

BOARD OF CANVASS

One of the duties of Township Supervisors is to serve as the Canvassing Board for Township elections. The board must meet to canvass the returns and declare the results within three to ten days after a November township election and within two days after an election held in March.¹

I. NOTICE OF MEETING

Notice of the meeting can be part of the board's regular meeting schedule; otherwise, the town must call a special meeting to hold it.² Any meeting not part of the regular schedule requires a three-day notice period. However, the posting date and the meeting date are not included in the notice period, making what seems to be a three-day notice, at least a minimum of five days.³

II. THE MEETING

The board will take the following steps to canvass the results:⁴

- The clerk prepares a canvass report. For towns with November elections, this report may be available from the state Election Reporting System for towns;⁵
- The canvassing board takes the oath of office and publicly canvasses the election returns by reviewing the abstract and write-in reports;
- The board may ask to examine summary statements before it declares the results. The board does not view the ballots or do another count;
- When satisfied that the abstract reports are correct, the board signs the abstracts, and they become the official results;⁶

Oath of Office

I, _____ do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will discharge faithfully the duties of the office of _____ in the County of _____, the State of Minnesota, to the best of my judgment and ability.

¹ Minn. Stat. § 205.185, subd. 3.

² Minn. Stat. § 13D.04, subd. 1.

³ *Id.*, and Minn. Stat. § 645.15.

⁴ A sample Agenda can be found in **APPENDIX A**.

⁵ See **APPENDIX B**.

⁶ Minn. Stat. § 205.185.

- Errors by election judges in counting may be corrected by following specific procedures as prescribed by law.⁷

III. WHAT HAPPENS IF THERE IS A TIE VOTE?

The Canvassing Board determines the winner by lot.⁸ There is more than one way to select a winner—flipping a coin, picking a card, drawing straws, etc. If there are multiple candidates, the board can draw the winner from a hat. The legally required determining factor is deciding the winner “by lot.”

Remember: If the Board of Canvass is unsure of how to proceed or have additional questions, **do not adjourn the meeting; recess it.** Pick a new time and place at the canvassing meeting to certify the results within two days of the March election or 3-10 days of the November elections. If the town must call a Special Meeting, it would certainly fall outside the time limit for reporting in March.

IV. WHAT HAPPENS TO WRITE-IN VOTES?

The law treats write-in winners the same as any other winners—they are contacted with the results and informed they won the election. A Certificate of Election is issued, informing them they must take the oath of office within 10 days of receiving the certificate of election.

If the person does not take the oath of office, the law treats the office as vacant, and the Township Board can appoint a person to the position.⁹

The candidate with the second-highest number of votes does not receive a certificate of election if the winner declines the office or resigns.

V. AFTER THE MEETING

After the town board has completed canvassing the results, the town, be it the board, the clerk, or someone else specified in statute, must complete the following:

Examples of Choosing a Winner by Lot:

In 1998, the "Today Show" carried a live broadcast of the coin flip that chose the new mayor of the Iron Range town of Gilbert. Then-Secretary of State Joan Grove flipped a 1902 silver dollar and candidate Karl Oberstar Jr. won the toss, and the election.

In 2000, the two candidates for mayor in the southwestern Minnesota town of Delhi broke their 44-to-44 electoral tie by cutting a deck of cards.

Ely officials settled a tie in a school board primary by letting the candidates pull numbers out of a hat.

Coin flips chose the mayor of Goodridge in 2008, the mayor of Ely in 1992 and the mayor of Long Lake in 1986. Brooklyn Park officials tossed an Eisenhower silver dollar to break a tie between City Council candidates in 2004. Maplewood settled a tie in a City Council primary in 2003 with a coin toss.

⁷ Minn. Stat. §§ 204C.38; 204C.39.

⁸ Minn. Stat. § 205.185, subd. 3(c).

⁹ Minn. Stat. § 367.03, subd. 6.

- The clerk must certify the results of the town election to the County Auditor. The clerk shall be the final custodian of the ballots and the returns of the election.¹⁰
- Once the Canvass Board declares the winners, the town notifies the candidates that the “contest” period begins for seven (7) days.¹¹
- The candidate must file a campaign financial statement with the clerk.¹² Townships with websites and more than 400 registered voters must post the reports no later than 30 days after receiving the reports and keeping them online for up to four (4) years.¹³
- Once the seven (7) day contest period has run, and the clerk reviewed the campaign financial statement, the clerk can issue the Certificate of Election.¹⁴ Sample Certificates are available in the Information Library.¹⁵

¹⁰ Minn. Stat. § 205.185.

¹¹ Minn. Stat. § 209.021.

¹² Minn. Stat. § 211A.02.

¹³ *Id.*, at Subd. 6 (a).

¹⁴ Minn. Stat. § 205.185, Subd. 3 (b).

¹⁵ See document number EL1000A Certificate of Election November, and EL1000B Certificate of Election March.

BOARD OF CANVASS PROPOSED AGENDA

1. Call to Order meeting as Board of Canvass;
 - a. Clerk to issue oath to Board of Canvass Members.

“I, _____ do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Minnesota, and that I will discharge faithfully the duties of the office of _____ in the County of _____, the State of Minnesota, to the best of my judgment and ability.”
2. Clerk presents Canvass Reports and abstracts to board;
3. Board reviews and concurs or deals with any errors or write-in issues through the required statutes;
4. Board moves to declare the results of the vote and signs off on the Summary and any other abstracts;
5. The clerk is authorized to issue a notification to candidates and request their signed campaign financial forms within the time period;
6. The board adjourns as the Board of Canvass.

PRECINCT SUMMARY STATEMENT

For Township Election held _____, _____

- | | |
|---|---------|
| 1. Number of persons registered prior to poll opening. | _____ |
| 2. Number of persons registering to vote on election day. | _____ |
| 3. Number of signatures on the polling place roster. | _____ |
| 4. Number of accepted absentee ballots. | + _____ |
| 5. Total number of persons voting in precinct (3+4=5) | = _____ |
| 6. Number of ballots received from the clerk prior to polls opening | _____ |
| 7. Number of completely blank ballots | _____ |
| 8. Number of completely defective ballots | _____ |
| 9. Number of spoiled ballots. | _____ |
| 10. Number of "substitute" ballots used if any | _____ |
| 11. Number of unused ballots returned to Town Clerk | _____ |

Certification of Election Board

We, the undersigned election judges, do hereby certify that:

- all ballots cast were properly checked and counted;
- all numbers entered on this summary statement correctly show the number of votes cast for each candidate and question voted on in this election;
- the National Flag of the United States of America was flown at or near the entrance to the polling place during the time that the election polls were open

Election Judge: _____

Date: _____

Election Judge: _____

Date: _____

Election Judge: _____

Date: _____

Election Judge: _____

Date: _____

Candidate Name	Office	Votes Cast
Total Valid Votes Cast for Candidates		

Questions Vote

For

Against

Total Valid Votes Cast for All Questions

Board of Canvass Certification

In accordance with Minn. Stat. § 205.185, subd. 3, we, the undersigned Board of Canvass for the town of _____ do hereby certify the election results, as stated above in the election board summary statement as the official results for the _____, _____ (date) Town of _____ Elections.

Supervisor _____

Date: _____

Supervisor _____

Date: _____

Supervisor _____

Date: _____

or

We hereby certify the official election results as (enter different results) due to (add in the reasons for change)

Supervisor _____

Date: _____

Supervisor _____

Date: _____

Supervisor _____

Date: _____