

**CITY OF LEXINGTON  
WORKSHOP AGENDA  
Thursday, 09, 18, 2025  
Immediately following Council meeting  
City Hall**

**1. Call to Order:** Mayor Murphy

**2. Roll Call:** DeVries – Benson – Mahr and Hunt

**3. Discussion Items:**

A. Discuss Cancelling Poll Pads

**Councilmember Mahr**

**pp. 1-11**

**4. Staff Input**

**5. Council Input**

**6. Adjourn**

# **LEXINGTON URGENT CALL TO ACTION**



**Action: Cancel Poll Pad  
Agreement  
5/01/2025**

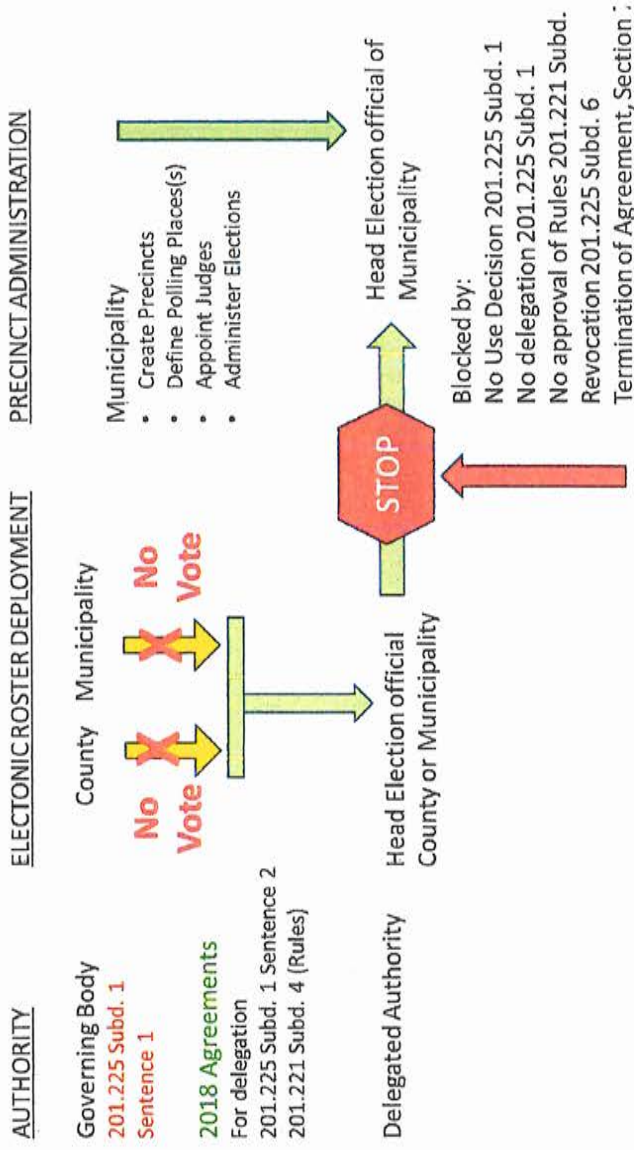
Disclaimer: This presentation is for informational purposes only. The views and opinions expressed herein are solely those of the presenter and the Anoka County Election Integrity Team. The presenter and ACEIT are not providing legal, financial, or medical advice. The information provided is not intended to be a substitute for professional advice. The presenter and ACEIT are not liable for any damages or losses resulting from the use or misuse of the information provided.

# Poll Pad Agreements Never Properly Approved



- Anoka County **never properly approved** agreements in 2018
- Lexington **never properly approved** the agreement in 2018
- Ramsey City Attorney statement in regard to city clerk having authority to enter into agreement:
  - “As a general rule, without some formal authorization by the Council or by the administration, that’s not normal”
- Ramsey **terminated** the Poll Pad Agreement in December 2024

## ELECTRONIC ROSTER SYSTEM DECISION FLOW CHART FOR MUNICIPALITIES THAT DID NOT APPROVE AGREEMENT





# Poll Pad Agreement Puts Lexington at Risk of Liability



➤ Agreement makes Lexington **fully liable** for the election equipment

- ❑ **No warranty** of any kind from County or vendor:
  - Performance of the equipment, connections, accuracy, defects, or being **free from harmful code**
- ❑ **City is liable for any damage** to devices
  - County is modifying the storage cases

