SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1892

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DATE	D-PG	OFFICIAL STATUS
02/27/2025	555	Introduction and first reading Referred to Elections

A bill for an act

relating to elections; providing for ranked choice voting; authorizing jurisdictions to adopt ranked choice voting for local offices; establishing procedures for adoption, implementation, and use of ranked choice voting for local jurisdictions; allowing local jurisdictions to use electronic voting systems with a reallocation feature; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2024, sections 204B.35, subdivision 1; 204C.21, by adding a subdivision; 204D.07, subdivision 3; 205.13, subdivision 2; 206.57, by adding a subdivision; 206.83; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 204E.

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

Section 1. Minnesota Statutes 2024, section 204B.35, subdivision 1, is amended to read:

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

Sec. 2. Minnesota Statutes 2024, section 204C.21, is amended by adding a subdivision to read:

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

Sec. 3. Minnesota Statutes 2024, section 204D.07, subdivision 3, is amended to read:

Subd. 3. **Exception; certain nonpartisan candidate.** If not more than twice the number of individuals to be elected to a nonpartisan office file for the nomination, their names and the name of the office shall be omitted from the state and county nonpartisan primary ballot

and the candidates who filed shall be the nominees. For candidates in a nonpartisan ranked choice voting election, candidates shall be omitted from the state and county primary ballot.

Sec. 4. **[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. 5. **[204E.02] DEFINITIONS.**

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

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 who are mathematically impossible to be 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. **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. 6. **Highest continuing ranking.** "Highest continuing ranking" means the ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

Subd. 7. **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. 8. **Mathematically impossible to be elected.** "Mathematically impossible to be elected" means:

(1) the candidate cannot be elected because the sum of (i) the candidate's current vote total and (ii) the current vote totals of all other candidates in the current round with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next higher current vote total; or

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

Subd. 9. **Maximum possible threshold.** "Maximum possible threshold" means the number of votes sufficient for a candidate to be elected under a first ranked choice tabulation under sections 204E.06 and 204E.07. Maximum possible threshold equals:

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

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

(3) adding one to the result; and

(4) disregarding any fractions.

Subd. 10. **Multiple-seat election.** "Multiple-seat election" means an election in which two or more seats in an office are to be filled from a single set of candidates on the ballot.

Subd. 11. **Overvote.** "Overvote" means a voter has ranked more than one candidate at the same ranking.

Subd. 12. **Partially defective ballot.** "Partially defective ballot" means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent with respect to the office being counted.

Subd. 13. **Ranked choice voting.** "Ranked choice voting" means an election method in which voters rank candidates for an office in order of their preference, with each vote counting for the highest-ranked continuing candidate on each ballot until that candidate has been elected or defeated as provided in this chapter.

Subd. 14. **Ranked choice voting local election official.** "Ranked choice voting local election official" means the county auditor, school district clerk, or municipal clerk responsible for duties related to election administration in the applicable jurisdiction. Where more than one ranked choice voting election jurisdiction is involved, the ranked choice voting local election official is presumed to be the county auditor if the county has adopted ranked choice voting. If an overlapping city and school district adopt ranked choice voting, the municipal clerk is presumed to be the ranked choice voting election official. Nothing in this subdivision prohibits overlapping jurisdictions from agreeing to an alternative ranked choice voting election official.

Subd. 15. **Ranked choice voting tabulation center.** "Ranked choice voting tabulation center" means the location where ballots are processed automatically or by hand and are tabulated.

Subd. 16. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking. A ranking of lower numerical value indicates a greater preference for a candidate than a ranking of higher numerical value.

Subd. 17. **Repeat candidate ranking.** "Repeat candidate ranking" means a voter ranks the same candidate at multiple rankings for the office being counted.

Subd. 18. **Round.** "Round" means an instance of the sequence of voting tabulation steps established in section 204E.06 or 204E.07.

Subd. 19. **Single-seat election.** "Single-seat election" means an election in which one seat in an office is to be filled from a single set of candidates on the ballot.

