

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2270

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DATE	D-PG	OFFICIAL STATUS
03/01/2023	1190	Introduction and first reading Referred to Elections
03/13/2023	1615a	Comm report: To pass as amended and re-refer to State and Local Government and Veterans
03/20/2023		Comm report: To pass as amended and re-refer to Elections

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.07, subdivision 3; 205.13, subdivision 2; 206.57,

1.11 subdivision 6; 206.58, subdivision 1; 206.83; 208.05; 211A.02, subdivision 1;

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

1.13 for new 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 and a

1.23 timetable for implementation in federal and state elections.

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

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

1.26 (2) the state election director;

- 2.1 (3) 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 (4) 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 (5) one member of the house of representatives appointed by the speaker of the house;
2.12 (6) one member of the senate appointed by the majority leader of the senate;
2.13 (7) one member of the house of representatives appointed by the minority leader of the
2.14 house;
- 2.15 (8) one member of the senate appointed by the minority leader of the senate;
- 2.16 (9) four representatives of community-based organizations with demonstrated experience
2.17 and interest in voting methods and election administration, appointed by the governor;
- 2.18 (10) one representative of a labor union appointed by the governor;
- 2.19 (11) three representatives appointed by the Association of Minnesota Counties, as follows:
- 2.20 (i) one representative from the seven-county metropolitan area; and
2.21 (ii) two representatives from outside the seven-county metropolitan area;
- 2.22 (12) one representative appointed by the Council on Asian Pacific Minnesotans;
2.23 (13) one representative appointed by the Minnesota Council on Latino Affairs;
2.24 (14) one representative appointed by the Council for Minnesotans of African Heritage;
2.25 (15) one representative appointed by the Indian Affairs Council;
2.26 (16) one representative appointed by the Minnesota Council on Disability; and
2.27 (17) one representative appointed by the Minnesota Commission of the Deaf, DeafBlind,
2.28 and Hard of Hearing.

3.1 The cochairs of the task force are encouraged to request the participation of at least two
 3.2 members of Minnesota's congressional delegation, or their designees, including one member
 3.3 of the United States House of Representatives and one member of the United States Senate.
 3.4 These 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 members appointed by the
 3.10 speaker of the house and the majority leader of the senate serve as cochairs.

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

3.13 (c) The task force is subject to chapter 13D.

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

3.16 Subd. 5. **Reports.** By February 15, 2024, January 15, 2025, February 15, 2026, and
 3.17 January 15, 2027, the task force must submit reports to the chairs and ranking minority
 3.18 members of the legislative committees with jurisdiction over elections. The report due by
 3.19 January 15, 2027, is the final report of the task force unless the task force, by majority vote,
 3.20 deems an earlier report to be the final report. Each report must include the following
 3.21 information or a statement that the task force has not reached agreement on an item:

3.22 (1) a recommended date for implementation of statewide ranked choice voting;

3.23 (2) recommendations on the standards and rules that would be needed for requirements
 3.24 and procedures to implement statewide ranked choice voting;

3.25 (3) draft legislation to implement statewide ranked choice voting;

3.26 (4) identification of any educational needs for public awareness and training for election
 3.27 officials, candidates, and the public, with a particular focus on communities with language
 3.28 barriers or new voters;

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

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

4.3 Subd. 6. **Sunset.** The task force expires June 30, 2027, or upon submission of the task
 4.4 force's final report, whichever is earlier.

4.5 Subd. 7. **Appropriation.** \$..... in fiscal year 2024 is appropriated from the general fund
 4.6 to the Legislative Coordinating Commission to support the work of the task force. This
 4.7 appropriation is available until June 30, 2027.

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

4.11 **ARTICLE 2**

4.12 **RANKED CHOICE VOTING IMPLEMENTATION**

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

4.14 This chapter applies to all elections conducted using ranked choice voting. Except as
 4.15 otherwise provided by this chapter, Minnesota election law applies to elections conducted
 4.16 using ranked choice voting.

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

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

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

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

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

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

4.30 Subd. 6. **Inactive ballot.** "Inactive ballot" means a ballot that does not count for any
 4.31 candidate in a given round of tabulation as provided in section 204E.06 or 204E.07.

5.1 Subd. 7. **Hand count election.** "Hand count election" means an election in which all
5.2 tabulation of ballots is done by hand, regardless of whether the ballots are cast in a polling
5.3 place or as absentee or mail ballots.

