

# Canvassing Boards

Minn. Const. art. VII, § 8; Minn. Stat. §§ 204C.31-204C.34; 204C.37-204C.39; Minn. Rules, parts 8235.0200, 8235.1100

HOUSE RESEARCH

A canvassing board is an entity that conducts a formal “canvass” of the results of an election, which includes reviewing the vote totals and either certifying them as official, or ordering and administering a recount, if necessary. Canvassing boards are also involved in the process of randomly selecting precincts for review after every election.

## **How many canvassing boards are there? Who serves on a canvassing board?**

Every county is required to establish a **county canvassing board**. County canvassing boards consist of five members: the county auditor; the court administrator of the district court in that county; the mayor or chair of the town board of the most populous municipality in the county; and two members of the county board. The county board representatives on the canvassing board are selected by the county board itself and may not be candidates in the election to be canvassed.

In addition to each county canvassing board, the Minnesota Constitution establishes one **state canvassing board**. The state canvassing board consists of five members: the secretary of state; two state Supreme Court justices; and two district court judges. The secretary of state is responsible for requesting the participation of the judges, none of whom may be a candidate at the election to be canvassed.

School districts and municipalities have their own canvassing boards to canvass local elections. The makeup of these canvassing boards is outlined in statute.

## **What do county canvassing boards do?**

County canvassing boards meet following each state primary election and each state general election to “canvass”—review in detail—the results of an election. The county canvassing board has the authority to notify individuals who are nominated at a primary of their nomination and to declare elected candidates following the state general election. A county canvassing board can only declare nominated or elected candidates for county and state office that are voted upon exclusively within that county. State offices voted upon in more than one county, and federal offices must be canvassed by the state canvassing board. Nominees for state office are notified by the secretary of state.

Each county canvassing board meets on the third day following a state primary and on or before the seventh day following a general election.

When reviewing the results of a race that is contained exclusively within the county, the county canvassing board certifies the vote totals as official, or finds that a recount is required by law. If a recount is required (see separate fact sheet, “Recounts: Federal, State, and Judicial Offices”), the county canvassing board is responsible for its administration.

Upon completion of the review of the vote totals, or upon completion of a recount, the county canvassing board compiles a **canvassing report**. This report is delivered promptly to the county

auditor upon completion; the county auditor is then required to immediately transmit a copy of the canvass report to the secretary of state for state and federal offices. A county canvassing report contains the following data:

- (1) the number of individuals voting at the election in the county and in each precinct
- (2) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct
- (3) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct
- (4) the names of the candidates of each major political party who are nominated
- (5) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office

### **What does the state canvassing board do?**

The state canvassing board, like a county canvassing board, meets following each state primary and general election to canvass the results of the election. The state canvassing board meets at the secretary of state's office seven days following a state primary election and on the second Tuesday following a state general election.

The state canvassing board is responsible for canvassing and certifying the results of all statewide elections, including state and federal offices, state constitutional amendment ballot questions, and state legislative and judicial offices that overlap more than one county. In conducting the canvass, the state canvassing board compiles and reviews the results as indicated by each of the 87 county canvassing reports. If necessary, based on the vote totals for an office, or upon the request of an apparent losing candidate, the state canvassing board orders a recount of the results for that office.

When the state canvassing board completes its canvass, it prepares a state canvassing report. The state canvassing report includes:

- (1) the number of individuals voting in the state and in each county;
- (2) the number of votes received by each of the candidates, specifying the counties in which they were cast; and
- (3) the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.

Members of the canvassing board sign the report to certify its correctness and must declare the result of the election within three days of completing the canvass.

### **What is the role of the state canvassing board during a recount?**

The state canvassing board is responsible for conducting either an automatic or discretionary recount of all federal, state, and judicial races. State rule designates the secretary of state as the official "recount official" for purposes of administering the recount.

If ballots are challenged by a candidate during the course of a recount, the state canvassing board is responsible for determining the disposition of the ballot.

Upon completion of a recount, the state canvassing board canvasses the results of the recount in the same manner as for races where a recount is not conducted. The canvass of any other race subject to certification by the state canvassing board may not be delayed because of a recount.

For more information on the conduct of recounts, see the separate fact sheet, "Recounts: Federal, State, and Judicial Offices."