➤ Ramsey City Attorney statement on the Poll Pad Agreement

I agree, that the way the document was originally drafted was very one-sided. Not to surprising because it was drafted by the County. If I drafted the agreement, on behalf of the city with the County, it would be equally one-sided in your favor so that's not surprising. And I don't

Excerpts from Ramsey Poll Pad Agreement 2018 (other cities similar

4. DISCLAIMER, LIABILITY AND LIMITATION OF LIABILITY

County, by and through its duly authorized vendor, is providing the election equipment on an as-is basis with no support whatsoever. There is no warranty of merchantability, no warranty of fitness for particular use, no warranty of non-infringement, no warranty regarding the use of the information or the results thereof and no other warranty of any kind, express or implied.

Jurisdiction acknowledges and agrees that County does not own or control the data source/system necessary for operation of the election equipment. Without limiting the foregoing, County does not warrant the performance of the election equipment or related communications or connections to any data source/system, that the data source/system will be uninterrupted or error free, that the data is accurate, complete and current or that data defects will be corrected, or that the data source/system is free of harmful code.

In no event shall County be liable for actual, direct, indirect, special, incidental, consequential damages or loss of profit, loss of business or any other financial loss or any other damages even if county has been advised of the possibility of such damage. County's sole liability and jurisdiction's sole and exclusive remedy for any damages related to this agreement, including but not limited to liability for election equipment nonperformance, errors or omissions, shall be limited to restoring or correcting the election equipment to the extent and degree county is capable of performing the same and as is reasonably possible under the pertinent circumstances.

# Poll Pads Violating MN Statutes

- Electronic poll pads **violate** MN Statute 201.225 Subd. 2. (11)
  - Anoka County remotely monitors the number of people that have checked in (“turnout”)
  - KNOWiNK has connection
  - Precincts are connected

- Anoka County Elections Department **threatened your city employees** with a felony in October 2024

- Memorandum violates MS 211B.076 by intentionally intimidating an election judge

- **Who is liable for violations** – city or county?

- [MN Statute 201.225 Electronic Roster Authorization.](#)

- Sub. 2. **Technology requirements.** An electronic roster **must:**
- **(11) be only networked** within the polling location on election day, **except for** the purpose of **updating absentee ballot records**

# ACEIT Request

- ACEIT requests the opportunity to present a more detailed analysis and respond to questions at a workshop. Topics to be covered:
  - Poll Pad Agreement(s) never properly approved
  - Poll pads risk of liability
  - Poll Pad Agreement risk of liability
  - Poll pads violating MN statutes
  - Lexington autonomy
  - Another County is doing it correctly
  - Next Steps

# How to Contact ACEIT?



Email address: [aceit@aceit.vote](mailto:aceit@aceit.vote)  
[www.aceit.vote](http://www.aceit.vote)



## Mary Vinzant

---

**From:** Tom Hunt <Tom.Hunt@anokacountymn.gov>  
**Sent:** Tuesday, August 26, 2025 3:18 PM  
**To:** Tom Hunt  
**Subject:** ACEIT at Council/Board Meetings  
**Attachments:** 4652\_001.pdf

**Caution:** This email originated outside our organization; please use caution.

Hi all,

I've been seeing that ACEIT has been going around to meetings again and I just wanted to reiterate that, while I may not be able to go out to a public meeting, I am MORE than happy to set up a separate meeting with a couple members to answer any questions. In fact, after watching some of the meetings, I would love the opportunity to do that. It's totally up to you if you think that would be beneficial in any way, but I just wanted to let you know that the offer still stands.

After seeing their handout (attached), it looks very similar to what they've been doing for most of this year. If you need them, here are a couple points:

- The County Auditor is the head election official for the county.
  - o Statute 200.02 Subd. 16 provides a definition of County Auditor as "the county auditor or, in counties where that office does not exist, the principal county officer charged with duties relating to elections."
  - o Many places throughout statute provide evidence that the county auditor is the head election official for the county including, but not limited to, the following:
    - 204B.28 – provide election day supplies
    - 204B.09 – candidate filing
    - 204B.25 – election judge training
    - 204C.31 – canvassing board
    - 201.061 – voter registration
    - 8250.02 – ballot preparation
  - o Statute 201.225 allows for the head election official (county auditor for county/state elections) to decide whether to use electronic rosters in some or all of the precincts in their jurisdiction.
- Anoka County has never threatened anyone with a felony.
- We do not include the poll pads in the JPA because we do not ask that the cities share in the costs.