5.4 Subd. 8. **Highest continuing ranking.** "Highest continuing ranking" means the ranking
5.5 on a voter's ballot with the lowest numerical value for a continuing candidate.

5.6 Subd. 9. **Local election official.** "Local election official" means the county auditor or
5.7 municipal clerk responsible for duties related to election administration in the applicable
5.8 jurisdiction. Where more than one jurisdiction is involved, the local election in the jurisdiction
5.9 with a greater population is the local election official for the purpose of administering the
5.10 ranked choice voting election.

5.11 Subd. 10. **Mathematically impossible to be elected.** "Mathematically impossible to be
5.12 elected" means:

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

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

5.19 Subd. 11. **Maximum possible threshold.** "Maximum possible threshold" means the
5.20 number of votes sufficient for a candidate to be elected under a first ranked choice tabulation
5.21 under sections 204E.06 and 204E.07. Maximum possible threshold equals:

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

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

5.25 (3) adding one to the result; and

5.26 (4) with any fractions disregarded.

5.27 Subd. 12. **Multiple-seat election.** "Multiple-seat election" means an election in which
5.28 two or more seats in an office are to be filled from a single set of candidates on the ballot.

5.29 Subd. 13. **Overvote.** "Overvote" means a voter has ranked more than one candidate at
5.30 the same ranking.

6.1 Subd. 14. **Partially defective ballot.** "Partially defective ballot" means a ballot that is
6.2 defective to the extent that the election judges are unable to determine the voter's intent with
6.3 respect to the office being counted.

6.4 Subd. 15. **Political subdivision.** "Political subdivision" means a county, home rule
6.5 charter or statutory city, or school district.

6.6 Subd. 16. **Ranked choice voting.** "Ranked choice voting" means an election method in
6.7 which voters rank candidates for an office in order of their preference, with each vote
6.8 counting for the highest-ranked continuing candidate on each ballot until that candidate has
6.9 been elected or defeated as provided in this chapter.

6.10 Subd. 17. **Ranked choice voting tabulation center.** "Ranked choice voting tabulation
6.11 center" means the location where ballots are processed automatically or by hand and are
6.12 tabulated.

6.13 Subd. 18. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to
6.14 express the voter's preference for that candidate. Ranking number one is the highest ranking.
6.15 A ranking of lower numerical value indicates a greater preference for a candidate than a
6.16 ranking of higher numerical value.

6.17 Subd. 19. **Repeat candidate ranking.** "Repeat candidate ranking" means any ranking
6.18 except the first of a group of duplicate rankings.

6.19 Subd. 20. **Round.** "Round" means an instance of the sequence of voting tabulation steps
6.20 established in section 204E.06 or 204E.07.

6.21 Subd. 21. **Single-seat election.** Single-seat election means an election in which one seat
6.22 in an office is to be filled from a single set of candidates on the ballot.

6.23 Subd. 22. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank
6.24 and ranks a candidate at a subsequent ranking.

6.25 Subd. 23. **Surplus.** "Surplus" means the total number of votes cast for an elected
6.26 candidate in excess of the threshold.

6.27 Subd. 24. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion
6.28 of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated
6.29 by dividing the surplus by the total votes cast for the elected candidate, calculated to four
6.30 decimal places, ignoring any remainder.

6.31 Subd. 25. **Threshold.** "Threshold" means the number of votes sufficient for a candidate
6.32 to be elected. In any given single-seat election, the threshold equals: the total votes counted,

7.1 during that tabulation round, excluding inactive ballots; divided by two; then adding one;
 7.2 and disregarding any fractions. In any given multiple-seat election, the threshold equals:
 7.3 the total votes counted in the first round after removing defective ballots; divided by the
 7.4 sum of one plus the number of offices to be filled; adding one to the result; and disregarding
 7.5 any fractions.

7.6 Subd. 26. **Totally defective ballot.** "Totally defective ballot" means a ballot that is
 7.7 defective to the extent that election judges are unable to determine the voter's intent for any
 7.8 office on the ballot.

7.9 Subd. 27. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred
 7.10 ballot will contribute to the next ranked continuing candidate on that ballot. The transfer
 7.11 value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction
 7.12 of each vote by its current value, calculated to four decimal places, ignoring any remainder.
 7.13 The transfer value of a vote cast for a defeated candidate is the same as its current value.

7.14 Subd. 28. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote
 7.15 for a candidate who has been either elected or defeated.

