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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

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 Statewide Ranked Choice Voting Implementation
1.4 Task Force; authorizing jurisdictions to adopt ranked choice voting for local offices;
1.5 establishing procedures for adoption, implementation, and use of ranked choice
1.6 voting for local jurisdictions; allowing local jurisdictions to use electronic voting
1.7 systems with a reallocation feature; authorizing rulemaking; requiring a report;
1.8 appropriating money; amending Minnesota Statutes 2022, sections 204B.35,
1.9 subdivision 1; 204C.19, by adding a subdivision; 204C.21, by adding a subdivision;
1.10 204C.24, subdivision 1; 204D.11, subdivision 1; 205.13, subdivision 2; 206.57,
1.11 subdivision 6; 206.58, subdivision 1; 206.83; 211A.02, subdivision 1; proposing
1.12 coding for new law in Minnesota Statutes, chapter 206; proposing coding for new
1.13 law as Minnesota Statutes, chapter 204E.

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

1.15 ARTICLE 1
1.16 STATEWIDE RANKED CHOICE VOTING IMPLEMENTATION TASK FORCE;
1.17 APPROPRIATION

1.18 Section 1. STATEWIDE RANKED CHOICE VOTING IMPLEMENTATION TASK
1.19 FORCE.

1.20 Subdivision 1. Scope. A Statewide Ranked Choice Voting Implementation Task Force
1.21 is established. The purpose of the task force is to engage election officials and recommend
1.22 statewide standards for ranked choice voting tabulation and reporting processes for
1.23 implementation at the 2026 state general election and thereafter.

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

1.25 (1) the secretary of state;

- 2.1 (2) three representatives of counties, appointed by the Minnesota Association of County  
2.2 Officers, as follows:
- 2.3 (i) one representative from the seven-county metropolitan area;  
2.4 (ii) one representative from outside the seven-county metropolitan area; and  
2.5 (iii) one representative from a jurisdiction that has implemented ranked choice voting;
- 2.6 (3) three representatives of cities, appointed by the League of Minnesota Cities, as  
2.7 follows:
- 2.8 (i) one representative from the seven-county metropolitan area;  
2.9 (ii) one representative from outside the seven-county metropolitan area; and  
2.10 (iii) one representative from a jurisdiction that has implemented ranked choice voting;
- 2.11 (4) one member of the house of representatives appointed by the speaker of the house;  
2.12 (5) one member of the senate appointed by the majority leader of the senate;  
2.13 (6) one member of the house of representatives appointed by the minority leader of the  
2.14 house;
- 2.15 (7) one member of the senate appointed by the minority leader of the senate;  
2.16 (8) one representative appointed by the governing board of the League of Minnesota  
2.17 Voters;
- 2.18 (9) two representatives appointed by the governing board of Fair Vote Minnesota;  
2.19 (10) one representative appointed by the governing board of Clean Elections MN;  
2.20 (11) one representative of a labor union appointed by the governor;  
2.21 (12) one representative appointed by the Association of Minnesota Counties;  
2.22 (13) one representative appointed by the Council on Asian Pacific Minnesotans;  
2.23 (14) one representative appointed by the Minnesota Council on Latino Affairs;  
2.24 (15) one representative appointed by the Council for Minnesotans of African Heritage;  
2.25 (16) one representative appointed by the Indian Affairs Council;  
2.26 (17) one representative appointed by the Minnesota Council on Disability; and  
2.27 (18) one representative appointed by the Minnesota Commission of the Deaf, DeafBlind,  
2.28 and Hard of Hearing.

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

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

3.7 Subd. 3. **Organization.** (a) Appointments to the task force must be made no later than  
 3.8 August 1, 2023. No later than August 15, 2023, a designee appointed by the speaker of the  
 3.9 house must convene the first meeting of the task force. The task force must elect a chair  
 3.10 and other officers at the first meeting.

3.11 (b) The task force must meet at least monthly. Meetings of the task force must be open  
 3.12 to the public.

