**Isanti County Analysis**

The existing situation in Isanti County, with only 2 of 19 precincts using them, already sets a pattern of relationship which, presumably could continue, i.e. County does not mandate use or non-use, and all municipalities choose to use or not. Do we know what agreements exist now?

Further considerations:

1. MS201.225 subd 1 enables county, municipality or school district each to independently decide if they will use poll pads or not.
2. If the county wants to use them in any/all municipal precincts, then the county must obtain consent from the municipality (MS 201.221, subd. 4).
3. If a municipality wants to use them, they may do so without county approval but may have to pay for them. Isanti County is already accommodating use in two precincts.
4. So, it appears that Isanti County has several options:
   1. Make no changes but continue the existing use pattern and relationships.
   2. Offer to purchase units for all precincts and seek agreement from any municipalities that want to consent to use which triggers a use agreement.
   3. Not to offer to purchase for all precincts but acknowledge municipalities may purchase and use them on their own which may look like the existing pattern somewhat modified.
   4. I don't think the county may prohibit municipalities from purchasing and using them on their own.
5. The effect of these options should all be manageable within the existing working relationships among county and municipal election staffs.
6. Overall regarding MS201.221, subd 1, **County Rules**:  the word "rules" is a noun, not a verb.  Therefore, the County may promulgate rules (noun) but not "rule" (verb) without consent.  The county must obtain governing body consent to implement.  This subdivision recognizes that counties may initiate leadership regarding county-municipal relationships but, since 1987, may not impose their "rules" upon the municipalities.
7. Municipalities have significant direct control over their precincts as listed here (page 12 of our Legal Memo):
8. Municipalities govern precincts in the following respects:

i. Create or modify boundaries & numbers of voting precincts (204B.14, subd.1)

ii. Designate location of polling places (204B.16, subd 1)

iii. Solicit, qualify, and appoint election judges (204B.21, Sec.2)

iv. Provide supervision/direction to election judges as delegated (204B.25 subd. 1)

v. Pay election judges (204B.31 & 206.89, subd. 9 (1)

vi. Administer election-day activities at the polls (204C)

vii. Administer hand counting of ballots and votes in each precinct (204C.19-.21)

viii. Prepare unofficial ballots if necessary (204B.30)

ix. May administer Absentee Ballot Board (203B.121 & 204B.19 to 204B.22)

1. The county board has the option to state their preference to not use poll pads and ask all municipalities to consent to that protocol.  The municipalities probably would agree rather than go it alone.  And the county board has the option to not delegate authority to their head elections official (the county auditor which is still an appointed official) to purchase and deploy them as structured in MS201.225, subd. 1.  Head election official designation of precincts to use poll pads is subordinate to the decision by the governing body to use or not.  It is an "if-then" sequence.
2. One last point: the county board also has an electoral obligation to represent the voting public (do they want to use poll pads?) and the interests of the election judges' views, perhaps as delivered via the municipal officials.  So, to use or not to use is not being made away from public view and input.