7.16 Subd. 29. **Undervote.** "Undervote" means a voter did not rank any candidates for an
 7.17 office.

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

7.19 (a) After January 1, 2024, a political subdivision may adopt, in the manner provided in
 7.20 this section, ranked choice voting as a method of voting for local offices within the political
 7.21 subdivision.

7.22 (b) A political subdivision that adopts ranked choice voting may do so by adopting an
 7.23 ordinance or resolution, by a ballot question presented to the voters, or by amending the
 7.24 charter. The ranked choice voting method may be repealed by the same methods used for
 7.25 adoption.

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

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

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

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

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

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

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

8.13 (b) A ballot must:

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

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

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

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

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

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

8.28 Subdivision 1. **Tabulation of votes; generally.** The local election official must designate
8.29 one location to serve as the ranked choice voting tabulation center. If the tabulation includes
8.30 a manual count of physical ballots, the center must be accessible to the public for the purpose

9.1 of observing the vote tabulation. Tabulation of votes must be conducted as described in
9.2 sections 204E.06 and 204E.07.

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

9.7 Subd. 3. **Precinct tabulation.** When the hours for voting have ended and all voting has
9.8 concluded, the election judges in each precinct must record and publicly declare the number
9.9 of votes cast at each ranking on the ballot, to the extent practicable. The election judges
9.10 must then securely transfer all electronic voting data and ballots from the precinct to the
9.11 ranked choice voting tabulation center. Upon receipt at the ranked choice voting tabulation
9.12 center, all electronic voting data and ballots must be secured.

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

9.19 Subd. 5. **Ranked choice vote tabulation.** After all votes have been recorded, and at a
9.20 time set by the local election official, the process of tabulating votes cast for offices to be
9.21 elected using the ranked choice method must begin. The counting must continue until
9.22 preliminary results for all races are determined, subject to subdivision 6.

9.23 Subd. 6. **Notice of recess in count.** At any time following receipt of materials under
9.24 subdivision 3, the local election official may declare a recess. Notice of the recess must
9.25 include the date, time, and location at which the process of recording and tabulating votes
9.26 will resume and the reason for the recess. Notice must be posted on the local jurisdiction's
9.27 official bulletin board and on the door of the ranked choice voting tabulation center. During
9.28 any recess, all electronic voting data and ballots must be secured.

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

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

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

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

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

10.20 (2) at the beginning of the second round only, all candidates who did not file a request
10.21 as provided in section 204E.05, subdivision 2, and write-in candidates who did not file a
10.22 request as provided in section 204E.05, subdivision 2, must be defeated and all candidates
10.23 for whom it is mathematically impossible to be elected may be defeated simultaneously.
10.24 For third and subsequent rounds, the candidate with the fewest votes must be defeated and
10.25 all candidates for whom it is mathematically impossible to be elected may be defeated
10.26 simultaneously. Votes for the defeated candidates must be transferred to each ballot's
10.27 next-ranked continuing candidate, except votes for candidates defeated in the final round
10.28 are not transferred if, by their defeat, the number of continuing candidates is reduced to one.
10.29 If no candidate can be defeated under this clause, the tabulation must continue as described
10.30 in clause (3). Otherwise, the tabulation must continue as described in clause (4);

10.31 (3) the candidate with the fewest votes is defeated. Votes for the defeated candidate
10.32 must be transferred to each ballot's next-ranked continuing candidate, except votes for
10.33 candidates defeated in the final round are not transferred if, by their defeat, the number of
10.34 continuing candidates is reduced to one. Ties between candidates with the fewest votes must

11.1 be resolved by lot by the local election official. The candidate chosen by lot must be defeated.

11.2 The result of the tie resolution must be recorded and reused in the event of a recount;

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

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

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

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

11.18 (b) A first ranked choice tabulation shall be done under this paragraph before a tabulation
 11.19 as described in paragraph (c). A first ranked choice tabulation will consist of a first round
 11.20 only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked
 11.21 votes marked number one. The maximum possible threshold must be determined. If the
 11.22 number of candidates, other than any undeclared or declared write-in candidate, whose vote
 11.23 total is equal to or greater than the maximum possible threshold is equal to the number of
 11.24 seats to be filled, those candidates are declared elected and the tabulation is complete. If
 11.25 the number of candidates, other than any undeclared or declared write-in candidate, whose
 11.26 vote total is equal to or greater than the maximum possible threshold is less than the number
 11.27 of seats to be filled, additional rounds must be performed as provided in paragraph (c).

