

Stillwater Township PAT

From Amy Stenftenagel <Amy.Stenftenagel@co.washington.mn.us>

Date Tue 8/6/2024 7:07 PM

To mimarnold53@hotmail.com <mimarnold53@hotmail.com>

Ms. Arnold,

Thank you for reaching out to me about Stillwater Township's recent Public Accuracy Test (PAT). As I told you on the phone, we don't see that there was anything wrong with Stillwater Township's PAT. Washington County prepared a test deck of ballots as directed in MN Rule 8220.1050. This rule states the following:

8220.1050 PREPARATION OF TEST DECK.

The election jurisdiction requesting the computer program must prepare a test deck of ballots to be used to determine that the voting system and the computer program will correctly mark or count the votes cast for all offices and all proposals in compliance with the Minnesota election law.

The test deck must conform to part 8220.1150. A test deck must be prepared specifically for each election.

The test deck prepared must consist of a preaudited configuration of ballots to record a predetermined number of valid votes for each candidate and issue.

This rule refers to MN Rule 8220.1150, which says the following:

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

In preparing the test deck, a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot. The test deck must include ballots involving no overvotes or marks in unassigned locations, valid votes for each candidate and ballot question, overvotes, undervotes, and invalid votes in many different combinations.

Above I've highlighted and underlined the part of MN Rule 8220.1150 that I believe you think Stillwater Township violated. It says the test deck, not each office, must have overvotes, undervotes, etc. The test deck means all of the ballots that we're using as part of a PAT must meet those requirements, not that each office has to meet each requirement.

I hope this helps you understand why the test deck used by Stillwater Township did not violate any Minnesota statutes or rules.

Thank you,
Amy