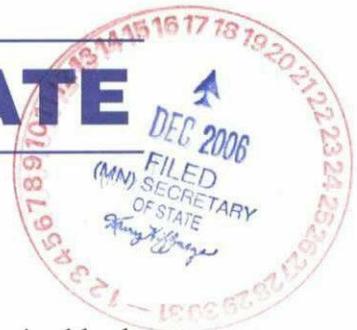


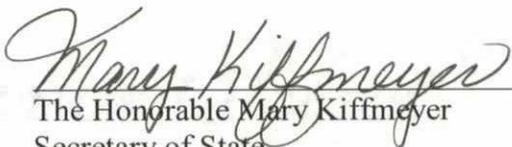
State of Minnesota

SECRETARY OF STATE

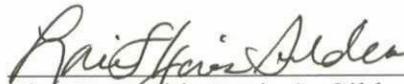
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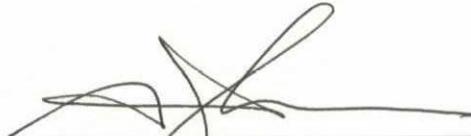


We, the undersigned legally constituted State Canvassing Board, as required by law, canvassed on December 11, 2006, the results of the recount conducted as provided in Minnesota Statutes 204C.35 for the November 7, 2006 State General Election for State Representative, District 25B. We have specified in the following report the names of persons receiving such votes and the number received by each in the several counties in which they were cast. The candidate who received the highest number of votes is hereby declared to be elected.



The Honorable Mary Kiffmeyer
Secretary of State


The Honorable Alan C. Page, Associate Justice
Minnesota Supreme Court


The Honorable Lorie S. Gildea, Associate Justice
Minnesota Supreme Court


The Honorable Gregg E. Johnson, Chief Judge,
Second Judicial District


The Honorable David L. Knutson, Judge,
First Judicial District



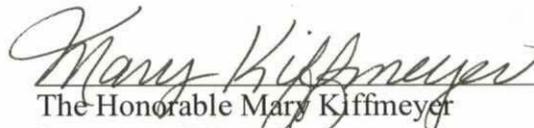
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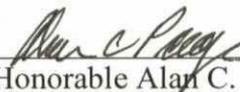
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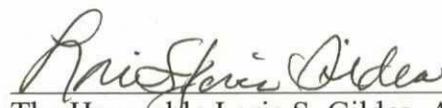
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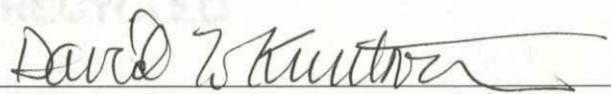
We, the undersigned legally constituted State Canvassing Board, as required by law, canvassed on December 11, 2006, the results of the recount conducted as provided in Minnesota Statutes 204C.35 for the November 7, 2006 State General Election for State Representative, District 31B. We have specified in the following report the names of persons receiving such votes and the number received by each in the several counties in which they were cast. The candidate who received the highest number of votes is hereby declared to be elected.


The Honorable Mary Kiffmeyer
Secretary of State


The Honorable Alan C. Page, Associate Justice
Minnesota Supreme Court


The Honorable Lorie S. Gildea, Associate Justice
Minnesota Supreme Court


The Honorable Gregg E. Johnson, Chief Judge,
Second Judicial District


The Honorable David L. Knutson, Judge,
First Judicial District

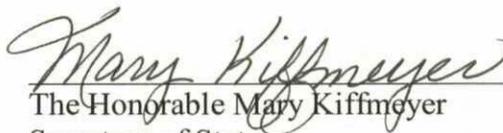


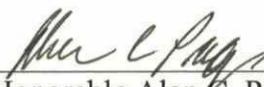
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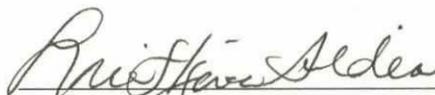
SECRETARY OF STATE

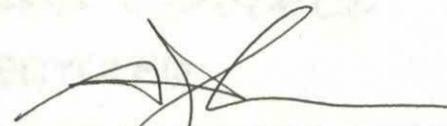
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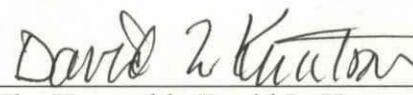
We, the undersigned legally constituted State Canvassing Board, as required by law, canvassed on December 11, 2006, the results of the recount conducted as provided in Minnesota Statutes 204C.35 for the November 7, 2006 State General Election for State Representative, District 53A. We have specified in the following report the names of persons receiving such votes and the number received by each in the several counties in which they were cast. The candidate who received the highest number of votes is hereby declared to be elected.