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

3.15 Subd. 5. **Reports.** By February 15, 2024, the task force must submit an initial report to  
 3.16 the chairs and ranking minority members of the legislative committees with jurisdiction  
 3.17 over elections. By January 15, 2025, the task force must submit a second report. The reports  
 3.18 must include:

3.19 (1) recommendations on the standards and rules needed for requirements and procedures  
 3.20 to implement statewide ranked choice voting in 2026;

3.21 (2) draft legislation to implement statewide ranked choice voting;

3.22 (3) identification of any educational needs for public awareness and training for election  
 3.23 officials, candidates, and the public;

3.24 (4) a summary of the status of current voting equipment across the state to conduct  
 3.25 ranked choice voting elections and recommendations for upgrading technology, where  
 3.26 necessary or prudent; and

3.27 (5) recommended appropriations required to implement statewide ranked choice voting,  
 3.28 including equipment and software, education, and training.

3.29 Subd. 6. **Sunset.** The task force expires June 30, 2027.

3.30 Subd. 7. **Appropriation.** \$..... in fiscal year 2024 is appropriated from the general fund  
 3.31 to the Legislative Coordinating Commission to support the work of the Statewide Ranked

4.1 Choice Voting Implementation Task Force. This appropriation is available until June 30,  
 4.2 2027.

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

## 4.6 **ARTICLE 2**

### 4.7 **RANKED CHOICE VOTING IMPLEMENTATION**

#### 4.8 Section 1. **[204E.01] APPLICABILITY.**

4.9 This chapter applies to all elections expressly required or authorized by law to use ranked  
 4.10 choice voting. All other provisions of the Minnesota Election Law also apply, to the extent  
 4.11 they are not inconsistent with this chapter.

#### 4.12 Sec. 2. **[204E.02] DEFINITIONS.**

4.13 Subdivision 1. **Scope.** The definitions in this section apply to this chapter and have the  
 4.14 following meanings given.

4.15 Subd. 2. **Active candidate.** "Active candidate" means any candidate who has not been  
 4.16 defeated, elected, or is not a withdrawn candidate.

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

4.19 Subd. 4. **Cast vote record.** "Cast vote record" means the tabulatable record of all votes  
 4.20 produced by a single voter in one voting session.

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

4.23 Subd. 6. **Inactive ballot.** "Inactive ballot" means a ballot that does not count for any  
 4.24 candidate in a given round of tabulation for any of the reasons set out in section 204E.06  
 4.25 or 204E.07.

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

4.28 Subd. 8. **Local election official.** "Local election official" means the county auditor or  
 4.29 municipal clerk responsible for duties related to election administration in the applicable  
 4.30 jurisdiction.

5.1 Subd. 9. **Mathematically impossible to be elected.** "Mathematically impossible to be  
5.2 elected" means:

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

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

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

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

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

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

5.20 Subd. 14. **Ranked choice voting tabulation center.** "Ranked choice voting tabulation  
5.21 center" means the place selected for the automatic or manual processing and tabulation of  
5.22 ballots.

5.23 Subd. 15. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to  
5.24 express the voter's preference for that candidate. Ranking number one is the highest ranking.  
5.25 A ranking of lower numerical value indicates a greater preference for a candidate than a  
5.26 ranking of higher numerical value.

5.27 Subd. 16. **Round.** "Round" means an instance of the sequence of voting tabulation steps  
5.28 established in section 204E.06 or 204E.07.

5.29 Subd. 17. **Single-seat election.** Single-seat election means an election in which one seat  
5.30 in an office is to be filled from a single set of candidates on the ballot.

5.31 Subd. 18. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank  
5.32 and ranks a candidate at a subsequent ranking.

6.1 Subd. 19. **Surplus.** "Surplus" means the total number of votes cast for an elected  
 6.2 candidate in excess of the threshold.

6.3 Subd. 20. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion  
 6.4 of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated  
 6.5 by dividing the surplus by the total votes cast for the elected candidate, calculated to four  
 6.6 decimal places, ignoring any remainder.

6.7 Subd. 21. **Threshold.** "Threshold" means the number of votes sufficient for a candidate  
 6.8 to be elected. In any given single-seat election, the threshold equals the total votes counted,  
 6.9 during that tabulation round, excluding inactive ballots, divided by two, then adding one.  
 6.10 In any given multiple-seat election, the threshold equals the total votes counted in the first  
 6.11 round after removing defective ballots, divided by the sum of one plus the number of offices  
 6.12 to be filled and adding one to the quotient, disregarding any fractions.