Subd. 20. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

Subd. 21. **Surplus.** "Surplus" means the total number of votes cast for an elected candidate in excess of the threshold.

Subd. 22. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated by dividing the surplus by the total votes cast for the elected candidate, calculated to four decimal places, ignoring any remainder.

Subd. 23. **Threshold.** "Threshold" means the number of votes sufficient for a candidate to be elected. In any given single-seat election, the threshold equals: the total votes counted during that tabulation round, excluding inactive ballots; divided by two; then adding one; and disregarding any fractions. In any given multiple-seat election, the threshold equals: the total votes counted in the first round after removing defective ballots; divided by the sum of one plus the number of offices to be filled; adding one to the result; and disregarding any fractions.

Subd. 24. **Totally defective ballot.** "Totally defective ballot" means a ballot that is defective to the extent that election judges are unable to determine the voter's intent for any office on the ballot.

Subd. 25. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer

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

Subd. 26. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote for a candidate who has been either elected or defeated.

Subd. 27. **Undeclared candidate.** "Undeclared candidate" means a candidate who does not file a request within the time required by section 204E.05, subdivision 4, for the candidate's write-in votes to be counted and whose name does not otherwise appear on the ballot.

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

Sec. 6. **[204E.03] AUTHORIZATION FOR LOCAL ADOPTION.**

(a) After January 1, 2026, or the adoption of administrative rules governing ranked choice voting by the secretary of state, whichever is later, the following political subdivisions may adopt, in the manner provided in this section, ranked choice voting as a method of voting for local offices within the political subdivision:

(1) home rule charter or statutory cities;

(2) school districts; and

(3) counties.

(b) A jurisdiction, whether governed by statute or charter, that adopts ranked choice voting may only do so by a ballot question presented to the voters. The ranked choice voting method may be repealed by the same method used for adoption.

(c) Before adopting the use of ranked choice voting for an election held in conjunction with a statewide election, a jurisdiction must enter into a conditional agreement with the county or counties responsible for administering the jurisdiction's election.

(d) If a home rule charter or statutory city adopts ranked choice voting without an agreement with the county or counties, the election conducted by ranked choice voting must not be held in conjunction with a statewide election and the jurisdiction must administer its own election.

(e) Before a school district can adopt the use of ranked choice voting for an election not held in conjunction with a statewide election, the district must first enter into a conditional

agreement with the city or cities within the district's boundaries responsible for administering any elections conducted not in conjunction with a statewide election.

(f) A home rule charter jurisdiction that adopts a ranked choice voting system in its charter may adopt this chapter by reference in an ordinance but is not required to do so.

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

(h) A jurisdiction that adopts the use of ranked choice voting in local elections must do so no later than 20 weeks before the state primary or 90 days before the first day for filing affidavits of candidacy for the office for which ranked choice voting is to be used as the method of election if the election is not held in conjunction with a state primary or state general election.

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

(j) The ranked choice voting local election official must notify the secretary of state and, if applicable, the county auditor within four weeks following adoption or repeal of ranked choice voting.

Sec. 7. **[204E.04] BALLOTS IN LOCAL RANKED CHOICE VOTING ELECTIONS.**

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

(b) A ballot must:

(1) include instructions to voters that clearly indicate how to mark the ballot;

(2) include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference; and

(3) indicate the number of seats to be elected for each office.

Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked choice voting is used in addition to other methods of voting, the ranked choice voting and nonranked choice voting elections must be on the same ballot card if possible, with ranked choice voting and nonranked choice voting portions clearly separated. A jurisdiction may not deviate from the standard ballot order of federal offices, state offices, or state constitutional

amendments, but may deviate from the standard ballot order for other offices to allow separation of ranked choice voting and nonranked choice voting elections.

Subd. 3. **Ballot format rules.** The secretary of state must adopt rules regarding ranked choice voting ballot format, consistent with this section. Notwithstanding section 204B.36, the rules adopted under this subdivision may provide a standard for ballot format that differs from the standards required by that section.

