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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2486

03/02/2023 Authored by Frazier, Elkins, Hollins, Freiberg, Agbaje and others

The bill was read for the first time and referred to the Committee on Elections Finance and Policy

03/22/2023 Adoption of Report: Amended and re-referred to the Committee on State and Local Government Finance and Policy

1.1

A bill for an act

1.2 relating to elections; providing for ranked choice voting in elections for federal
1.3 and state offices; establishing a Ranked Choice Voting Task Force; authorizing
1.4 jurisdictions to adopt ranked choice voting for local offices; establishing procedures
1.5 for adoption, implementation, and use of ranked choice voting for local
1.6 jurisdictions; allowing local jurisdictions to use electronic voting systems with a
1.7 reallocation feature; authorizing rulemaking; requiring a report; appropriating
1.8 money; amending Minnesota Statutes 2022, sections 204B.35, subdivision 1;
1.9 204C.21, by adding a subdivision; 204D.07, subdivision 3; 205.13, subdivision
1.10 2; 206.57, subdivision 6; 206.58, subdivision 1; 206.83; 211A.02, subdivision 1;
1.11 proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding
1.12 for new law as Minnesota Statutes, chapter 204E.

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

ARTICLE 1

RANKED CHOICE VOTING TASK FORCE; APPROPRIATION

1.16 Section 1. RANKED CHOICE VOTING TASK FORCE.

1.17 Subdivision 1. Scope. A Ranked Choice Voting Task Force is established. The purpose
1.18 of the task force is to engage election officials, state and local lawmakers, and community
1.19 members for the purpose of assessing the adoption and implementation of statewide ranked
1.20 choice voting and recommending implementation standards for local adoption.

1.21 Subd. 2. Membership. (a) The task force consists of:

1.22 (1) the secretary of state, or designee;

1.23 (2) the state election director;

1.24 (3) four representatives of counties with experience administering elections, appointed
1.25 by the Minnesota Association of County Officers, as follows:

2.1 (i) one representative from the seven-county metropolitan area;
2.2 (ii) two representatives from outside the seven-county metropolitan area; and
2.3 (iii) one representative from a jurisdiction that has implemented ranked choice voting;
2.4 (4) four representatives of cities with experience administering elections, appointed by
2.5 the League of Minnesota Cities, as follows:

2.6 (i) one representative from the seven-county metropolitan area;
2.7 (ii) two representatives from outside the seven-county metropolitan area; and
2.8 (iii) one representative from a jurisdiction that has implemented ranked choice voting;
2.9 (5) one member of the house of representatives appointed by the speaker of the house;
2.10 (6) one member of the senate appointed by the majority leader of the senate;
2.11 (7) one member of the house of representatives appointed by the minority leader of the
2.12 house;
2.13 (8) one member of the senate appointed by the minority leader of the senate;
2.14 (9) two representatives of community-based organizations with demonstrated experience
2.15 and interest in voting methods and election administration, appointed by the governor;
2.16 (10) two representatives of community-based organizations with demonstrated experience
2.17 and interest in voting methods and election administration, appointed by the secretary of
2.18 state;
2.19 (11) one representative of a labor union appointed by the governor;

2.20 (12) two representatives appointed by the Association of Minnesota Counties, as follows:
2.21 (i) one representative from the seven-county metropolitan area; and
2.22 (ii) one representative from outside the seven-county metropolitan area;
2.23 (13) two representatives appointed by the governor chosen from among the membership
2.24 of the following: the ethnic councils established in Minnesota Statutes, section 15.0145;
2.25 the Minnesota Indian Affairs Council; the Minnesota Council on Disability; and the
2.26 Minnesota Commission of the Deaf, DeafBlind, and Hard of Hearing;
2.27 (14) one town clerk with experience administering elections, appointed by the secretary
2.28 of state; and
2.29 (15) two election judges appointed by the secretary of state, as follows:

3.1 (i) one election judge with experience serving at an election conducted in a city; and

3.2 (ii) one election judge with experience serving at an election conducted in a town.

3.3 The cochairs of the task force are encouraged to request the participation of at least two
3.4 members of Minnesota's congressional delegation, or their designees, including one member
3.5 of the United States House of Representatives and one member of the United States Senate.
3.6 These members serve as ex officio, nonvoting members of the task force.

3.7 (b) Members of the task force are governed by Minnesota Statutes, section 15.059,
3.8 subdivision 6.

3.9 **Subd. 3. Organization.** (a) Appointments to the task force must be made no later than
3.10 August 1, 2023. No later than August 15, 2023, a designee appointed by the secretary of
3.11 state must convene the first meeting of the task force. The secretary of state, or the secretary's
3.12 designee, and the one member designated by the Minnesota Association of County Officers
3.13 shall serve as cochairs of the task force.

3.14 (b) The task force must meet at least monthly until the first report is submitted to the
3.15 legislature. After submission of the first report, the task force must meet regularly.

3.16 (c) The task force is subject to Minnesota Statutes, chapter 13D.

3.17 **Subd. 4. Staff.** The Legislative Coordinating Commission must provide support staff,
3.18 office space, and administrative services for the task force.

3.19 **Subd. 5. Reports.** By February 15, 2024, January 15, 2025, February 15, 2025, and
3.20 January 15, 2027, the task force must submit reports to the chairs and ranking minority
3.21 members of the legislative committees with jurisdiction over elections. The report due by
3.22 January 15, 2027, is the final report of the task force unless the task force, by majority vote,
3.23 deems an earlier report to be the final report. Each report must include the content required
3.24 by subdivisions 6 and 7, or a statement that the task force has not reached agreement on an
3.25 item.