6.13 Subd. 22. **Totally defective ballot.** "Totally defective ballot" means a ballot that is  
 6.14 defective to the extent that election judges are unable to determine the voter's intent for any  
 6.15 office on the ballot.

6.16 Subd. 23. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred  
 6.17 ballot will contribute to the next ranked continuing candidate on that ballot. The transfer  
 6.18 value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction  
 6.19 of each vote by its current value, calculated to four decimal places, ignoring any remainder.  
 6.20 The transfer value of a vote cast for a defeated candidate is the same as its current value.

6.21 Subd. 24. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote  
 6.22 for a candidate who has been either elected or defeated.

6.23 Subd. 25. **Undervote.** "Undervote" means a voter did not rank any candidates for an  
 6.24 office.

6.25 Sec. 3. **[204E.03] STATEWIDE IMPLEMENTATION OF RANKED CHOICE**  
 6.26 **VOTING; AUTHORIZATION FOR LOCAL ADOPTION.**

6.27 Subdivision 1. **Application to federal and state offices.** The ranked choice voting  
 6.28 procedure established in this chapter must be the method used to nominate and elect  
 6.29 candidates for federal offices, state constitutional offices, and the legislature at every regular  
 6.30 or special primary or general election conducted in the state effective 2026. To the extent  
 6.31 a conflict exists between this chapter and another provision of the Minnesota Election Law  
 6.32 pertaining to the process of casting or counting votes at an election at which ranked choice  
 6.33 voting is used, this chapter prevails.

7.1 Subd. 2. **Local authorization.** (a) The following political subdivisions may adopt, in  
 7.2 the manner provided in this section, ranked choice voting as a method of voting for local  
 7.3 offices within the political subdivision effective July 1, 2023:

7.4 (1) home rule charter or statutory cities;

7.5 (2) counties; and

7.6 (3) school districts.

7.7 (b) A jurisdiction that adopts ranked choice voting may do so by adopting an ordinance  
 7.8 or resolution or by a ballot question presented to the voters. The ranked choice voting method  
 7.9 may be repealed by one of the same methods provided for adoption.

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

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

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

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

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

7.24 **Sec. 4. [204E.04] BALLOTS.**

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

7.28 (b) A ballot must:

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

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

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

8.2 (c) A jurisdiction may use ballots compatible with alphanumeric character recognition  
8.3 voting equipment.

8.4 Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked choice  
8.5 voting is used in addition to other methods of voting, the ranked choice voting and nonranked  
8.6 choice voting elections must be on the same ballot card if possible, with ranked choice  
8.7 voting and nonranked choice voting portions clearly separated on the ballot card. A separate  
8.8 ballot card may be used if necessary. A jurisdiction may deviate from the standard ballot  
8.9 order of offices to allow separation of ranked choice voting and nonranked choice voting  
8.10 elections.

8.11 Subd. 3. **Ballot format rules.** After a voting mechanism has been selected, the local  
8.12 election official must adopt the necessary procedures for that ballot format, consistent with  
8.13 this section.

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

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

8.20 Subd. 2. **Write-in votes.** A candidate for local office who wants write-in votes to be  
8.21 counted as votes for the candidate must file a written request with the local election official  
8.22 no later than seven days before the general or special election. The local election official  
8.23 shall provide copies of the form to make the request.

8.24 Subd. 3. **Precinct tabulation.** When the hours for voting have ended and all voting has  
8.25 concluded, the election judges in each precinct must record and publicly declare the number  
8.26 of votes cast at each ranking on the ballot, to the extent practicable. The election judges  
8.27 must then securely transfer all electronic voting data and ballots from the precinct to the  
8.28 ranked choice voting tabulation center designated under this section. Upon receipt at the  
8.29 ranked choice voting tabulation center, all electronic voting data and ballots must be secured.

