

Minnesota Ballot Proofing

WHAT IS BALLOT PROOFING AND WHY SHOULD WE DO IT?

The process of producing a ballot is complex. County election officials do their best to make sure they have listed every contest and every candidate correctly. But **mistakes happen**. Ballot proofing helps catch mistakes before official ballots are printed. And that's important because mistakes caught after ballots are printed often cannot be fixed. Ballot proofing is therefore one of many tools to ensure that election results accurately reflect voter intent.

So who does this proofing? County officials will proof each ballot before sending it to the printer, but **you have a role to play too**. The more eyes on the near-final version of the ballot, the better. You should feel free to invite staff, voter protection volunteers, and others to participate.

HOW LONG DOES IT TAKE TO PROOF A BALLOT?

Not long. It will take one person a few minutes per ballot to perform a complete review. Because mistakes are usually noticed by a fresh set of eyes, consider bringing in a second person to review.

HOW DO WE PARTICIPATE IN THE PROOFING PROCESS?

In Minnesota, state law does not require that counties send near-final versions of the ballot to candidates to review, but counties are **permitted** to do so. So start by asking county election officials about their process. (There is a requirement that each county auditor make sample ballots available for public inspection, but this rule only mandates that such ballots be made available at least 46 days before the election.¹ Because absentee ballots become available at the same time, this may be too late in the process to correct errors. However, if you have not already reviewed a ballot at an earlier date, you should acquire a sample ballot by September 18, 2020.)

Remember, each county handles the proofing process differently and so you should reach out to any target counties now to confirm their process, including the date you could expect to receive a ballot to review.

WHEN DOES THE PROCESS START?

The proofing process in Minnesota will likely start in August. Absentee ballots must be prepared by September 18, 2020 (46 days before the election). At the latest, **you should contact counties by early August so you know what to expect.**

1 [Minn. Stat. 204D.16.](#)

HOW SHOULD WE REPORT ERRORS OR OMISSIONS?

In Minnesota, there are informal and formal mechanisms to ensure that mistakes are corrected. If you discover an error or omission, you should first attempt to notify the county via email of the problem and your proposed correction. So long as you timely notify the county election official, she or he will likely correct the error promptly. If for any reason the county auditor does not correct the error, any voter of the county may seek a judicial remedy to correct “an error or omission in the placement or printing of the name or description of any candidate or any question on any official ballot, including the placement of a candidate on the official ballot who is not eligible to hold the office for which the candidate has filed” or “any other error in preparing or printing any official ballot.”² The petition must describe both the error and the proposed correction.³ If the error relates to a federal or state office, file the petition with any judge of the Supreme Court. If the error relates to a county, municipal, or school district office, file the petition with any judge of the district court in the relevant county. Additional procedural requirements are described in statute.⁴

OTHER THAN ITEMS ON THE PROOFING CHECKLIST, IS THERE ANYTHING SPECIFIC TO MINNESOTA THAT WE SHOULD BE LOOKING FOR?

Contests will appear on the ballot in the following order: federal offices (President and Vice President, Senator, Representative), state offices (state Senator and state Representative), constitutional amendments, and other county and municipal offices.⁵ This year, due to a recent court order, candidate names will be ordered by lottery. The Secretary of State will conduct a lottery among Minnesota’s four current major political parties. Each party will be randomly assigned a single statewide ballot order that governs the appearance of the parties’ candidates in every partisan race in the 2020 general election. (In prior years, and pursuant to a statute that has been preliminarily enjoined, candidates are listed on the ballot in reverse order based on the average number of votes that their party received in the last state general election.⁶) Note: Litigation regarding this revised ballot order method is ongoing⁷ and the ballot order rules may change yet again prior to the 2020 general election.

A ballot template is found [here](#).

Sample ballots are typically made available on the state’s [website](#) by September 19, 2020.

CONNECT WITH US!

Have questions? Need help?
Please reach out to us at:

ballotquestions@digidems.com

2 [Minn. Stat. 204B.44\(a\)\(1\), \(2\).](#)

3 [Minn. Stat. 204B.44\(b\).](#)

4 [Minn. Stat. 204B.44\(b\).](#)

5 [Minn. Stat. 204D.13\(a\).](#)

6 [Minn. Stat. 204D.13\(b\).](#)

7 *See Pavek v. Simon*, No. 0:19-cv-03000-SRN-DTS (D. Minn.); *Pavek v. Simon*, No. 20-2410 (8th Cir.).