3.26 **Subd. 6. Statewide ranked choice voting; report requirements.** The reports required
3.27 by subdivision 5 must include the following, or where applicable, a statement that the task
3.28 force has not reached agreement on an item:

3.29 (1) an assessment of the feasibility of adopting statewide ranked choice voting,
3.30 particularly the impact on local election administration and voter experience;

3.31 (2) an assessment of system readiness and any challenges, obstacles, or barriers to
3.32 adoption or implementation of statewide ranked choice voting;

4.1 (3) recommendations on the standards and rules that would be needed to implement
4.2 statewide ranked choice voting;
4.3 (4) draft legislation to implement statewide ranked choice voting;
4.4 (5) identification of any educational needs for public awareness and training for election
4.5 officials, candidates, and the public, with a particular focus on communities with language
4.6 barriers or new voters;
4.7 (6) an assessment of the technology required to implement statewide ranked choice
4.8 voting, including an inventory of current voting equipment across the state; assessment of
4.9 the feasibility of statewide ranked choice voting with varied election equipment and systems;
4.10 and recommendations for upgrading technology, where necessary or prudent; and
4.11 (7) recommended appropriations required to implement statewide ranked choice voting,
4.12 including equipment and software, education, and training.

4.13 **Subd. 7. Local option ranked choice voting; report requirements.** The reports required
4.14 by subdivision 5 must include the following, or where applicable, a statement that the task
4.15 force has not reached agreement on an item:

4.16 (1) an assessment of the feasibility of local governments adopting ranked choice voting
4.17 in conjunction with state general elections, including cross-county municipalities and school
4.18 districts;

4.19 (2) an assessment of the system readiness and any challenges, obstacles, or barriers to
4.20 adoption or implementation of local option ranked choice voting in conjunction with a state
4.21 general election;

4.22 (3) recommendations on the standards and rules that would be needed to conduct local
4.23 option ranked choice voting in conjunction with a state general election; and

4.24 (4) draft legislation necessary to implement local option ranked choice voting in
4.25 conjunction with a state general election.

4.26 **Subd. 8. Sunset.** The task force expires June 30, 2027, or upon submission of the task
4.27 force's final report, whichever is earlier.

4.28 **Subd. 9. Appropriation.** \$..... in fiscal year 2024 is appropriated from the general fund
4.29 to the Legislative Coordinating Commission to support the work of the task force. This
4.30 appropriation is available until June 30, 2027.

EFFECTIVE DATE. This section is effective July 1, 2023, provided that the designated appointing authorities may take actions necessary to name members to serve on the task force beginning the day following final enactment of this act.

ARTICLE 2

LOCAL ADOPTION OF RANKED CHOICE VOTING

Section 1. [204E.01] APPLICABILITY; AUTHORIZED LOCAL ADOPTION ONLY.

This chapter applies to all elections conducted using ranked choice voting as authorized by section 204E.03. Except as otherwise provided by this chapter, Minnesota election law applies to elections conducted using ranked choice voting.

Sec. 2. [204E.02] DEFINITIONS.

Subdivision 1. Application. For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. Active candidate. "Active candidate" means any candidate who has not been defeated or elected and is not a withdrawn candidate.

Subd. 3. **Batch elimination.** "Batch elimination" means a simultaneous defeat of multiple continuing candidates that have no mathematical chance of being elected.

Subd. 4. **Cast vote record.** "Cast vote record" means the tabulatable record of all aggregated votes produced by a single voter in one voting session. For ballots on which voters have indicated a write-in choice, the finalized cast vote record indicates whether the write-in choice was cast for one of the declared write-in candidates, and if so, which one.

Subd. 5. **Duplicate ranking.** "Duplicate ranking" means a voter has ranked the same candidate at multiple rankings for the office being counted.

Subd. 6. **Hand count election.** "Hand count election" means an election in which all tabulation of ballots is done by hand, regardless of whether the ballots are cast in a polling place or as absentee or mail ballots.

Subd. 7. Highest continuing ranking. "Highest continuing ranking" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

Subd. 8. **Inactive ballot.** "Inactive ballot" means a ballot that does not count for any candidate in a given round of tabulation as provided in section 204E.06 or 204E.07.

Subd. 9. Mathematically impossible to be elected. "Mathematically impossible to be elected" means:

6.1 (1) the candidate cannot be elected because the candidate's surplus votes and current
6.2 vote total plus the surplus votes and votes of all other candidates in the current round with
6.3 fewer votes or an equal number of votes would not be enough to surpass the candidate with
6.4 the next higher current vote total; or

6.5 (2) the candidate has a lower current vote total than a candidate who is described by
6.6 clause (1).

6.7 **Subd. 10. Maximum possible threshold.** "Maximum possible threshold" means the
6.8 number of votes sufficient for a candidate to be elected under a first ranked choice tabulation
6.9 under sections 204E.06 and 204E.07. Maximum possible threshold equals:

6.10 (1) the sum of the total ballots cast that include votes, undervotes, skipped rankings, and
6.11 overvotes for the office; divided by

6.12 (2) the sum of one plus the number of offices to be filled; then

6.13 (3) adding one to the result; and

6.14 (4) with any fractions disregarded.

6.15 **Subd. 11. Multiple-seat election.** "Multiple-seat election" means an election in which
6.16 two or more seats in an office are to be filled from a single set of candidates on the ballot.

6.17 **Subd. 12. Overvote.** "Overvote" means a voter has ranked more than one candidate at
6.18 the same ranking.

6.19 **Subd. 13. Partially defective ballot.** "Partially defective ballot" means a ballot that is
6.20 defective to the extent that the election judges are unable to determine the voter's intent with
6.21 respect to the office being counted.

6.22 **Subd. 14. Ranked choice voting.** "Ranked choice voting" means an election method in
6.23 which voters rank candidates for an office in order of their preference, with each vote
6.24 counting for the highest-ranked continuing candidate on each ballot until that candidate has
6.25 been elected or defeated as provided in this chapter.

6.26 **Subd. 15. Ranked choice voting local election official.** "Ranked choice voting local
6.27 election official" means the county auditor, school district clerk, or municipal clerk
6.28 responsible for duties related to election administration in the applicable jurisdiction. Where
6.29 more than one ranked choice voting election jurisdiction is involved, the ranked choice
6.30 voting local election official in the jurisdiction with a greater population is the ranked choice
6.31 voting local election official for the purpose of administering the ranked choice voting
6.32 election.