8.30 Subd. 4. **Notice of recess in count.** At any time following receipt of materials under  
8.31 subdivision 3, the local election official may declare a recess. Notice of the recess must  
8.32 include the date, time, and location at which the process of recording and tabulating votes



9.1 will resume and the reason for the recess. Notice must be posted on the local jurisdiction's  
9.2 official bulletin board and on the door of the ranked choice voting tabulation center.

9.3 Subd. 5. **Recording write-in votes.** At a time set by the local election official, the judges  
9.4 and any other election officials designated by the local election official shall convene at the  
9.5 ranked choice voting tabulation center to examine ballots on which voters have indicated  
9.6 a write-in choice and record the names and number of votes received by each declared  
9.7 write-in candidate. The number of votes received by undeclared write-in candidates will be  
9.8 recorded as a group by office.

9.9 Subd. 6. **Ranked choice vote tabulation.** After all votes have been recorded, and at a  
9.10 time set by the local election official, the process of tabulating votes cast for offices to be  
9.11 elected using the ranked choice method must begin. The counting must continue until  
9.12 preliminary results for all races are determined, subject to subdivision 4.

9.13 Sec. 6. **[204E.06] TABULATION OF VOTES; SINGLE-SEAT ELECTIONS.**

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

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

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

9.31 (1) the number of votes cast for each candidate, as indicated by the highest continuing  
9.32 ranking on each ballot, must be counted. If a candidate, other than an undeclared write-in  
9.33 candidate, has a vote total that is equal to or greater than the threshold, that candidate is

10.1 declared elected and the tabulation is complete. If no candidate, other than an undeclared  
10.2 write-in candidate, has a vote total that is equal to or greater than the threshold, a new round  
10.3 begins and the tabulation must continue as described in clause (2);

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

10.13 (3) the candidate with the fewest votes is defeated. Votes for the defeated candidate  
10.14 must be transferred to each ballot's next-ranked continuing candidate, except votes for  
10.15 candidates defeated in the final round are not transferred if, by their defeat, the number of  
10.16 continuing candidates is reduced to one. Ties between candidates with the fewest votes must  
10.17 be resolved by lot by the local election official. The candidate chosen by lot must be defeated.  
10.18 The result of the tie resolution must be recorded and reused in the event of a recount;

10.19 (4) the procedures in clauses (1) to (3) must be repeated until one candidate reaches the  
10.20 threshold. In the case of a tie between two or more continuing candidates, the tie must be  
10.21 resolved by lot by the local election official. The result of the tie resolution must be recorded  
10.22 and reused in the event of a recount. A tied candidate chosen by lot must be defeated. When  
10.23 only one continuing candidate remains after a tie has been resolved by lot by the local  
10.24 election official, that continuing candidate must be elected and the votes of the tied candidate  
10.25 chosen by lot will be retained; and

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

11.1 **Sec. 7. [204E.07] TABULATION OF VOTES; MULTIPLE-SEAT ELECTIONS.**

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

11.6 (b) A first ranked choice tabulation shall be done under this paragraph before a tabulation  
11.7 as described in paragraph (c). A first ranked choice tabulation will consist of a first round  
11.8 only. Under the first ranked choice tabulation, the vote total will be the sum of the number  
11.9 one ranked votes. The maximum possible threshold must be determined. If the number of  
11.10 candidates, other than any undeclared or declared write-in candidate, whose vote total is  
11.11 equal to or greater than the maximum possible threshold is equal to the number of seats to  
11.12 be filled, those candidates are declared elected and the tabulation is complete. If the number  
11.13 of candidates, other than any undeclared or declared write-in candidate, whose vote total is  
11.14 equal to or greater than the maximum possible threshold is less than the number of seats to  
11.15 be filled, a tabulation, as described in paragraph (c), shall be done.

