

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2270

(SENATE AUTHORS: MORRISON, Mohamed, Port and Hauschild)		
DATE	D-PG	OFFICIAL STATUS
03/01/2023	1190	Introduction and first reading
		Referred to Elections
03/13/2023		Comm report: To pass as amended and re-refer to State and Local Government and Veterans

1.1A bill for an act

1.2relating to elections; providing for ranked choice voting in elections for federal

1.3and state offices; establishing a Statewide Ranked Choice Voting Implementation

1.4Task Force; authorizing jurisdictions to adopt ranked choice voting for local offices;

1.5establishing procedures for adoption, implementation, and use of ranked choice

1.6voting for local jurisdictions; allowing local jurisdictions to use electronic voting

1.7systems with a reallocation feature; authorizing rulemaking; requiring a report;

1.8appropriating money; amending Minnesota Statutes 2022, sections 204B.35,

1.9subdivision 1; 204C.19, by adding a subdivision; 204C.21, by adding a subdivision;

1.10204C.24, subdivision 1; 204D.11, subdivision 1; 205.13, subdivision 2; 206.57,

1.11subdivision 6; 206.58, subdivision 1; 206.83; 211A.02, subdivision 1; proposing

1.12coding for new law in Minnesota Statutes, chapter 206; proposing coding for new

1.13law as Minnesota Statutes, chapter 204E.

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

1.15ARTICLE 1

1.16STATEWIDE RANKED CHOICE VOTING IMPLEMENTATION TASK FORCE;

1.17APPROPRIATION

1.18Section 1. STATEWIDE RANKED CHOICE VOTING IMPLEMENTATION TASK

1.19FORCE.

1.20Subdivision 1. Scope. A Statewide Ranked Choice Voting Implementation Task Force

1.21is established. The purpose of the task force is to engage election officials and recommend

1.22statewide standards for ranked choice voting tabulation and reporting processes for

1.23implementation at the 2026 state general election and thereafter.

1.24Subd. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2

RANKED CHOICE VOTING IMPLEMENTATION

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

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

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

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

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

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

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

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

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

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

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

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.

Subd. 5. Recording write-in votes. At a time set by the local election official, the judges and any other election officials designated by the 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 declared write-in candidate. The number of votes received by undeclared write-in candidates will be recorded as a group by office.

Subd. 6. Ranked choice vote tabulation. After all votes have been recorded, and at a time set by the 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 4.

Sec. 6. [204E.06] TABULATION OF VOTES; SINGLE-SEAT 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 number one ranked votes. 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, a tabulation, as described in paragraph (c), shall be done.

(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

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any new voting system purchased for use in Minnesota for the purpose of replacing a voting system 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 as provided in section 206.58;

(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 duplicate 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.

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

206.83 TESTING OF VOTING SYSTEMS.

(a) Within 14 days before election day, 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. 11. Minnesota Statutes 2022, section 211A.02, subdivision 1, is amended to read:

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

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

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

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

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

ARTICLE 4

APPROPRIATION FOR LOCAL GOVERNMENTS

Section 1. RANKED CHOICE VOTING GRANTS.

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

(1) equipment upgrades and associated professional consulting; and

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

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

(1) the date the application is submitted;

(2) the name of the political subdivision;

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

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

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

(6) the total amount of the grant requested, itemized by the purposes for which the grant 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.