7.1 **Subd. 16. Ranked choice voting tabulation center.** "Ranked choice voting tabulation
7.2 center" means the location where ballots are processed automatically or by hand and are
7.3 tabulated.

7.4 **Subd. 17. Ranking.** "Ranking" means the number assigned by a voter to a candidate to
7.5 express the voter's preference for that candidate. Ranking number one is the highest ranking.
7.6 A ranking of lower numerical value indicates a greater preference for a candidate than a
7.7 ranking of higher numerical value.

7.8 **Subd. 18. Repeat candidate ranking.** "Repeat candidate ranking" means a voter ranks
7.9 the same candidate at multiple rankings for the office being counted.

7.10 **Subd. 19. Round.** "Round" means an instance of the sequence of voting tabulation steps
7.11 established in section 204E.06 or 204E.07.

7.12 **Subd. 20. Single-seat election.** Single-seat election means an election in which one seat
7.13 in an office is to be filled from a single set of candidates on the ballot.

7.14 **Subd. 21. Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank
7.15 and ranks a candidate at a subsequent ranking.

7.16 **Subd. 22. Surplus.** "Surplus" means the total number of votes cast for an elected
7.17 candidate in excess of the threshold.

7.18 **Subd. 23. Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion
7.19 of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated
7.20 by dividing the surplus by the total votes cast for the elected candidate, calculated to four
7.21 decimal places, ignoring any remainder.

7.22 **Subd. 24. Threshold.** "Threshold" means the number of votes sufficient for a candidate
7.23 to be elected. In any given single-seat election, the threshold equals: the total votes counted,
7.24 during that tabulation round, excluding inactive ballots; divided by two; then adding one;
7.25 and disregarding any fractions. In any given multiple-seat election, the threshold equals:
7.26 the total votes counted in the first round after removing defective ballots; divided by the
7.27 sum of one plus the number of offices to be filled; adding one to the result; and disregarding
7.28 any fractions.

7.29 **Subd. 25. Totally defective ballot.** "Totally defective ballot" means a ballot that is
7.30 defective to the extent that election judges are unable to determine the voter's intent for any
7.31 office on the ballot.

7.32 **Subd. 26. Transfer value.** "Transfer value" means the fraction of a vote that a transferred
7.33 ballot will contribute to the next ranked continuing candidate on that ballot. The transfer

8.1 value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction
8.2 of each vote by its current value, calculated to four decimal places, ignoring any remainder.

8.3 The transfer value of a vote cast for a defeated candidate is the same as its current value.

8.4 Subd. 27. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote
8.5 for a candidate who has been either elected or defeated.

8.6 Subd. 28. **Undervote.** "Undervote" means a voter did not rank any candidates for an
8.7 office.

8.8 **Sec. 3. [204E.03] AUTHORIZATION FOR LOCAL ADOPTION.**

8.9 (a) After January 1, 2025, the following political subdivisions may adopt, in the manner
8.10 provided in this section, ranked choice voting as a method of voting for local offices within
8.11 the political subdivision:

8.12 (1) home rule charter or statutory cities;

8.13 (2) counties; and

8.14 (3) school districts.

8.15 (b) A jurisdiction that adopts ranked choice voting may do so by adopting an ordinance
8.16 or resolution, by a ballot question presented to the voters, or by amending the charter. The
8.17 ranked choice voting method may be repealed by the same methods used for adoption.

8.18 (c) A home rule charter jurisdiction that adopts a ranked choice voting system in its
8.19 charter may adopt this chapter by reference in an ordinance but is not required to do so.
8.20 Nothing in this chapter prevents a home rule charter jurisdiction from adopting another
8.21 voting method in its charter.

8.22 (d) Ranked choice voting must only be used to elect local offices at a general or special
8.23 election.

8.24 (e) A jurisdiction that adopts the use of ranked choice voting in local elections must do
8.25 so no later than 90 days before the first day for filing affidavits of candidacy for the office
8.26 for which ranked choice voting is to be used as the method of election.

8.27 (f) Repeal of ranked choice voting must be no later than 90 days before the first day for
8.28 filing affidavits of candidacy for offices for which ranked choice voting is used as the method
8.29 of election.

9.1 (g) The ranked choice voting local election official must notify the secretary of state
9.2 and, if applicable, the county auditor within 30 days following adoption or repeal of ranked
9.3 choice voting.

9.4 Sec. 4. **[204E.04] BALLOTS IN LOCAL RANKED CHOICE VOTING ELECTIONS.**

9.5 Subdivision 1. **Ballot format.** (a) If there are three or more qualified candidates, a ballot
9.6 must allow a voter to rank three candidates for each office in order of preference and must
9.7 also allow the voter to add write-in candidates.

9.8 (b) A ballot must:

- 9.9 (1) include instructions to voters that clearly indicate how to mark the ballot;
9.10 (2) include instructions to voters that clearly indicate how to rank candidates in order
9.11 of the voter's preference; and
9.12 (3) indicate the number of seats to be elected for each office.

9.13 Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked choice
9.14 voting is used in addition to other methods of voting, the ranked choice voting and nonranked
9.15 choice voting elections must be on the same ballot card if possible, with ranked choice
9.16 voting and nonranked choice voting portions clearly separated. A jurisdiction may deviate
9.17 from the standard ballot order of offices to allow separation of ranked choice voting and
9.18 nonranked choice voting elections.

9.19 Subd. 3. **Ballot format rules.** After a voting mechanism has been selected, the ranked
9.20 choice voting local election official must adopt the necessary procedures for that ballot
9.21 format, consistent with this section.

9.22 Sec. 5. **[204E.05] LOCAL RANKED CHOICE VOTING TABULATION CENTER.**

9.23 Subdivision 1. **Tabulation of votes; generally.** The ranked choice voting local election
9.24 official must designate one location to serve as the ranked choice voting tabulation center.
9.25 If multiple political subdivisions appear on a ballot with ranked choice voting elections, the
9.26 jurisdictions must agree on a single location for the tabulation center. If the tabulation
9.27 includes a manual count of physical ballots, the center must be accessible to the public for
9.28 the purpose of observing the vote tabulation. Tabulation of votes must be conducted as
9.29 described in sections 204E.06 and 204E.07.