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

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

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

11.29 (3) the candidate with the largest surplus is declared elected and that candidate's surplus  
11.30 is transferred. A tie between two or more candidates must be resolved by lot by the local  
11.31 election official. The surplus of the candidate chosen by lot must be transferred before other  
11.32 transfers are made. The result of the tie resolution must be recorded and reused in the event  
11.33 of a recount. The transfer value of each vote cast for an elected candidate must be transferred  
11.34 to the next continuing candidate on that ballot. If no candidate has a surplus, the tabulation

12.1 must continue as described in clause (4). Otherwise, the tabulation must continue as described  
 12.2 in clause (1);

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

12.10 (5) the procedures in clauses (1) to (4) must be repeated until the number of candidates  
 12.11 whose vote total is equal to or greater than the threshold is equal to the number of seats to  
 12.12 be filled, or until the number of continuing candidates is equal to the number of seats yet  
 12.13 to be filled. If the number of continuing candidates is equal to the number of seats yet to be  
 12.14 filled, any remaining continuing candidates must be declared elected. In the case of a tie  
 12.15 between two or more continuing candidates, the tie must be resolved by lot by the local  
 12.16 election official. The result of the tie resolution must be recorded and reused in the event  
 12.17 of a recount. Candidates defeated under this clause in the final round will retain their votes;  
 12.18 and

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

12.26 **Sec. 8. [204E.08] REPORTING RESULTS.**

12.27 (a) Each precinct must print a precinct summary statement, which must include the  
 12.28 number of first choices cast for each candidate in that precinct.

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

12.31 (1) total votes cast;

12.32 (2) number of undervotes;

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

- 13.1 (4) threshold calculation;  
 13.2 (5) total first choice rankings for all candidates;  
 13.3 (6) round-by-round tabulation results, including simultaneous batch eliminations, surplus  
 13.4 transfers if applicable, and defeated candidate transfers; and  
 13.5 (7) exhausted ballots at each round.

13.6 (c) In jurisdictions where ballots are scanned and recorded electronically, the local  
 13.7 election official must provide an electronically available spreadsheet of the cast vote record.

13.8 (d) The election abstract must include the information required in the ranked choice  
 13.9 voting tabulation center summary statement, with the addition of the number of registered  
 13.10 voters by precinct, the number of same-day voter registrations, and the number of absentee  
 13.11 voters.

13.12 **Sec. 9. [204E.09] RECOUNTS.**

13.13 (a) A candidate defeated in the final round of tabulation may request a recount as provided  
 13.14 in section 204C.36.

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

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

13.25 **Sec. 10. [204E.10] POSTELECTION REVIEW.**

13.26 Subdivision 1. **Selection of test date; notice.** At the canvass, the local election official  
 13.27 must select by lot the offices and precincts to be reviewed and set the date, time, and place  
 13.28 for the postelection review. Postelection review is not required for a hand count election.

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

14.1 Subd. 3. **Single-seat test.** At the canvass, the local election official shall select, by lot,  
14.2 a total of two precincts in the selected election. Using the actual ballots cast in the precinct  
14.3 selected, the judges of the election shall conduct a hand count of ballots cast.

14.4 Subd. 4. **Multiple-seat test.** At the canvass, the local election official shall select, by  
14.5 lot, a total of two precincts in the selected election. Using the actual ballots cast in the  
14.6 precinct selected, the judges of the election shall conduct a hand count of ballots cast.

14.7 Subd. 5. **Standard of acceptable performance by voting system.** A comparison of the  
14.8 results compiled by the voting system with the results compiled by the judges of the election  
14.9 performing the hand count must show that the results of the electronic voting system differed  
14.10 by no more than the applicable percentage threshold, as provided by section 204C.36, from  
14.11 the hand count of the sample tested. Valid votes that have been marked by the voter outside  
14.12 the vote targets or using a manual marking device that cannot be read by the voting system  
14.13 must not be included in making the determination whether the voting system has met the  
14.14 standard of acceptable performance.

14.15 Subd. 6. **Additional review if needed.** An additional review is required as follows:

14.16 (1) if a test reveals a difference greater than the applicable percentage threshold, as  
14.17 provided by section 204C.36, in at least one precinct of an office, the local election official  
14.18 must immediately, publicly select by lot two additional precincts of the same office for  
14.19 review. The additional precinct review must be completed within two days after the precincts  
14.20 are selected and the results immediately reported to the county auditor; and

14.21 (2) if the additional precinct review also indicates a difference in the vote totals that is  
14.22 greater than the applicable percentage threshold, as provided by section 204C.36, in at least  
14.23 one additional precinct of an office, the local election official must conduct a review of the  
14.24 ballots from all the remaining precincts in the office being reviewed. This review must be  
14.25 completed no later than two weeks after the canvass.