Excerpt from the May email:

### **Page 2: Poll Pad Agreements Never Properly Approved**

ACEIT's main claim here is that neither the county board, nor the municipalities (councils/boards) formally voted on and approved the agreements. Their implication is that statute requires a formal approval, but this is incorrect.

- Did the Anoka County Board vote on the poll pad agreements? **No. In 2018, the board voted unanimously to purchase and use the poll pads. The county then sent all required notifications to the state to inform them of this decision.**
- Did each municipality formally vote on agreements? **No. My understanding is that a few may have, but most did not.**



- Was a formal vote required by statute? **No.**
- ACEIT claims that statute 201.225 Subd 1 and statute 201.221 Subd 4 say that a vote was required, what does it actually say?
  - o In 201.225 Subd 1, they are focusing on the last line where it says, "An electronic roster must include information required in section 201.221, subdivision 3, and **any rules adopted pursuant to that section.**" The rules in that section is a reference to 201.221 Subd 4.
  - o In short, 201.221 Subd 4 says that a county can delegate duties that are assigned to it by chapter 201 of statute to a municipality but that the governing body of that municipality needs to approve it.
    - This is where ACEIT gets it wrong. They feel as though the county has "delegated" to the municipalities the "duty" to use poll pads and therefore it should have been approved by the council/board. This is a flawed interpretation. If you go through chapter 201 and look at all of the duties given to the county in that chapter, you will see that the county has not delegated any of those duties to a municipality and that there is no duty to use poll pads. The county has the duty to provide the roster for each precinct and we have always done that. It used to come to you in paper form, now it comes electronically, only the format changed. Since there has been no delegation of any duty, no approval by the governing body is required by statute.

I hope everyone is doing great otherwise! 😊

Best,

Tom Hunt  
 Elections Director  
 Anoka County Elections  
 (763) 324-1304  
[tom.hunt@anokacountymn.gov](mailto:tom.hunt@anokacountymn.gov)



**Anoka County**  
**MINNESOTA**

*Respected, Innovative, Responsible*

NOTICE: Unless restricted by law, email correspondence to and from Anoka County government offices may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

**From:** Tom Hunt <Tom.Hunt@anokacountymn.gov>  
**Sent:** Monday, May 5, 2025 11:52 AM  
**To:** Tom Hunt  
**Cc:** Danny Daly; Lianne Scheunemann; Angie Eaton  
**Subject:** ACEIT Poll Pad Arguments  
**Attachments:** ACEIT Poll Pad Agreements.pdf; Andover Pollbook Agreement.pdf; ACE Update 11-1-24 #3?!: Poll Pad Letter to Head Judges

**Caution:** This email originated outside our organization; please use caution.

Good morning all!

It sounds like the ACEIT group is quite active at the moment, so it seems like a good time to send out a quick email with some additional info to push back on what they are claiming. ACEIT has not been coming to the county much anymore, so I very much appreciate everyone who has informed me of their activity.

The recent activity continues to be around poll pads, both the agreements and their use. ACEIT seems to be taking flawed interpretations of statute and then presenting it in such a way as to try and scare councils into believing that they are either being taken advantage of or are possibly violating statute.

I have attached the handout that they have been passing around and I'd like to break it down. I have also attached a poll pad agreement, each municipality signed one and they are all identical.

## Page 2: Poll Pad Agreements Never Properly Approved

ACEIT's main claim here is that neither the county board, nor the municipalities (councils/boards) formally voted on and approved the agreements. Their implication is that statute requires a formal approval, but this is incorrect.

