

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill provides several modifications to the laws governing recounts, including reducing the vote difference threshold for recounts conducted at government expense, and providing restrictions on individuals serving as candidate representatives during a recount.

#### Section

- 1 Identifying ballot.** Provides that a voter signature, identification number, or name written outside of a write-in space on a ballot constitutes an identifying mark. A ballot that contains an identifying mark is defective and votes contained on the ballot may not be counted during a manual recount or review.
- 2 Recounts; state and federal office.** Reduces the threshold at which a full recount of an election may be conducted at state expense for a state or federal office, and requires that the apparent losing candidate request the recount.  
  
Current law requires an automatic full recount when the vote difference is less than 0.5%. This section reduces that number to a vote difference of 0.25%, and requires that the apparent losing candidate file a written request with the canvassing board during the period for filing a notice of contest of the election. The appropriate filing officer must notify a candidate within the threshold of the option to request a recount at no expense to the candidate.
- 3 Filing officer.** Clarifies that the secretary of state is the filing officer for federal offices and state offices voted upon in more than one county, and that the county auditor is the filing officer for state offices voted upon in only one county. The filing officer is required to provide notice of the opportunity to request a recount to a candidate meeting the threshold provided in section 2.
- 4 Recounts; local office.** Modifies the vote difference thresholds permitting a candidate for county, municipal, or school district office to request a recount at the expense of the local

unit of government:

If the number of votes cast is 25,000 or more, a recount may be requested at the expense of the local unit of government only if the difference in the vote totals between the apparent winning and losing candidates is less than 0.25%.

If the number of votes cast is more than 400, but less than 25,000, a recount may be requested if the difference between the apparent winning candidate and losing candidates is less than 0.5%.

If 400 or fewer votes were cast, a recount may be requested if the difference between the apparent winning and losing candidates is 10 votes or less. (This is current law, and is unaffected by the bill.)

A losing candidate whose vote totals fall outside these thresholds may still request a recount, but the recount must be conducted at the candidate's expense.

**5 Candidate representatives.** Regulates individuals acting as candidate representatives during a recount.

A candidate representative must be a resident of Minnesota, and provide written authorization from the candidate before being permitted to challenge a ballot during a recount. All candidate representatives must also undergo a training program provided by the recount official before they may challenge a ballot. Candidate representatives are restricted to one per candidate, per precinct in the area in which the recount is being conducted.

This section also permits the recount official to instruct a candidate representative to leave the room if the representative is obstructing or interfering with the recount.

**6 Postelection review.** Provides that a postelection review is not required for a race that may be subject to a full recount at state expense.