14.26 Subd. 7. **Report of results.** Upon completion of the postelection review, the local election  
14.27 official must immediately report the results to the county auditor and make those results  
14.28 public.

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

14.32 Subd. 9. **Effect on voting systems.** If a voting system is found to have failed to record  
14.33 votes accurately and in the manner provided by this chapter, the voting system may not be

15.1 used at another election until it has been approved for use by the county auditor, pursuant  
15.2 to section 206.58. In addition, the county auditor may order the city to conduct a hand  
15.3 recount of all ballots cast in the election.

15.4 Sec. 11. [204E.11] RULES.

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

### 15.7 ARTICLE 3

### 15.8 CONFORMING CHANGES

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

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

15.13 Sec. 2. Minnesota Statutes 2022, section 204C.19, is amended by adding a subdivision to  
15.14 read:

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

15.18 Sec. 3. Minnesota Statutes 2022, section 204C.21, is amended by adding a subdivision to  
15.19 read:

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

15.23 Sec. 4. Minnesota Statutes 2022, section 204C.24, subdivision 1, is amended to read:

15.24 Subdivision 1. **Information requirements.** Precinct summary statements shall be  
15.25 submitted by the election judges in every precinct. For all elections, the election judges  
15.26 shall complete three or more copies of the summary statements, and each copy shall contain  
15.27 the following information for each kind of ballot:

16.1 (1) the number of ballots delivered to the precinct as adjusted by the actual count made  
 16.2 by the election judges, the number of unofficial ballots made, and the number of absentee  
 16.3 ballots delivered to the precinct;

16.4 (2) the number of votes each candidate received or the number of yes and no votes on  
 16.5 each question, the number of undervotes, the number of overvotes, and the number of  
 16.6 defective ballots with respect to each office or question;

16.7 (3) the number of spoiled ballots, the number of duplicate ballots made, the number of  
 16.8 absentee ballots rejected, and the number of unused ballots, presuming that the total count  
 16.9 provided on each package of unopened prepackaged ballots is correct;

16.10 (4) the number of individuals who voted at the election in the precinct which must equal  
 16.11 the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86,  
 16.12 subdivision 1;

16.13 (5) the number of voters registering on election day in that precinct; ~~and~~

16.14 (6) the signatures of the election judges who counted the ballots certifying that all of the  
 16.15 ballots cast were properly piled, checked, and counted; and that the numbers entered by the  
 16.16 election judges on the summary statements correctly show the number of votes cast for each  
 16.17 candidate and for and against each question; and

16.18 (7) in the case of a ranked choice voting election, any additional information required  
 16.19 by section 204E.08.

16.20 At least two copies of the summary statement must be prepared for elections not held  
 16.21 on the same day as the state elections.

16.22 Sec. 5. Minnesota Statutes 2022, section 204D.11, subdivision 1, is amended to read:

16.23 Subdivision 1. **State general election ballot; rules.** The names of the candidates for all  
 16.24 state and federal offices, all proposed constitutional amendments, all county offices and  
 16.25 questions, and all judicial offices voted on at the state general election shall be placed on a  
 16.26 single ballot that shall be known as the "state general election ballot." This ballot shall be  
 16.27 prepared by the county auditor subject to the requirements of chapter 204E and the rules of  
 16.28 the secretary of state. The secretary of state shall adopt rules for preparation and time of  
 16.29 delivery of the state general election ballot.



