

**ELECTRONIC ROSTER SYSTEM  
(ePollbook/Poll Pad)  
USE IN MINNESOTA**

**THE CASE FOR MUNICIPAL CHOICE  
(Using Anoka County Examples)**

**A Legal Memorandum  
prepared by the  
Anoka County  
Election Integrity Team  
(ACEIT)**

**January 2, 2025**

# THE ARGUMENT

## 201.225 ELECTRONIC ROSTER AUTHORIZATION.

Subdivision 1. Authority. A county, municipality, or school district may use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official may designate that some or all of the precincts use electronic rosters. An electronic roster must comply with all of the requirements of this section. **An electronic roster must include information required in section [201.221](#), subdivision 3, and any rules adopted pursuant to that section.**

**FACT: Use of electronic roster system must comply with MS 201.221.**

## 201.221 RULES.

Subd. 4. County rules. The county auditor of each county may adopt rules that delegate to the secretary of state or municipal officials in that county the duties assigned to county auditors by this chapter. Delegation of duties to the secretary of state requires the approval of the secretary of state. **Delegation to a municipal official requires the approval of the governing body of the municipality.** Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. Each delegation agreement must include a plan to allocate the costs of the duties to be delegated.

**FACT: Delegation by a county auditor of the use of an electronic roster system to a municipal official requires approval of the governing body of the municipality.**

**CONCLUSION: A county auditor does not have the authority to mandate use of an electronic roster system by a municipality. Municipalities may decide.**

# LEGISLATIVE HISTORY OF MS201.221

**May counties/auditors mandate use of electronic roster systems in municipal voting precincts without municipal approval?**

## 1973 LAWS CREATING MS201.221

Sec. 17. Minnesota Statutes 1971, Chapter 201, is amended by adding a section to read:

**[201.221] RULES AND REGULATIONS. Subdivision 1. The commissioner shall adopt rules and regulations to implement the provisions of chapter 201 by October 1, 1973.**

## 1973 ORIGINAL COUNTY RULES SUBD. 5; LATER BECAME SUBD. 4

Subd. 5. The county auditor may adopt rules and regulations which provide for the delegation of duties assigned to him by this act to municipal officials. Provided however the county auditor may not delegate the responsibility to maintain custody of the original registration file of voters and the preparation and distribution of precinct lists. Provided further that the county auditor may delegate the power and responsibility to accept registrations but a delegation of this power does not relieve him of the power and duty to accept these registrations. When any municipality shall have delegated to it responsibilities given to the county auditor by this act, the council shall immediately provide the necessary funds, equipment and facilities and shall proceed to establish a place of registration and put the registration plan into operation without delay.

## 1981 AMENDMENTS TO MS 201.221, SUBD. 4 COUNTY RULES

Subd. § 4. COUNTY RULES. The county auditor of each county may adopt rules and regulations which provide for the delegation of delegate to municipal officials in that county the duties assigned to ~~him~~ county auditors by Laws 1973, Chapter 676 to municipal officials this chapter. ~~Provided however~~ the county auditor may not delegate the responsibility to maintain custody of the original registration file of voters and the preparation and distribution of precinct lists. ~~Provided further that~~ If the county auditor may delegate delegates the power and responsibility duty to accept registrations ~~but a~~, that delegation of ~~this power~~ does not relieve him of the power and duty to accept ~~these~~ registrations. When ~~any municipality shall have a~~ municipal official is delegated to it ~~responsibilities~~ duties given to the county auditor by Laws 1973, Chapter 676 this chapter, the ~~council~~ governing body of the municipality shall immediately provide the necessary funds, equipment and facilities and ~~shall~~ proceed to, establish a place of registration and put the registration plan into operation without delay.

## 1987 AMENDMENT TO MS201.221

Subd. 4. [COUNTY RULES.] The county auditor of each county may adopt rules which delegate to municipal officials in that county the duties assigned to county auditors by this chapter. Delegation to a municipal official requires the approval of the governing body of the municipality. Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. When a municipal official is delegated duties given to the county auditor by this chapter, the governing body of the municipality shall immediately provide the necessary funds, equipment and facilities, establish a place of registration and put the registration plan into operation without delay.

## 1990 AMENDMENT TO MS201.221

Subd. 4. [COUNTY RULES.] The county auditor of each county may adopt rules ~~which~~ that delegate to the secretary of state or municipal officials in that county the duties assigned to county auditors by this chapter. Delegation of duties to the secretary of state requires the approval of the secretary of state. Delegation to a municipal official requires the approval of the governing body of the municipality. Delegation by the county auditor of the duty to accept registrations does not relieve the county auditor of the duty to accept registrations. ~~When a municipal official is delegated duties given to the county auditor by this chapter, the governing body of the municipality shall immediately provide the necessary funds, equipment and facilities, establish a place of registration and put the registration plan into operation without delay~~ Each delegation agreement must include a plan to allocate the costs of the duties to be delegated.