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

11.32 (1) the number of votes cast for each candidate for the current round must be counted.
 11.33 If the number of candidates, other than any undeclared write-in candidate, whose vote total

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

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

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

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

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

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

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

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

13.4 (b) The local election official must provide a tabulation summary statement of each
13.5 office with the following information:

13.6 (1) total votes cast;

13.7 (2) number of undervotes;

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

13.9 (4) threshold calculation;

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

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

13.13 (7) exhausted ballots at each round.

13.14 (c) In jurisdictions where ballots are scanned and recorded electronically, the local
13.15 election official must provide an electronically available spreadsheet of the cast vote record.
13.16 To the extent practicable, the spreadsheet must be in a format that is human-readable.

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

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

13.22 (a) A candidate defeated in the final round of tabulation may request a recount as provided
13.23 in section 204C.36, subdivision 1, to the extent applicable.

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

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

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

14.9 (e) A candidate must not request a recount until a winner is determined.

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

14.11 Subdivision 1. **Selection of test date; notice.** At the canvass, the local election official
14.12 must select by lot the offices and precincts to be reviewed and set the date, time, and place
14.13 for the postelection review, in accordance with section 206.89 and this section. Postelection
14.14 review is not required for a hand count election.

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

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

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

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

15.1 Subd. 4. **Standard of acceptable performance by voting system.** A comparison of the
15.2 results compiled by the voting system with the cast vote records compiled by the judges of
15.3 the election performing the hand count must show that the results of the electronic voting
15.4 system differed by no more than the applicable percentage provided in section 204C.36
15.5 from the hand count of the sample tested. Valid votes that have been marked by the voter
15.6 outside the vote targets or using a manual marking device that cannot be read by the voting
15.7 system must not be included in making the determination whether the voting system has
15.8 met the standard of acceptable performance.

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

15.10 (1) a test reveals a difference greater than the percentage threshold provided in section
15.11 204C.36 in at least one precinct of an office, the local election official must immediately,
15.12 publicly select by lot two additional precincts of the same office for review. The additional
15.13 precinct review must be completed within two days after the precincts are selected and the
15.14 results immediately reported to the county auditor; and

15.15 (2) the additional precinct review indicates a difference in the vote totals that is greater
15.16 than the applicable percentage threshold, as provided by section 204C.36, in at least one
15.17 additional precinct of an office, the local election official must conduct a review of the
15.18 ballots from all the remaining precincts in the office being reviewed.

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

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

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

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

15.31 Sec. 11. **[204E.11] RULES.**

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

16.1

ARTICLE 3

16.2

CONFORMING CHANGES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.13 Sec. 5. Minnesota Statutes 2022, section 204D.07, subdivision 3, is amended to read:

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

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

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

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

17.29 Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a
 17.30 vendor of a voting system must be certified by an independent testing authority obtain a
 17.31 test report from a voting system test lab accredited by the Election Assistance Commission

18.1 or appropriate federal agency responsible for testing and certification of compliance with
18.2 the federal voting systems guidelines at the time of submission of the application required
18.3 by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the
18.4 Election Assistance Commission or other previously referenced agency. The application
18.5 must be accompanied by the ~~certification~~ test report of the voting systems test laboratory.
18.6 A ~~certification~~ test report under this section from an independent testing authority accredited
18.7 by the Election Assistance Commission or other previously referenced agency meets the
18.8 requirement of Minnesota Rules, part 8220.0350, item L. A vendor must provide a copy of
18.9 the source code for the voting system to the secretary of state. A chair of a major political
18.10 party or the secretary of state may select, in consultation with the vendor, an independent
18.11 third-party evaluator to examine the source code to ensure that it functions as represented
18.12 by the vendor and that the code is free from defects. A major political party that elects to
18.13 have the source code examined must pay for the examination. Except as provided by this
18.14 subdivision, a source code that is trade secret information must be treated as nonpublic
18.15 information, according to section 13.37. A third-party evaluator must not disclose the source
18.16 code to anyone else.