The Honorable Mary Kiffmeyer
Secretary of State


The Honorable Alan C. Page, Associate Justice
Minnesota Supreme Court


The Honorable Lorie S. Gildea, Associate Justice
Minnesota Supreme Court


The Honorable Gregg E. Johnson, Chief Judge,
Second Judicial District


The Honorable David L. Knutson, Judge,
First Judicial District



Minnesota House District 31B

Amended as directed by the State Canvassing Board December 11, 2006

This summary of the findings of the Recount Officials incorporates amendments reflecting resolution of "challenged" ballot determinations as directed by the State Canvassing Board at the November 11, 2006 canvass of recounts.

INTRODUCTION

This report summarizes the results of the "automatic" recount in the Minnesota House of Representatives District 31B arising from the November 7, 2006 General Election. The recount for Minnesota House District 31B began on November 30, 2006 and was concluded on December 1, 2006.

This recount was conducted by Recount Officials Jim Hansen and Mike McCarthy in accordance with the Recount Plan adopted by the State Canvassing Board at its meeting of November 21, 2006. Procedures followed those described for hand-count recounts in the Secretary of State's Recount Guide and accompanying Recount Code of Conduct which were reviewed with all present prior to the start of the recount.

NOTES AND OBSERVATIONS

There are three ballots "challenged" in this recount by the Davids campaign. All other challenges to vote determinations made by the Recount Officials were withdrawn.

In La Crescent Precinct 2 "ballot A" is challenged by Davids based on the oval being filled in for Tschumper and then crossed off. The Davids campaign objected to the challenge based on the blank in the race constituting a vote for candidate Tschumper based on the rest of the ballot being cast for candidates from the same political party as Mr. Tschumper.

The Canvassing Board members examined the ballot and determined by a vote of 5 of 5 to affirm the Recount Officials determination that the vote was for Tschumper.

In La Crescent Township, one ballot is challenged by Davids based on an oval filled in for Tschumper and then crossed off.

The Canvassing Board members examined the ballot and determined by a vote of 5 of 5 to affirm the Recount Officials determination that the vote was for Tschumper.

In Sheldon Township, one ballot is challenged by Davids based on the check mark being scribbled out which would constitute a change in the mind of the voter. The check mark was used in other places on the ballot consistently.

The Canvassing Board members examined the ballot and determined by a vote of 5 of 5 to affirm the Recount Officials determination that the vote was for Tschumper.

Also noteworthy in Houston County, La Crescent Precinct 1 materials contained 5 fewer ballots than anticipated from the election judges' records. Votes were counted twice to confirm the results and those present concurred in the accuracy of the counting. A complete search the precinct's materials did not result in any additional voted ballots although it was noted that there were 3 absentee ballots from another precinct that were not "accepted" which likely account for 3 of those being searched for.

Prior to challenges being withdrawn by the Tschumper Campaign, Eldon J. Spencer on behalf of the Davids campaign, had objected to the basis of challenges being made by Alan Weinblatt on behalf of the Tschumper campaign. Mr. Weinblatt asserted that certain ballots that Recount Officials deemed "blank" for this office were actually votes for his client based on that voter's pattern of votes cast for other offices being for the same political party. Mr. Spencer argued that because there were no marks for any candidates for that office, Recount Officials should not have accepted these challenges asserting that they were frivolous and beyond the authorized scope of the recount. Because all related challenges were withdrawn, at this time the Recount Officials want to alert the Board to this issue.

RESULTS PRIOR TO DETERMINATION OF "CHALLENGED" BALLOTS

	<u>Before Recount</u>	<u>After Recount</u>	<u>Change</u>
Greg Davids	8008	8011	+ 3
Ken Tschumper	8057	8060	+ 3

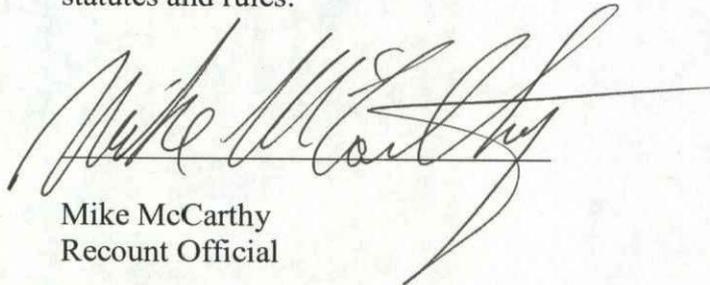
Precinct summary information for Mr. Davids and Mr. Tschumper is in the accompanying table.