9.30 Subd. 2. **Precinct tabulation.** In an election where ranked choice voting is used, one or
9.31 more of the election judges in each precinct shall deliver one set of summary statements;

10.1 all spoiled ballots; and the envelopes containing the ballots to the ranked choice voting
10.2 tabulation center as soon as possible after the vote counting is completed but no later than
10.3 24 hours after the end of the hours for voting. If there are other elections on the ballot that
10.4 do not use ranked choice voting, one or more election judges shall deliver the remaining
10.5 set of summary statements and returns, all unused and spoiled municipal and school district
10.6 ballots, the envelopes containing municipal and school district ballots, and all other things
10.7 furnished by the municipal or school district clerk, to the municipal or school district clerk's
10.8 office within 24 hours after the end of the hours for voting. The municipal or school district
10.9 clerk shall return all polling place rosters and completed voter registration cards to the
10.10 county auditor within 48 hours after the end of the hours for voting.

10.11 Subd. 3. **Notice of recess in count.** At any time following receipt of materials under
10.12 subdivision 2, the ranked choice voting local election official may declare a recess. Notice
10.13 of the recess must include the date, time, and location at which the process of recording and
10.14 tabulating votes will resume and the reason for the recess. Notice must be posted on the
10.15 local jurisdiction's official bulletin board and on the door of the ranked choice voting
10.16 tabulation center. During any recess, all electronic voting data and ballots must be secured.

10.17 Subd. 4. **Recording write-in votes.** At a time set by the ranked choice voting local
10.18 election official, the judges and any other election officials designated by the ranked choice
10.19 voting local election official shall convene at the ranked choice voting tabulation center to
10.20 examine ballots on which voters have indicated a write-in choice and record the names and
10.21 number of votes received by each declared write-in candidate. The number of votes received
10.22 by write-in candidates who did not file a request as provided in subdivision 2 will be recorded
10.23 as a group by office.

10.24 Subd. 5. **Ranked choice vote tabulation.** After all votes have been recorded, and at a
10.25 time set by the ranked choice voting local election official, the process of tabulating votes
10.26 cast for offices to be elected using the ranked choice method must begin. The counting must
10.27 continue until preliminary results for all races are determined, subject to subdivision 3.

10.28 Sec. 6. **[204E.06] TABULATION OF VOTES; SINGLE-SEAT LOCAL RANKED**
10.29 **CHOICE VOTING ELECTIONS.**

10.30 (a) This section applies to a ranked choice voting election in which one seat in an office
10.31 is to be filled from a single set of candidates on the ballot. The method of tabulating ranked
10.32 choice votes for single-seat elections as described in this section must be known as the
10.33 "single-seat single transferable vote" method of tabulation.

11.1 (b) A first ranked choice tabulation shall be done under this paragraph before a tabulation
11.2 as described in paragraph (c). A first ranked choice tabulation will consist of a first round
11.3 only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked
11.4 votes marked number one. The maximum possible threshold must be determined. If the
11.5 vote total for a candidate, other than an undeclared or a declared write-in candidate, is equal
11.6 to or greater than the maximum possible threshold, that candidate is declared elected and
11.7 the tabulation is complete. If the vote total for no candidate, other than an undeclared or a
11.8 declared write-in candidate, is equal to or greater than the maximum possible threshold,
11.9 additional rounds must be performed as provided in paragraph (c).

11.10 (c) Tabulation of votes at the ranked choice voting tabulation center must proceed in
11.11 rounds for each office to be counted. The threshold must be calculated. The sum of all
11.12 ranked choice votes for every candidate must be calculated. Each round must proceed
11.13 sequentially as follows:

11.14 (1) the number of votes cast for each candidate, as indicated by the highest continuing
11.15 ranking on each ballot, must be counted. If a candidate, other than an undeclared write-in
11.16 candidate, has a vote total that is equal to or greater than the threshold, that candidate is
11.17 declared elected and the tabulation is complete. If no candidate, other than an undeclared
11.18 write-in candidate, has a vote total that is equal to or greater than the threshold, a new round
11.19 begins and the tabulation must continue as described in clause (2);

11.20 (2) at the beginning of the second round only, all candidates who did not file a request
11.21 as provided in subdivision 2 and write-in candidates who did not file a request as provided
11.22 in subdivision 2 must be defeated and all candidates for whom it is mathematically impossible
11.23 to be elected may be defeated simultaneously. For third and subsequent rounds, the candidate
11.24 with the fewest votes must be defeated and all candidates for whom it is mathematically
11.25 impossible to be elected may be defeated simultaneously. Votes for the defeated candidates
11.26 must be transferred to each ballot's next-ranked continuing candidate, except votes for
11.27 candidates defeated in the final round are not transferred if, by their defeat, the number of
11.28 continuing candidates is reduced to one. If no candidate can be defeated under this clause,
11.29 the tabulation must continue as described in clause (3). Otherwise, the tabulation must
11.30 continue as described in clause (4);

11.31 (3) the candidate with the fewest votes is defeated. Votes for the defeated candidate
11.32 must be transferred to each ballot's next-ranked continuing candidate, except votes for
11.33 candidates defeated in the final round are not transferred if, by their defeat, the number of
11.34 continuing candidates is reduced to one. Ties between candidates with the fewest votes must
11.35 be resolved by lot by the ranked choice voting local election official. The candidate chosen

12.1 by lot must be defeated. The result of the tie resolution must be recorded and reused in the
12.2 event of a recount;

12.3 (4) the procedures in clauses (1) to (3) must be repeated until one candidate reaches the
12.4 threshold. When only one continuing candidate remains, that continuing candidate must be
12.5 elected; and

12.6 (5) when a skipped ranking, overvote, or repeat candidate ranking is encountered on a
12.7 ballot, that ballot shall count toward the highest continuing ranking that is not a skipped
12.8 ranking, overvote, or repeat candidate ranking. If any ballot cannot be advanced because
12.9 no further continuing candidates are ranked on that ballot, or because the only votes for
12.10 further continuing candidates that are ranked on that ballot are either overvotes or repeat
12.11 candidate rankings, the ballot shall not count toward any candidate in that round or in
12.12 subsequent rounds for the office being counted.

