

**8235.0700 GENERAL PROCEDURES.**

At the opening of a recount the recount official or legal adviser shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or the sealed containers of voted ballots, and any other election materials requested by the recount official. If the recount official needs to leave the room for any reason, the recount official must designate a deputy recount official to preside during the recount official's absence. A recount official must be in the room at all times. If the recount includes ballot format as provided in Minnesota Statutes, section 206.80, paragraph (b), clause (2), item (ii), and the ballots were used by ten or fewer voters in the precinct, the election judges from that precinct are not eligible to participate in conducting a recount or postelection review in that precinct. The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. There must be an area of the room from which the public may observe the recount. Cell phones and video cameras may be used in this public viewing area, as long as their use is not disruptive. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to part 8235.0800, subpart 2. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

**Statutory Authority:** *MS s 201.022; 201.061; 201.071; 201.091; 201.121; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 204B.071; 204B.14; 204B.25; 204B.45; 204C.361; 204D.08; 204D.11; 205.17; 205A.08; 206.57; 206.61; 206.81; 206.82; 206.84; 207A.11*

**History:** *8 SR 1348; 34 SR 1561; 50 SR 971*

**NOTE:** The amendments to this part made by 50 SR 971 are effective June 1, 2026.

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