The recount showed that Mr. Tschumper received the most votes. However, the Canvassing Board must make determinations of the proper vote cast for the 3 challenged ballots before the final number of votes can be determined.

The Canvassing Board determined that the three (3) votes challenged by the Davids campaign were for Tschumper. Therefore the final number of votes cast for Mr. Tschumper increase from 8060 to 8063.

CERTIFICATION BY RECOUNT OFFICIAL

The undersigned Recount Official, duly appointed by the Secretary of State in accordance with Minnesota Rules 8235.0200, certifies that the recount conducted by the Official at the direction of the State Canvassing Board was performed in compliance with state statutes and rules:

A handwritten signature in black ink, appearing to read "Mike McCarthy", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mike McCarthy
Recount Official

MINUTES

STATE CANVASSING BOARD

November 21, 2006

1. Call to Order

Secretary of State Mary Kiffmeyer called the State Canvassing Board to order at 1:07 PM. Other members present who were introduced by Secretary Kiffmeyer, included Associate Justice Alan C. Page, Minnesota Supreme Court, Associate Justice Lorie Skjerven Gildea, Minnesota Supreme Court, Judge Jenny Walker Jasper, Tenth District Court, Judge Alan F. Pendleton, Tenth District Court. Also present were Assistant Attorney General Christie Eller, Chief Deputy Secretary of State Alberto Quintela, Legal Advisor Bert Black, Deputy Secretary of State – Administration Jim Hansen, Elections Supervisor Mike McCarthy and other staff of the Office of the Secretary of State.

2. Approval of the September 19, 2006, State Canvassing Board Minutes

After review of these minutes, Judge Jenny Walker Jasper, Tenth District Court moved that the minutes be approved as submitted. Judge Alan F. Pendleton, Tenth District Court seconded the motion. There being no further discussion, Secretary Kiffmeyer called the question and the motion was adopted without opposition.

3. Presentation of Canvass Report for the November 7, 2006, General Election

Secretary Kiffmeyer recognized Jim Hansen, Deputy Secretary of State – Administration. Mr. Hansen then presented the canvassing report to the Board.

Mr. Hansen addressed the scope of the General Election on November 7, 2006, which was held for candidates for United States Senator, United States Representative, Governor and Lt. Governor, Attorney General, Secretary of State, State Auditor, State Senator, State Representative, as well as non-partisan candidates for District Court and a Constitutional Amendment ballot question.

The November 7, 2006 Statewide General Election results for candidates for these offices and the ballot question were addressed in the canvass report.

In addition, the Board also was presented with an initial report of the Post Election Equipment Review (PEER) conducted in local jurisdictions since the November 7, 2006 election. This report reflects activity taking place under new law Minnesota Statutes §206.89 in effect for the first time in this election.

Following presentation of the results of the local PEER report, the Board selected precincts for the Post Election Procedures Review to be conducted by the Secretary of State's Office per Minnesota Statutes §206.895.

STATISTICS

Statistics for the 2006 Statewide General Election are summarized at the bottom of page 5 of the canvass report.

At 7:00 a.m. on November 7, 2006, there were 3,118,398 voters registered in Minnesota.

293,272 voters registered on Election Day.

145,022 voted by regular absentee ballot.

1,304 voted absentee under federal procedures for military personal and overseas civilians.

2,217,719 voters voted in the General Election – 71.12% of those registered.

HIGHLIGHTS

Cook County had the highest voter turnout county as a percentage of 7a.m. registered voters – at 85.40%

Blue Earth County had the highest Election Day registration (EDR) percentage (as a percentage of total voters) – 19.02%

CLOSING

Local results of the Statewide General Election were canvassed in each of Minnesota's 87 counties on or before Tuesday, November 14, 2006.

Certified results of official county canvasses were transmitted to the Office of the Secretary of State. These certified results were used to compile the Minnesota State Canvassing Report of Federal, State, and Judicial Offices.

Results start at:

Page 5 U.S. Senator
Page 12 U.S. Representative
Page 19 State Senate
Page 37 State Representative
Page 62 Governor and Lt. Governor
Page 70 Secretary of State
Page 74 State Auditor

Page 77 Attorney General
Page 81 Constitutional Amendment
Page 85 Judicial Offices

After receiving certified county canvassing board reports, staff of the Elections Division both reviewed those reports for internal consistency and compared the reports with the electronic reports made to the office. The staff identified a number of potential discrepancies which were noted in board member packets as Appendix (1) to the report. One county self-reported a discrepancy. No discrepancy has altered the outcome of any contest. Those counties where discrepancies may have occurred have been contacted and most have responded at this time. A summary of the responses was also contained in Appendix (2).

