. This undermines our republic.

If the ballots are guarded throughout the election period, the threat of illegal ballots disenfranchising legal voters is minimized. Additionally, the possibility of any person having the means to add illegal ballots into the process after the election is also diminished.

Once the demand to guard the ballots has been properly made by a candidate, that candidate "*may keep a continuous visual guard over the ballots until the expiration of the time for instituting a contest.*"

During an election, prior to a contest, the guard may be maintained "*either by the candidate*" or by "*their duly authorized agent.*"

The candidate may guard the ballots until the time for instituting a contest expires. If a candidate contests an election, the candidate becomes a contestant. The explains the statutory language that adds another potential participant to the guarding of the ballots with the language, "*In the case of a contest...*"



- An election may be contested by a candidate or by "any eligible voter" for any of the reasons listed in Minnesota Statute 209.02.

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When the demand to guard the ballots is made after the conclusion of an election, connected to an election contest, the law states: "In case of a contest, the contestant or contestee may keep a visual guard over the ballots." I am not sure how a visual guard of the ballots can be maintained through a door, but this could be discussed further with the local custodian of the ballots.

While your counsel made many declarations defending the past practice of ballot boards and election judges across the state, there can be no disputing the fact that many, many Minnesotans do not trust the processes you believe work. It may be that every person employed by local governments to run our elections is above reproach, but I don't believe that the government is immune from the corruption that plagues society, today.

Additionally, there are many, many people who have raised serious concerns about the post-election reviews, the lack of transparency related to election materials and the failure of canvassing boards to report audited results prior to the certification of their election results at the canvass.

It is time to let the people participate in the process, as agents of a candidate, as is allowed by Minnesota law.

It is clear that you expect the people to trust the government. I am asking the government to trust the people who want to join me in guarding the ballots.

I will be submitting all necessary paperwork to all required people and entities.

I truly hope we do not end up arguing about the process, wasting the people's time and perpetuating the distrust in our election process.

I propose we work together, across Minnesota, to ensure we all agree the election laws are followed from beginning to end so that, win or lose, we can move on together to restore trust in our elections.

Thank you for your time.

Respectfully,

Royce A. White
Minnesota's Republican Candidate for the United States Senate

Paid for by Royce White for Senate.