Sec. 8. **[204E.05] LOCAL RANKED CHOICE VOTING TABULATION CENTER.**

Subdivision 1. **Tabulation of votes; generally.** The ranked choice voting local election official must designate one location to serve as the ranked choice voting tabulation center. If the tabulation includes a manual count of physical ballots, the center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in sections 204E.06 and 204E.07.

Subd. 2. **Precinct tabulation.** In an election where ranked choice voting is used, the county auditor, municipal clerk, or school district clerk shall deliver one set of summary statements, all spoiled ballots, and the envelopes containing the ballots to the ranked choice voting tabulation center as soon as possible after the vote counting is completed and the election judges have returned materials pursuant to section 204C.27.

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

Subd. 4. **Recording write-in votes.** (a) At a time set by the ranked choice voting local election official, the judges and any other election officials designated by the ranked choice voting local election official shall convene at the ranked choice voting tabulation center to examine ballots on which voters have indicated a write-in choice and record the names and number of votes received by each write-in candidate who submits a request as required by this subdivision. The number of votes received by write-in candidates who did not file a request as provided in this subdivision must be recorded as a group by office.

(b) Notwithstanding section 204B.09, subdivision 3, a candidate for a city or school district office whose election is governed by this chapter and who wants write-in votes for the candidate to be counted must file a written request with the filing officer not more than

seven days before the election. The filing officer shall provide copies of the form to make the request. The filing officer shall not accept a written request later than 5:00 p.m. on the last day for filing a written request.

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

Sec. 9. **[204E.06] TABULATION OF VOTES; SINGLE-SEAT LOCAL RANKED CHOICE VOTING ELECTIONS.**

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

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

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

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

(2) at the beginning of the second round only, all undeclared candidates must be defeated and all candidates for whom it is mathematically impossible to be elected may be defeated simultaneously. For third and subsequent rounds, the candidate with the fewest votes must be defeated and all candidates for whom it is mathematically impossible to be elected may be defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. If no candidate can be defeated under this clause, the tabulation must continue as described in clause (3). Otherwise, the tabulation must continue as described in clause (4);

(3) ties between candidates with the fewest votes must be resolved by lot by the ranked choice voting local election official. The candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount;

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

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

Sec. 10. **[204E.07] TABULATION OF VOTES; MULTIPLE-SEAT LOCAL RANKED CHOICE VOTING ELECTIONS.**

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

(b) A first ranked choice tabulation shall be done under this paragraph before a tabulation as described in paragraph (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked votes marked number one. The maximum possible threshold must be determined. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is equal to the number of

seats to be filled, those candidates are declared elected and the tabulation is complete. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is less than the number of seats to be filled, additional rounds must be performed as provided in paragraph (c).

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

(1) the number of votes cast for each candidate for the current round must be counted. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as described in clause (2);

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

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

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

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

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

Sec. 11. **[204E.08] LOCAL RANKED CHOICE VOTING ELECTIONS; REPORTING RESULTS.**

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

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

(1) total votes cast;

(2) number of undervotes;

(3) number of totally defective and spoiled ballots;

(4) threshold calculation;

(5) total first choice rankings for all candidates;

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

(7) inactive ballots at each round.

(c) In jurisdictions where ballots are scanned and recorded electronically, the ranked choice voting local election official must provide an electronically available spreadsheet of the cast vote record, consistent with the requirements of section 206.845.

(d) The jurisdiction must canvass the election returns pursuant to applicable state statutes for the election being held, and the canvassing board report must include the information required in the ranked choice voting tabulation center summary statement, with the addition of the number of persons registered to vote before election day by precinct, the number of persons registered on election day by precinct, and the number of accepted regular, military, and overseas absentee ballots and mail ballots. If the election is held in conjunction with a state general election, the canvass report must also include the number of federal office only absentee ballots and, if applicable, the number of presidential absentee ballots.