# 2014 AMENDMENT ENABLED USE OF ELECTRONIC ROSTERS

## CHAPTER 288--H.F.No. 2166

*An act relating to elections; authorizing the use of electronic rosters; requiring an evaluation of the use of electronic rosters in the 2014 election; making various technical and conforming changes; providing definitions; amending Minnesota Statutes 2012, sections 200.02, by adding subdivisions; 201.221, subdivision 3; 204B.14, subdivision 2; 204C.10; 204C.12, subdivision 4; 211B.11, subdivision 1; Minnesota Statutes 2013 Supplement, section 204C.14, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 201.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

### ARTICLE 1

#### ELECTRONIC ROSTER AUTHORIZATION

##### Section 1. [201.225] ELECTRONIC ROSTER AUTHORIZATION.

Subdivision 1. Authority. A county, municipality, or school district may use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official may designate that some or all of the precincts use electronic rosters. An electronic roster must comply with all of the requirements of this section. An electronic roster must include information required in section 201.221, subdivision 3, and any rules adopted pursuant to that section.

## NARRATIVE SUMMARY FOR MS 201.221, SUBD. 4

1973 MS 201.221 Subd. 4 County Rules first adopted as Subd. 5

1981 Subd. 5 amended as Subd. 4 with county auditor delegation powers

1987 Granted municipalities veto power over county auditor delegation

1989 MS 383E.04 enabled Anoka County to convert auditor (and recorder and treasurer) from elected to appointed positions which was done that year

1990 Granted MN Secretary of State veto power over county auditor delegation

1990 Eliminated county auditor power to demand funding from municipalities

1990 Required delegation agreements to include “a plan to allocate the costs of the duties to be delegated.”

2014 MS 201.225 added to enable use of electronic roster systems and require compliance with MS 201.221 including county rule making provisions and limitations

### CONCLUSION

**The balance of power among SOS, county auditor and municipalities was established via delegation agreements acceptable to all parties involved.**

## THE BACKSTORY

These slides challenge the Anoka County narrative that they have the power to impose poll pad use on municipalities. These slides reconstruct the legislative history of MS 201.221 subd. 4 for the period of 1973 to the present. MS 201.221, Subdivision 4 is about County rules. Based upon legislative history, it appears that in the 1980s there was a lot of what might be called "pushing and shoving" among SOS, county auditors and municipalities over several issues including voter registration authorities and responsibilities. This was made real by how the money flowed, who could command it and who paid. Essentially, the county auditors were becoming a problem; they were abusing their authority, at least in the view of municipalities. So, in 1987 municipalities obtained protection; the statute changed to give them veto over county auditor rules. And in 1990 the SOS got the same protect; it is a strange idea that the SOS would even need such protection. The result was a required "delegation agreement" to establish the agency relationships and cost sharing, if any, that is acceptable to all parties.

In the middle of this, in 1989, Anoka County converted their county auditor (also recorder and treasurer) from elected to appointed positions which still must meet statutory requirements.

## CONCLUSION

**Counties (and county auditors) may not dictate duties to municipalities including the use of electronic roster systems. Any delegation of duties requires a delegation agreement acceptable to all parties.**

**"Those who cannot remember the past are condemned to repeat it."**

# Authorization For Use

- MN Statute 201.225
  - **Authority.** A county, municipality, or school district may use electronic rosters for any election. In a county, municipality, or school district that uses electronic rosters, the head elections official may designate that some or all of the precincts use electronic rosters.

## WHO DECIDES POLL PAD USE?

Above is the slide presented by Anoka County to municipalities on January 29, 2025 claiming that the County has the authority to mandate use of electronic rosters in all 128 municipal voting precincts without municipal approval. But they omit this part of the statute which reads: *An electronic roster must include information required in section 201.221, subdivision 3, and any rules adopted pursuant to that section.*

The reference to rules states: *MN Statute 201.221, subd. 4: County rules. The county auditor of each county may adopt rules that delegate to the... municipal officials in that county the duties assigned to county auditors by this chapter... **Delegation to a municipal official requires the approval of the governing body of the municipality...***

## CONCLUSION:

**Counties may not dictate use of electronic roster systems  
in municipal voting precincts**

# ELECTRONIC ROSTER USE DECISION PRACTICES?

## Scope

87 counties

850+ cities

1800+ townships

580+ school districts

4,103 voting precincts

## Question

How did these governing bodies decide to use or not use electronic roster systems?

# Anoka County Government Operations Meeting

## March 11, 2025

### Regarding electronic roster poll pads

1. The existing agreements for use were not legally authorized by a County Board vote so no delegation to County Auditor occurred in 2018.
2. The existing agreements for use were not legally consented to by a vote of 20 of 21 municipalities so no lawful delegation to at least 20 municipal officials occurred in 2018.
3. Two municipalities have terminated those agreements as provided in these agreements.
4. Minnesota Statutes clearly indicate municipalities have the option to decide use as per MS 201.221, Subd. 4.
5. Proposed federal legislation would prohibit electronic roster use (Make Elections Secure Again Act)
6. Electronic rosters are not mandated or needed for the 2025 elections in two cities and three school districts.
7. Why rush a purchase with unresolved municipal opposition and pending legislative risks?
8. The wise action at this time is to delay purchase until these uncertainties are resolved.