Prior to the election, counties were given guidance in the county canvassing board report process to assure the greatest accuracy. That guidance was enclosed in Appendix 3. An example of the communication to the counties once a potential discrepancy was identified was also included in the Appendix 4, for board member reference.

Mr. Hansen indicated in order to assure a formal record of the most accurate results, the Canvassing Board should, by motion, formally request county canvassing boards to recertify accurate numbers, where appropriate, in time for the next meeting of the Canvassing Board on December 11, 2006.

4. Approval of Canvass Reports

The Board reviewed the State Canvass Reports and the request presented by Mr. Hansen, for the Canvassing Board by motion to formally request county canvassing boards to recertify accurate numbers, where appropriate, in time for the next meeting of the Canvassing Board on December 11, 2006. Associate Justice Alan C. Page, Minnesota Supreme Court moved, seconded by Judge Alan F. Pendleton, Tenth District Court, that the State Canvass Report be approved as presented and the formal request to recertify affected county canvasses be made.

There being no further discussion, Secretary Kiffmeyer called the question and the motion was adopted without objection.

5. Signing of Certification

The State Canvassing Board members proceeded to sign the certification of the Primary Election Canvassing Board Report.

6. Presentation of Report for the Post Election Equipment Review

Secretary Kiffmeyer mentioned that this is the first time in the State of Minnesota to have this report presented at a State Canvassing Board. She recognized Jim Hansen,

Deputy Secretary of State – Administration. Mr. Hansen then presented the Report of the Post Election Equipment Review to the Board.

Pursuant to Minnesota Statute §206.89 Post Election Equipment Reviews were conducted in 195 precincts including all 87 of Minnesota's counties.

First, Second, and Third Level Reviews

Fifty-nine (59) counties reported that the Electronic Voting Equipment had produced no changes in the precincts and races that were reviewed. 30 counties reported some change of vote totals for at least one race. Of these, only 2 counties had differences in vote totals in any race equaling 0.5 percent (0.005), thus requiring a second level of review. These were:

Itasca County – City of Warba – U.S. Senate Race – a change of 2 out of 59 for an error percentage of 3.3898%. They have not yet conducted the 2nd level of review and have not yet selected the precincts for the 2nd level of review as of November 20, 2006.

Watonwan County – Long Lake Township – Governor's Race – a change of 2 out of 174 votes for an error percentage of 1.1494%. They have completed the 2nd level of review and those results have passed the .5% test so that no further level of review is required.

At this time there has been no report of a 3rd level of review being required by any precincts in any Counties.

Conclusion

Initial indications of the first Post Election Equipment Review is that Minnesota's voting equipment performed accurately statewide.

While a very small number of counties or municipalities are late in concluding some part of their review or reporting, materials submitted to the Secretary of State's Office indicates that most were conducted with care and diligence.

7. Motion for Approval of Report for the Post Election Equipment Review

After review of the Report for the Post Election Equipment Review, Associate Justice Lorie Skjerven Gildea, Minnesota Supreme Court moved, seconded by Associate Justice Alan C. Page, Minnesota Supreme Court that the Report for the Post Election Equipment Review be approved as presented.

There being no further discussion, Secretary Kiffmeyer called the question and the motion was adopted without objection.

8. Selection of Post Election Performance Review Precincts

The Secretary requested that Mr. Hansen provide a summary of the Post Election Review process. Mr. Hansen indicated that precincts selected for the initial review of the Equipment were selected within each county, regardless of the size of the precincts. This group of precincts becomes the pool of applicants for those selected by this canvassing board for a review of all election procedures. The canvassing board will select four precincts from each congressional district. Hennepin County agreed to review four additional precincts because they reside in Districts 3 and 8 and agreed that this action would provide a larger pool of applicants. The judges were requested to draw one name for each congressional district using the following procedures:

- a. The names of all the precincts previously selected by lot for the Post Election Equipment Review were placed in bowls according to their congressional district.
- b. Thirty-two (32) precincts were selected from the congressional districts, four (4) from each district.
- c. The selections began with Congressional District #1, and proceeded until Thirty-two (32) precincts were selected from the eight (8) congressional districts. The Secretary of State staff member indicated which precinct was selected as the name was drawn, and the recorder noted that selection in the minutes.