Sec. 12. **[204E.09] LOCAL RANKED CHOICE ELECTION RECOUNTS.**

(a) A candidate defeated in the final round of tabulation may request a recount as provided in section 204C.361, to the extent applicable. For the purpose of ranked choice voting recounts, the ranked choice voting local election official is the recount official and the filing officer.

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

(c) The secretary of state must adopt rules governing recounts conducted under this section.

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

Sec. 13. **[204E.10] LOCAL RANKED CHOICE ELECTIONS; POSTELECTION REVIEW.**

Subdivision 1. **Selection of test date; notice.** At the canvass, the ranked choice voting local election official must select by lot the offices and precincts to be reviewed and set the

date, time, and place for the postelection review, in accordance with section 206.89. Postelection review is not required for a hand count election.

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

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

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

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

Subd. 4. **Standard of acceptable performance by voting system.** A comparison of the results compiled by the voting system with the cast vote records compiled by the judges of the election performing the hand count must show that the results of the electronic voting system differed by no more than the applicable threshold provided in section 206.89, subdivision 4, from the hand count of the sample tested. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance.

Subd. 5. **Additional review if needed.** An additional review is required if:

(1) a test reveals a difference greater than the threshold provided in section 206.89, subdivision 4, in at least one precinct of an office, the ranked choice voting local election official must immediately, publicly select by lot two additional precincts of the same office for review. The additional precinct review must be completed within two days after the precincts are selected and the results immediately reported to the county auditor; and

(2) the additional precinct review indicates a difference in the vote totals that is greater than the applicable threshold, as provided by section 206.89, subdivision 4, in at least one additional precinct of an office, the ranked choice voting local election official must conduct a review of the ballots from all the remaining precincts in the office being reviewed.

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

Subd. 6. **Report of results.** Upon completion of the postelection review, the ranked choice voting local election official must immediately report the results to the county auditor and make the results available to the public.

Subd. 7. **Update of vote totals.** If the postelection review under this section results in a change in the number of votes counted for any candidate, the revised vote totals must be incorporated in the official result from those precincts.

Subd. 8. **Effect on voting systems.** If a voting system is found to have failed to record votes accurately and in the manner provided by this chapter, the voting system must not be used at another election until it has been approved for use by the county auditor, pursuant to section 206.58. In addition, the county auditor may order the city to conduct a hand recount of all ballots cast in the election.

Sec. 14. **[204E.11] RULES; LOCAL OPTION RANKED CHOICE VOTING.**

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

Sec. 15. Minnesota Statutes 2024, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. If ranked choice voting pursuant to chapter 204E is to be used, the notice must indicate the method of election to be used for the offices on the ballot. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

Sec. 16. Minnesota Statutes 2024, section 206.57, is amended by adding a subdivision to read:

Subd. 6a. **Required certification for ranked choice voting.** In addition to the requirements of this section, a voting system used to administer ranked choice voting under chapter 204E must provide a test lab report from a voting system test lab accredited by the Election Assistance Commission or other appropriate federal agency responsible for testing and certification of compliance with the federal voting systems guidelines at the time of submission of the application required by subdivision 1. The test lab report must show that the system is in conformity with voluntary voting system guidelines issued by the Election Assistance Commission or other appropriate federal agency.

Sec. 17. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

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

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

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

(3) keep data anonymous;

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

(5) be programmable to follow all other specifications of the ranked choice voting system or be compatible with automatic tabulating equipment or a software reallocation feature;

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

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

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

EFFECTIVE DATE. This section is effective upon certification by the secretary of state that equipment meeting the standards required by this section is available for purchase and implementation. The secretary of state must notify the revisor of statutes when this certification is made.

Sec. 18. Minnesota Statutes 2024, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

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

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

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

Sec. 19. **APPROPRIATION.**

$..... in fiscal year 2026 and $..... in fiscal year 2027 are appropriated from the general fund to the secretary of state for costs associated with implementation of this act.