12.13 Sec. 7. **[204E.07] TABULATION OF VOTES; MULTIPLE-SEAT LOCAL RANKED**
12.14 **CHOICE VOTING ELECTIONS.**

12.15 (a) This section applies to a ranked choice voting election in which two or more seats
12.16 in office are to be filled from a single set of candidates on the ballot. The method of tabulating
12.17 ranked choice votes for multiple-seat elections as described in this section must be known
12.18 as the "multiple-seat single transferable vote" method of tabulation.

12.19 (b) A first ranked choice tabulation shall be done under this paragraph before a tabulation
12.20 as described in paragraph (c). A first ranked choice tabulation will consist of a first round
12.21 only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked
12.22 votes marked number one. The maximum possible threshold must be determined. If the
12.23 number of candidates, other than any undeclared or declared write-in candidate, whose vote
12.24 total is equal to or greater than the maximum possible threshold is equal to the number of
12.25 seats to be filled, those candidates are declared elected and the tabulation is complete. If
12.26 the number of candidates, other than any undeclared or declared write-in candidate, whose
12.27 vote total is equal to or greater than the maximum possible threshold is less than the number
12.28 of seats to be filled, additional rounds must be performed as provided in paragraph (c).

12.29 (c) Tabulation of votes at the ranked choice voting tabulation center must proceed in
12.30 rounds for each office to be counted. The threshold must be calculated. The sum of all
12.31 ranked choice votes for every candidate must be calculated. Each round must proceed
12.32 sequentially as follows:

13.1 (1) the number of votes cast for each candidate for the current round must be counted.

13.2 If the number of candidates, other than any undeclared write-in candidate, whose vote total
13.3 is equal to or greater than the threshold is equal to the number of seats to be filled, those
13.4 candidates who are continuing candidates are elected and the tabulation is complete. If the
13.5 number of candidates, other than any undeclared write-in candidate, whose vote total is
13.6 equal to or greater than the threshold is not equal to the number of seats to be filled, a new
13.7 round begins and the tabulation must continue as described in clause (2);

13.8 (2) surplus votes for any candidates whose vote total is equal to or greater than the
13.9 threshold must be calculated;

13.10 (3) the candidate with the largest surplus is declared elected and that candidate's surplus
13.11 is transferred. A tie between two or more candidates must be resolved by lot by the ranked
13.12 choice voting local election official. The surplus of the candidate chosen by lot must be
13.13 transferred before other transfers are made. The result of the tie resolution must be recorded
13.14 and reused in the event of a recount. The transfer value of each vote cast for an elected
13.15 candidate must be transferred to the next continuing candidate on that ballot. If no candidate
13.16 has a surplus, the tabulation must continue as described in clause (4). Otherwise, the
13.17 tabulation must continue as described in clause (1);

13.18 (4) if there are no transferable surplus votes, the candidate with the fewest votes is
13.19 defeated. Votes for a defeated candidate are transferred at their transfer value to each ballot's
13.20 next-ranked continuing candidate, except votes for candidates defeated in the final round
13.21 are not transferred if, by their defeat, the number of continuing candidates is reduced to the
13.22 number of seats yet to be filled. Ties between candidates with the fewest votes must be
13.23 resolved by lot by the ranked choice voting local election official, and the candidate chosen
13.24 by lot must be defeated. The result of the tie resolution must be recorded and reused in the
13.25 event of a recount;

13.26 (5) the procedures in clauses (1) to (4) must be repeated until the number of candidates
13.27 whose vote total is equal to or greater than the threshold is equal to the number of seats to
13.28 be filled, or until the number of continuing candidates is equal to the number of seats yet
13.29 to be filled. If the number of continuing candidates is equal to the number of seats yet to be
13.30 filled, any remaining continuing candidates must be declared elected; and

13.31 (6) when a skipped ranking, overvote, or repeat candidate ranking is encountered on a
13.32 ballot, that ballot shall count toward the highest continuing ranking that is not a skipped
13.33 ranking, overvote, or repeat candidate ranking. If any ballot cannot be advanced because
13.34 no further continuing candidates are ranked on that ballot, or because the only votes for

14.1 further continuing candidates that are ranked on that ballot are either overvotes or repeat
14.2 candidate rankings, the ballot shall not count toward any candidate in that round or in
14.3 subsequent rounds for the office being counted.

14.4 Sec. 8. **[204E.08] LOCAL RANKED CHOICE VOTING ELECTIONS; REPORTING**
14.5 **RESULTS.**

14.6 (a) In addition to the requirements of section 204C.24, each precinct must print a precinct
14.7 summary statement, which must include the number of first choices cast for each candidate
14.8 in that precinct.

14.9 (b) The ranked choice voting local election official must provide a tabulation summary
14.10 statement of each contest with the following information:

14.11 (1) total votes cast;

14.12 (2) number of undervotes;

14.13 (3) number of totally defective and spoiled ballots;

14.14 (4) threshold calculation;

14.15 (5) total first choice rankings for all candidates;

14.16 (6) round-by-round tabulation results, including simultaneous batch eliminations, surplus
14.17 transfers if applicable, and defeated candidate transfers; and

14.18 (7) exhausted ballots at each round.

14.19 (c) In jurisdictions where ballots are scanned and recorded electronically, the ranked
14.20 choice voting local election official must provide an electronically available spreadsheet of
14.21 the cast vote record. To the extent practicable, the spreadsheet must be in a format that is
14.22 human-readable.