17.1 Sec. 6. Minnesota Statutes 2022, section 205.13, subdivision 2, is amended to read:

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

17.10 Sec. 7. Minnesota Statutes 2022, section 206.57, subdivision 6, is amended to read:

17.11 Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a  
17.12 vendor of a voting system must be certified by an independent testing authority obtain a  
17.13 test report from a voting system test lab accredited by the Election Assistance Commission  
17.14 or appropriate federal agency responsible for testing and certification of compliance with  
17.15 the federal voting systems guidelines at the time of submission of the application required  
17.16 by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the  
17.17 Election Assistance Commission or other previously referenced agency. The application  
17.18 must be accompanied by the certification test report of the voting systems test laboratory.  
17.19 A certification test report under this section from an independent testing authority accredited  
17.20 by the Election Assistance Commission or other previously referenced agency meets the  
17.21 requirement of Minnesota Rules, part 8220.0350, item L. A vendor must provide a copy of  
17.22 the source code for the voting system to the secretary of state. A chair of a major political  
17.23 party or the secretary of state may select, in consultation with the vendor, an independent  
17.24 third-party evaluator to examine the source code to ensure that it functions as represented  
17.25 by the vendor and that the code is free from defects. A major political party that elects to  
17.26 have the source code examined must pay for the examination. Except as provided by this  
17.27 subdivision, a source code that is trade secret information must be treated as nonpublic  
17.28 information, according to section 13.37. A third-party evaluator must not disclose the source  
17.29 code to anyone else.

17.30 Sec. 8. Minnesota Statutes 2022, section 206.58, subdivision 1, is amended to read:

17.31 Subdivision 1. **Municipalities.** (a) The governing body of a municipality, at a regular  
17.32 meeting or at a special meeting called for the purpose, may provide for the use of an  
17.33 electronic voting system in one or more precincts and at all elections in the precincts, subject

18.1 to approval by the county auditor. The governing body shall disseminate information to the  
 18.2 public about the use of a new voting system at least 60 days prior to the election and shall  
 18.3 provide for instruction of voters with a demonstration voting system in a public place for  
 18.4 the six weeks immediately prior to the first election at which the new voting system will be  
 18.5 used.

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

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

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

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

18.16 **Sec. 9. [206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

18.17 Any new voting system purchased for use in Minnesota for the purpose of replacing a  
 18.18 voting system must have the ability to:

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

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

18.22 (3) keep data anonymous;

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

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

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

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

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

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

19.4 Sec. 10. Minnesota Statutes 2022, section 206.83, is amended to read:

19.5 **206.83 TESTING OF VOTING SYSTEMS.**

19.6 (a) Within 14 days before election day, the official in charge of elections shall have the  
19.7 voting system tested to ascertain that the system will correctly mark ballots using all methods  
19.8 supported by the system, including ranked choice voting if applicable, and through assistive  
19.9 technology, and count the votes cast for all candidates and on all questions. Public notice  
19.10 of the time and place of the test must be given at least two days in advance by publication  
19.11 once in official newspapers. The test must be observed by at least two election judges, who  
19.12 are not of the same major political party, and must be open to representatives of the political  
19.13 parties, candidates, the press, and the public. The test must be conducted by (1) processing  
19.14 a preaudited group of ballots punched or marked to record a predetermined number of valid  
19.15 votes for each candidate and on each question, and must include for each office one or more  
19.16 ballot cards which have votes in excess of the number allowed by law in order to test the  
19.17 ability of the voting system tabulator and electronic ballot marker to reject those votes; and  
19.18 (2) processing an additional test deck of ballots marked using the electronic ballot marker  
19.19 for the precinct, including ballots marked using the electronic ballot display, audio ballot  
19.20 reader, and any assistive voting technology used with the electronic ballot marker. If an  
19.21 election is to be conducted using ranked choice voting, the equipment must also be tested  
19.22 to ensure that each ranking for each candidate is recorded properly.

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

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

19.27 Sec. 11. Minnesota Statutes 2022, section 211A.02, subdivision 1, is amended to read:

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

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

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

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

20.9 (3) 30 days after a general or special election.

## 20.10 ARTICLE 4

### 20.11 APPROPRIATION FOR LOCAL GOVERNMENTS

#### 20.12 Section 1. RANKED CHOICE VOTING GRANTS.

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

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

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

20.17 Subd. 2. Application. (a) The secretary of state may make a grant to a political  
 20.18 subdivision only after receiving an application from the political subdivision. The application  
 20.19 must contain:

20.20 (1) the date the application is submitted;

20.21 (2) the name of the political subdivision;

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

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

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

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

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

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

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

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

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

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

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

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