The precincts selected for review include the following:

Congressional District #1: Rochester (W-1, P-2); City of Laverne; Ihlen; City of Winona (W-1, P-1);
Congressional District #2: Sharon Twp.; Derrynane Twp.; Douglas Twp.; City of Chaska (W-1, P-2)
Congressional District #3: Orono (P-2); Brooklyn Park (WC, P-6); Maple Grove (P-10); Plymouth (W-1, P-3);
Congressional District #4: St. Paul (W-3, P-9); City of West St. Paul (W-3, P-1); Arden Hills (P-2); Maplewood (P-6);
Congressional District #5: New Hope (P-2); Minneapolis (W-11, P-7); St. Louis Park (W-1, P-1); Minneapolis (W-12, P-6);
Congressional District #6: City of Elk River (W-2, P-2B); Linwood Twp. (P-1); Blue Hill Twp.; Circle Pines (P-2);
Congressional District #7: Sheridan Twp.; Wykeham Twp.; Moltke Twp.; City of Wabasso;
Congressional District #8: City of Duluth (P-34); Sandstone Twp.; Clear Creek Twp.; City of Wadena (P-3).

The Secretary mentioned that the reports of the selection for review are posted on the website, and available for public review. She then requested further information about the number of voters in each of the sites that failed the review. Mr. Hansen indicated that this information is in appendix 4. The Secretary remarked that two ballots (2) out of 1000 ballots cast are different than 2 ballots out of 59. The size of

the jurisdiction affects the percent of change and while there were errors, to be fair to smaller precincts she wanted to highlight the small number of voters affected.

9. Motion for Approval of the Selection of the Post Election Performance Review Precincts

After the selection of the precincts for the Post Election Performance Review, Judge Jenny Walker Jasper, Tenth District Court moved, seconded by Associate Justice Lorie Skjerven Gildea, Minnesota Supreme Court, that the selection be approved.

There being no further discussion, Secretary Kiffmeyer called the question and the motion was adopted without objection.

10. Recount Plan

Mr. Jim Hansen presented the recount plans for the recounts of three races because the margin of victory fell within $\frac{1}{2}$ of 1 percent for the top two candidates; House Districts 25B, 31B, and 53A. The plan is to recount House District 53A beginning on November 27, 2006; House District 31B beginning on November 30, 2006; and House District 25B beginning on December 4, 2006.

The recounts will be conducted at the State Office Building and include the recount plans ordering the affected sheriffs to deliver the materials to the State Office Building

After the review of the Recount Plan, Associate Justice Alan C. Page, Minnesota Supreme Court moved, seconded by Judge Jenny Walker Jasper, Tenth District Court, that the recounts of House Districts 25B, 31B, and 53A be approved as presented.

Mr. Weinblatt stood to be recognized, and the Secretary noted his presence. She observed that the board was in possession of his comments, in writing, along with comments from others, and these comments were included in the materials presented to the board. The board wished to hear no oral comments as they had all materials in writing. Mr. Weinblatt indicated he wanted to respond to comments by others but Madame Secretary noted this would require a process for multiple parties to respond to one another regarding the conduct of the board's duties, and denied the request as all sides supplied statements before the board. All board members voted in favor of the motion without further discussion, and the Secretary announced that the motion had prevailed and was adopted.

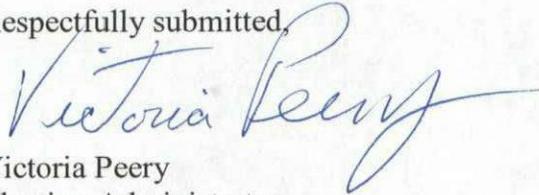
11. Announcement

The Secretary called for any other business and recognized Jim Hansen who announced that the next meeting of the State Canvassing Board to canvass the results of the Recount for State House Districts 25B, 31B and 53A is at 1:00 PM on Monday, December 11, 2006 in Room 10 SOB.

12. Adjournment

There being no further business to come before the State Canvassing Board, Associate Justice Lorie Skjerven Gildea, Minnesota Supreme Court moved for adjournment, seconded by Associate Justice Alan C. Page, Minnesota Supreme Court and Secretary Kiffmeyer adjourned the meeting at 1:48 PM.

Respectfully submitted,

A handwritten signature in blue ink that reads "Victoria Peery". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Victoria Peery
Election Administrator
Office of the Secretary of State