14.23 (d) The jurisdiction must canvass the election returns pursuant to section 123B.94 or
14.24 205.185, and the canvassing board report must include the information required in the ranked
14.25 choice voting tabulation center summary statement, with the addition of the number of
14.26 registered voters by precinct, the number of same-day voter registrations, and the number
14.27 of absentee voters.

14.28 Sec. 9. **[204E.09] LOCAL RANKED CHOICE ELECTION RECOUNTS.**

14.29 (a) A candidate defeated in the final round of tabulation may request a recount as provided
14.30 in section 204C.361, to the extent applicable. For the purpose of ranked choice voting

15.1 recounts, the recount official and filing officer is the ranked choice voting local election
15.2 official.

15.3 (b) A candidate defeated in the final round of tabulation when the vote difference is
15.4 greater than that provided in section 204C.36 may request a recount at the candidate's own
15.5 expense. A candidate defeated in an earlier round of tabulation may request a recount at the
15.6 candidate's own expense. The candidate is responsible for all expenses associated with the
15.7 recount, regardless of the vote difference between the candidates in the round in which the
15.8 requesting candidate was defeated. The requesting candidate shall file with the filing officer
15.9 a bond, cash, or surety in an amount set by the filing officer for the payment of the recount
15.10 expenses. Expenses must be determined as provided in section 204C.36, subdivision 4.

15.11 (c) Rules adopted by the secretary of state under section 204C.36 for recounts apply to
15.12 recounts conducted under this section.

15.13 (d) At the discretion of the recount official, in the case of a recount under paragraph (a)
15.14 or (b) or by the requesting candidates, a recount may commence with the earliest tabulation
15.15 round in which any requesting candidate was defeated on any prior round. All other
15.16 candidates who, in the initial tabulation, were defeated prior to the round in which the
15.17 recount starts may be presumed to have been correctly defeated.

15.18 Sec. 10. **[204E.10] LOCAL RANKED CHOICE ELECTIONS; POSTELECTION**
15.19 **REVIEW.**

15.20 Subdivision 1. Selection of test date; notice. At the canvass, the ranked choice voting
15.21 local election official must select by lot the offices and precincts to be reviewed and set the
15.22 date, time, and place for the postelection review, in accordance with section 206.89.
15.23 Postelection review is not required for a hand count election.

15.24 Subd. 2. Scope and conduct of test. The postelection review must be conducted in
15.25 public and must review a sample of ballots cast for at least one single-seat ranked-choice
15.26 voting election and at least one multiple-seat election, if such an election occurred.

15.27 Subd. 3. Review. (a) For each office to be reviewed, the number of precincts selected
15.28 for review shall be determined as follows. If the office was voted on in fewer than five
15.29 precincts, one precinct shall be selected. If the office was voted on in at least five precincts
15.30 and fewer than 50 precincts, two precincts shall be selected. If the office was voted on in
15.31 at least 50 precincts and fewer than 100 precincts, three precincts shall be selected. If the
15.32 office was voted on in at least 100 precincts, four precincts or three percent of the total
15.33 number of precincts in the election shall be selected, whichever is greater.

16.1 (b) For each office voted on in a county election, the ranked choice voting local election
16.2 official may select precincts as specified in paragraph (a) or use the precincts selected in
16.3 accordance with section 206.89.

16.4 (c) Using the actual ballots cast in each precinct selected, the judges of the election shall
16.5 conduct a hand-count tabulation of how many ballots contain each combination of candidates
16.6 across the rankings. All undeclared write-in candidates shall be considered as a group in
16.7 this hand count, and blank or overvoted rankings shall be included as such in the tabulated
16.8 combinations.

16.9 (d) Using the actual ballots cast in each precinct selected, the judges of the election shall
16.10 conduct a hand-count tabulation of how many ballots contain each combination of candidates
16.11 across the rankings. All undeclared write-in candidates shall be considered as a group in
16.12 this hand count, and blank or overvoted rankings shall be included as such in the tabulated
16.13 combinations.

16.14 Subd. 4. **Multiple-seat test.** At the canvass, the ranked choice voting local election
16.15 official shall select, by lot, a total of two precincts in the selected election. Using the actual
16.16 ballots cast in the precinct selected, the judges of the election shall conduct a hand count
16.17 of ballots cast.

16.18 Subd. 5. **Standard of acceptable performance by voting system.** A comparison of the
16.19 results compiled by the voting system with the cast vote records compiled by the judges of
16.20 the election performing the hand count must show that the results of the electronic voting
16.21 system differed by no more than the applicable percentage provided in section 204C.36
16.22 from the hand count of the sample tested. Valid votes that have been marked by the voter
16.23 outside the vote targets or using a manual marking device that cannot be read by the voting
16.24 system must not be included in making the determination whether the voting system has
16.25 met the standard of acceptable performance.

16.26 Subd. 6. **Additional review if needed.** An additional review is required if:

16.27 (1) a test reveals a difference greater than the percentage threshold provided in section
16.28 204C.36 in at least one precinct of an office, the ranked choice voting local election official
16.29 must immediately, publicly select by lot two additional precincts of the same office for
16.30 review. The additional precinct review must be completed within two days after the precincts
16.31 are selected and the results immediately reported to the county auditor; and

16.32 (2) the additional precinct review indicates a difference in the vote totals that is greater
16.33 than the applicable percentage threshold, as provided by section 204C.36, in at least one

17.1 additional precinct of an office, the ranked choice voting local election official must conduct
17.2 a review of the ballots from all the remaining precincts in the office being reviewed.

17.3 This review must be completed no later than two weeks after the canvass.

17.4 **Subd. 7. Report of results.** Upon completion of the postelection review, the ranked
17.5 choice voting local election official must immediately report the results to the county auditor
17.6 and make the results available to the public.

17.7 **Subd. 8. Update of vote totals.** If the postelection review under this section results in
17.8 a change in the number of votes counted for any candidate, the revised vote totals must be
17.9 incorporated in the official result from those precincts.