- Did the Anoka Count Board vote on the poll pad agreements? **No. In 2018, the board voted unanimously to purchase and use the poll pads. The county then sent all required notifications to the state to inform them of this decision.**
- Did each municipality formally vote on agreements? **No. My understanding is that a few may have, but most did not.**
- Was a formal vote required by statute? **No.**
- ACEIT claims that statute 201.225 Subd 1 and statute 201.221 Subd 4 say that a vote was required, what does it actually say?
  - o **In 201.225 Subd 1, they are focusing on the last line where it says, "An electronic roster must include information required in section 201.221, subdivision 3, and any rules adopted pursuant to that section." The rules in that section is a reference to 201.221 Subd 4.**
  - o **In short, 201.221 Subd 4 says that a county can delegate duties that are assigned to it by chapter 201 of statute to a municipality but that the governing body of that municipality needs to approve it.**
    - **This is where ACEIT gets it wrong. They feel as though the county has "delegated" to the municipalities the "duty" to use poll pads and therefore it should have been approved by the council/board. This is a flawed interpretation. If you go through chapter 201 and look at all of the duties given to the county in that chapter, you will see that the county has not delegated any of those duties to a municipality and that there is no duty to use poll pads. The county has the duty to provide the roster for each precinct and we have always done that. It used to come to you in paper form, now it comes electronically, only the format changed. Since there has been no delegation of any duty, no approval by the governing body is required by statute.**



- Prior to the last election, both Oak Grove and Ramsey city councils did terminate their agreement in an attempt to go back to paper. However, these agreements are mainly to spell out where the poll pads will be stored and how they will be updated and used, they do not release a municipality from the requirement to use them in a statewide election if the county has chosen to do so. Each municipality did end up using them at their polling places on election day.
  - It is worth pointing out that, in a municipal only election, a municipality can choose not to use the poll pads and go back to paper.

### **Page 3: Poll Pad Agreement Puts Each Municipality at Risk of Liability**

- ACEIT claims that each municipality is “fully liable” for the election equipment.
  - I am not an attorney, so please reach out to yours if you have any questions. However, when you look through paragraphs 1 and 3 of this section (as shown in their handout), you will see that the two main things that the municipalities are liable for are, if the product is misused or damaged while it is in your possession.
  - Paragraph 2 talks about no warranty for performance, connections, defects, etc. ACEIT conveniently does not highlight the first sentence where it acknowledges that the county doesn’t own or control the data system. Since the county does not own or control the cell towers, Epulse, the app or the servers, there is no way that we can warranty them.

### **Page 4: Poll Pads Violating MN Statute**

- The first section is implying that we are violating statute because we can see how many people have checked in, based on 201.225 Subd.2 (11). This statute says that the poll pads can only be connected for the purpose of updating absentee ballot records.
  - The sole purpose our poll pads are connected on election day is so we can send out the absentee supplementals. This is one of the biggest benefits of the poll pads. With this capability we no longer need to call out to the polling places to have the judges hand stamp the paper roster and it helps prevent people from voting twice.
  - Because the poll pads are connected, they also send information back to us which we can see in Epulse. You all have access to this and know what it looks like. Just because data flows back to us, in no way means that it is the purpose of the connection.
- The second section says that I, the Anoka County Elections Department, threatened your employees with a felony just for doing their job and that it violates MN statute by intimidating election judges.
  - As you all know, prior to the election, there was talk from some local elected officials about ordering their election judges to not use the poll pads. Attached is the email I sent you all which also contains the memo and an additional email in response to an ACEIT member who felt “threatened”. It is interesting that this same ACEIT member who I responded to, explaining the intent of the letter, is also the one who is still going around saying it was threatening.....
  - As I mentioned in the original email, the memo was to help head judges if they were put in a position where judges were refusing to use the poll pads. The memo states multiple times that, if a judge knowingly violates the law or refuses to comply or perform a required act, they could face legal consequences. This memo in no way threatened any judge who was just doing their job or anyone who makes an honest mistake.
- The third section asks who is liable for violations, the city or county.
  - This is pretty vague. There are many statutes and it would depend on what is happening. The county and the municipalities each have statutes they are responsible for. If the county violates or causes a violation of a statute, we would be liable. The same goes for any level of the election process, be it the state, county, municipality, or election judge.

I hope that you find this helpful. If there is anything at all that you need from me, I am happy to do whatever I can. While I may not be able to attend a council/board meeting, I have received approval to go out to the municipalities and meet separately with a councilmember or two who may have concerns. If that is something of interest, please let me know.



FYI, I will also have JPA info coming soon. Have a great week!

Best,

Tom Hunt  
Elections Director  
Anoka County Elections  
(763) 324-1304  
[tom.hunt@anokacountymn.gov](mailto:tom.hunt@anokacountymn.gov)



**Anoka County**  
**MINNESOTA**

Respectful Innovative, Fiscally Responsible

NOTICE: Unless restricted by law, email correspondence to and from Anoka County government offices may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.