17.10 **Subd. 9. Effect on voting systems.** If a voting system is found to have failed to record
17.11 votes accurately and in the manner provided by this chapter, the voting system must not be
17.12 used at another election until it has been approved for use by the county auditor, pursuant
17.13 to section 206.58. In addition, the county auditor may order the city to conduct a hand
17.14 recount of all ballots cast in the election.

Sec. 11. [204E.11] RULES; LOCAL OPTION RANKED CHOICE VOTING.

17.16 The secretary of state may adopt rules necessary to implement the requirements and
17.17 procedures established by this chapter.

ARTICLE 3

CONFORMING CHANGES

17.20 Section 1. Minnesota Statutes 2022, section 204B.35, subdivision 1, is amended to read:

17.21 Subdivision 1. **Application.** All ballots for every election shall be prepared in accordance
17.22 with sections 204B.35 to 204B.44 and ~~chapter~~ chapters 204D and 204E, except for voting
17.23 machine ballots or as otherwise provided by law.

17.24 Sec. 2. Minnesota Statutes 2022, section 204C.21, is amended by adding a subdivision to
17.25 read:

17.26 **Subd. 4. Ranked choice voting election.** Notwithstanding the requirements of this
17.27 section, the votes cast in a ranked choice voting election must be counted according to the
17.28 procedures established in chapter 204E.

18.1 Sec. 3. Minnesota Statutes 2022, section 204D.07, subdivision 3, is amended to read:

18.2 Subd. 3. **Exception; certain nonpartisan candidate.** If not more than twice the number
18.3 of individuals to be elected to a nonpartisan office file for the nomination, their names and
18.4 the name of the office shall be omitted from the state and county nonpartisan primary ballot
18.5 and the candidates who filed shall be the nominees. For candidates in a nonpartisan ranked
18.6 choice voting election, candidates shall be omitted from the state and county primary ballot.

18.7 Sec. 4. Minnesota Statutes 2022, section 205.13, subdivision 2, is amended to read:

18.8 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits
18.9 of candidacy, the municipal clerk shall publish a notice stating the first and last dates on
18.10 which affidavits of candidacy may be filed in the clerk's office and the closing time for
18.11 filing on the last day for filing. The clerk shall post a similar notice at least ten days before
18.12 the first day to file affidavits of candidacy. The notice must indicate the method of election
18.13 to be used for the offices on the ballot. The notice must separately list any office for which
18.14 affidavits of candidacy may be filed to fill the unexpired portion of a term when a special
18.15 election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

18.16 Sec. 5. Minnesota Statutes 2022, section 206.57, subdivision 6, is amended to read:

18.17 Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a
18.18 vendor of a voting system must be certified by an independent testing authority obtain a
18.19 test report from a voting system test lab accredited by the Election Assistance Commission
18.20 or appropriate federal agency responsible for testing and certification of compliance with
18.21 the federal voting systems guidelines at the time of submission of the application required
18.22 by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the
18.23 Election Assistance Commission or other previously referenced agency. The application
18.24 must be accompanied by the certification test report of the voting systems test laboratory.
18.25 A certification test report under this section from an independent testing authority accredited
18.26 by the Election Assistance Commission or other previously referenced agency meets the
18.27 requirement of Minnesota Rules, part 8220.0350, item L. A vendor must provide a copy of
18.28 the source code for the voting system to the secretary of state. A chair of a major political
18.29 party or the secretary of state may select, in consultation with the vendor, an independent
18.30 third-party evaluator to examine the source code to ensure that it functions as represented
18.31 by the vendor and that the code is free from defects. A major political party that elects to
18.32 have the source code examined must pay for the examination. Except as provided by this
18.33 subdivision, a source code that is trade secret information must be treated as nonpublic

19.1 information, according to section 13.37. A third-party evaluator must not disclose the source
19.2 code to anyone else.

19.3 Sec. 6. Minnesota Statutes 2022, section 206.58, subdivision 1, is amended to read:

19.4 **Subdivision 1. Municipalities.** (a) The governing body of a municipality, at a regular
19.5 meeting or at a special meeting called for the purpose, may provide for the use of an
19.6 electronic voting system in one or more precincts and at all elections in the precincts, subject
19.7 to approval by the county auditor. The governing body shall disseminate information to the
19.8 public about the use of a new voting system at least 60 days prior to the election and shall
19.9 provide for instruction of voters with a demonstration voting system in a public place for
19.10 the six weeks immediately prior to the first election at which the new voting system will be
19.11 used.

19.12 (b) No system may be adopted or used unless it has been approved by the secretary of
19.13 state pursuant to section 206.57.

19.14 (c) The governing body of a municipality may provide for the use of an electronic voting
19.15 system that has been approved by the secretary of state under section 206.57 and the use of
19.16 automatic tabulating equipment or a software reallocation feature that is compatible with
19.17 the electronic voting system but has not been approved by the secretary of state if the
19.18 municipal clerk certifies to the secretary of state, within 30 days from the date of adoption
19.19 under paragraph (a), that the reallocation feature:

19.20 (1) has been tested as required under section 206.57, subdivision 6; and

19.21 (2) meets the municipality's ordinance requirements for electronic voting systems.

19.22 Sec. 7. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

19.23 A voting system purchased for use in Minnesota on or after the effective date of this
19.24 section must have the ability to:

19.25 (1) capture, store, and publicly report ballot data;

19.26 (2) to the extent practicable, produce a single human-readable file for each contest on
19.27 the ballot containing all cast vote records captured for that contest;

19.28 (3) keep data anonymous;

19.29 (4) accept ranked or cumulative voting data under a variety of tabulation rules;

20.1 (5) be programmable to follow all other specifications of the ranked choice voting system
20.2 or be compatible with automatic tabulating equipment or a software reallocation feature as
20.3 provided in section 206.58;

20.4 (6) provide a minimum of three rankings for ranked choice voting elections;

20.5 (7) to the extent practicable, notify voters of the following errors: overvotes, skipped
20.6 rankings, and duplicate rankings in a ranked choice voting election; and

20.7 (8) be programmable to print a zero tape indicating all rankings for all candidates in a
20.8 ranked choice voting election.

20.9 **EFFECTIVE DATE.** This section is effective upon certification by the secretary of
20.10 state that equipment meeting the standards required by this section is available for purchase
20.11 and implementation.

20.12 Sec. 8. Minnesota Statutes 2022, section 206.83, is amended to read:

20.13 **206.83 TESTING OF VOTING SYSTEMS.**

20.14 (a) Within 14 days before election day, the official in charge of elections shall have the
20.15 voting system tested to ascertain that the system will correctly mark ballots using all methods
20.16 supported by the system, including ranked choice voting if applicable, and through assistive
20.17 technology, and count the votes cast for all candidates and on all questions. Public notice
20.18 of the time and place of the test must be given at least two days in advance by publication
20.19 once in official newspapers. The test must be observed by at least two election judges, who
20.20 are not of the same major political party, and must be open to representatives of the political
20.21 parties, candidates, the press, and the public. The test must be conducted by (1) processing
20.22 a preaudited group of ballots punched or marked to record a predetermined number of valid
20.23 votes for each candidate and on each question, and must include for each office one or more
20.24 ballot cards which have votes in excess of the number allowed by law in order to test the
20.25 ability of the voting system tabulator and electronic ballot marker to reject those votes; and
20.26 (2) processing an additional test deck of ballots marked using the electronic ballot marker
20.27 for the precinct, including ballots marked using the electronic ballot display, audio ballot
20.28 reader, and any assistive voting technology used with the electronic ballot marker. If an
20.29 election is to be conducted using ranked choice voting, the equipment must also be tested
20.30 to ensure that each ranking for each candidate is recorded properly.

20.31 (b) If any error is detected, the cause must be ascertained and corrected and an errorless
20.32 count must be made before the voting system may be used in the election.

21.1 (c) After the completion of the test, the programs used and ballot cards must be sealed,
21.2 retained, and disposed of as provided for paper ballots.

21.3 Sec. 9. Minnesota Statutes 2022, section 211A.02, subdivision 1, is amended to read:

21.4 Subdivision 1. **When and where filed by committees.** (a) A committee or a candidate
21.5 who receives contributions or makes disbursements of more than \$750 in a calendar year
21.6 shall submit an initial report to the filing officer within 14 days after the candidate or
21.7 committee receives or makes disbursements of more than \$750 and shall continue to make
21.8 the reports listed in paragraph (b) until a final report is filed.

21.9 (b) The committee or candidate must file a report by January 31 of each year following
21.10 the year when the initial report was filed and in a year when the candidate's name or a ballot
21.11 question appears on the ballot, the candidate or committee shall file a report:

21.12 (1) ten days before the primary or special primary. In a jurisdiction where the local
21.13 primary is eliminated due to the adoption of ranked choice voting, candidates running in a
21.14 ranked choice voting election must file a report in the same manner as if a primary were
21.15 being held for such offices;

21.16 (2) ten days before the general election or special election; and

21.17 (3) 30 days after a general or special election.

ARTICLE 4

APPROPRIATION FOR LOCAL GOVERNMENTS

21.20 Section 1. **RANKED CHOICE VOTING GRANTS.**

21.21 Subdivision 1. **Authorized costs.** (a) A local government may apply for a grant to support
21.22 the following costs related to the implementation of ranked choice voting:

21.23 (1) equipment upgrades and associated professional consulting; and

21.24 (2) public education campaigns related to local use of ranked choice voting.

21.25 Subd. 2. **Application.** (a) The secretary of state may make a grant to a political
21.26 subdivision only after receiving an application from the political subdivision. The application
21.27 must contain:

21.28 (1) the date the application is submitted;

21.29 (2) the name of the political subdivision;

21.30 (3) the name and title of the individual who prepared the application;

22.1 (4) the type of voting system currently used in each precinct in the political subdivision
22.2 and whether the system's software functionality currently supports the implementation of
22.3 ranked choice voting;

22.4 (5) the total number of registered voters, as of the date of the application, in each precinct
22.5 in the political subdivision;

22.6 (6) the total amount of the grant requested, itemized by the purposes for which the grant
22.7 will be used;

22.8 (7) the total amount and source of the political subdivision's money to be used to match
22.9 a grant from the account;

22.10 (8) a certified statement by the political subdivision that the grant will be used only for
22.11 purposes authorized by this section; and

22.12 (9) any other information required by the secretary of state.

22.13 (b) The secretary of state must establish a deadline for receipt of grant applications, a
22.14 procedure for awarding and distributing grants, and a process for verifying the proper use
22.15 of the grants after distribution.

22.16 Subd. 3. **Amount of grant.** A local government is eligible to receive a grant of no more
22.17 than percent of the total cost of equipment upgrades and associated professional consulting
22.18 and percent of the total cost of public educational campaigns related to local use of ranked
22.19 choice voting. A local government may partner with and subgrant funding to third-party
22.20 entities to assist with a public education campaign. In evaluating the application, the secretary
22.21 of state shall consider only the information set forth in the application and is not subject to
22.22 Minnesota Statutes, chapter 14, including Minnesota Statutes, section 14.386. If the secretary
22.23 of state determines that the application has been fully and properly completed, and that there
22.24 are sufficient funds available to award the grant, either in whole or in part, the secretary of
22.25 state may approve the application.

22.26 Subd. 4. **Report to the legislature.** No later than January 15, 2025, and annually
22.27 thereafter until the appropriations provided for grants under this section have been exhausted,
22.28 the secretary of state must submit a report to the legislative committees with jurisdiction
22.29 over elections policy on grants awarded by this section. The report must detail each grant
22.30 awarded, including the jurisdiction, the amount of the grant, and the type of equipment
22.31 purchased.

23.1 Sec. 2. **APPROPRIATION; LOCAL GRANTS.**

23.2 \$..... in fiscal year 2024 is appropriated from the general fund to the secretary of state
23.3 for costs associated with implementing this act. This appropriation is available until spent.
23.4 Of this amount, at least \$..... must be distributed as grants to political subdivisions as
23.5 authorized by this article.