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

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

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

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

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

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

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

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

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

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

19.8 (3) keep data anonymous;

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

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

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

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

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

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

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

19.22 **206.83 TESTING OF VOTING SYSTEMS.**

19.23 (a) Within 14 days before election day, the official in charge of elections shall have the
 19.24 voting system tested to ascertain that the system will correctly mark ballots using all methods
 19.25 supported by the system, including ranked choice voting if applicable, and through assistive
 19.26 technology, and count the votes cast for all candidates and on all questions. Public notice
 19.27 of the time and place of the test must be given at least two days in advance by publication
 19.28 once in official newspapers. The test must be observed by at least two election judges, who
 19.29 are not of the same major political party, and must be open to representatives of the political
 19.30 parties, candidates, the press, and the public. The test must be conducted by (1) processing

20.1 a preaudited group of ballots punched or marked to record a predetermined number of valid
 20.2 votes for each candidate and on each question, and must include for each office one or more
 20.3 ballot cards which have votes in excess of the number allowed by law in order to test the
 20.4 ability of the voting system tabulator and electronic ballot marker to reject those votes; and
 20.5 (2) processing an additional test deck of ballots marked using the electronic ballot marker
 20.6 for the precinct, including ballots marked using the electronic ballot display, audio ballot
 20.7 reader, and any assistive voting technology used with the electronic ballot marker. If an
 20.8 election is to be conducted using ranked choice voting, the equipment must also be tested
 20.9 to ensure that each ranking for each candidate is recorded properly.

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

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

20.14 Sec. 11. Minnesota Statutes 2022, section 208.05, is amended to read:

20.15 **208.05 STATE CANVASSING BOARD.**

20.16 The State Canvassing Board at its meeting on the date provided in section 204C.33 shall
 20.17 open and canvass the returns made to the secretary of state for presidential electors and
 20.18 alternates, prepare a statement of the number of votes cast for the persons receiving votes
 20.19 for these offices, and declare the person or persons receiving the highest number of votes
 20.20 for each office according to the tabulation procedure established in chapter 204E, if
 20.21 applicable, duly elected, except that if the Agreement Among the States to Elect the President
 20.22 by National Popular Vote governs the appointment of presidential electors, the State
 20.23 Canvassing Board shall declare duly elected the candidates for presidential elector and
 20.24 alternates identified in accordance with the provisions of that agreement. When it appears
 20.25 that more than the number of persons to be elected as presidential electors or alternates have
 20.26 the highest and an equal number of votes, the secretary of state, in the presence of the board
 20.27 shall decide by lot which of the persons shall be declared elected, except that if the Agreement
 20.28 Among the States to Elect the President by National Popular Vote governs the appointment
 20.29 of presidential electors, no such drawing of lots shall be conducted. The governor shall
 20.30 transmit to each person declared elected a certificate of election, signed by the governor,
 20.31 sealed with the state seal, and countersigned by the secretary of state. If the Agreement
 20.32 Among the States to Elect the President by National Popular Vote governs the appointment
 20.33 of presidential electors and the election of presidential electors in this state is determined
 20.34 by ranked choice voting, the final determination of the presidential vote count reported and

21.1 certified to the agreement's member states and to the federal government shall be the final
 21.2 round votes received by each slate of candidates for the offices of President and Vice
 21.3 President of the United States that received votes in the final round of statewide tabulation.

21.4 Sec. 12. Minnesota Statutes 2022, section 211A.02, subdivision 1, is amended to read:

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

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

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

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

21.18 (3) 30 days after a general or special election.

21.19 ARTICLE 4

21.20 APPROPRIATION FOR LOCAL GOVERNMENTS

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

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

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

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

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

21.29 (1) the date the application is submitted;

21.30 (2) the name of the political subdivision;

- 22.1 (3) the name and title of the individual who prepared the application;
- 22.2 (4) the type of voting system currently used in each precinct in the political subdivision
22.3 and whether the system's software functionality currently supports the implementation of
22.4 ranked choice voting;
- 22.5 (5) the total number of registered voters, as of the date of the application, in each precinct
22.6 in the political subdivision;
- 22.7 (6) the total amount of the grant requested, itemized by the purposes for which the grant
22.8 will be used;
- 22.9 (7) the total amount and source of the political subdivision's money to be used to match
22.10 a grant from the account;
- 22.11 (8) a certified statement by the political subdivision that the grant will be used only for
22.12 purposes authorized by this section; and
- 22.13 (9) any other information required by the secretary of state.
- 22.14 (b) The secretary of state must establish a deadline for receipt of grant applications, a
22.15 procedure for awarding and distributing grants, and a process for verifying the proper use
22.16 of the grants after distribution.
- 22.17 Subd. 3. **Amount of grant.** A local government is eligible to receive a grant of no more
22.18 than percent of the total cost of equipment upgrades and associated professional consulting
22.19 and percent of the total cost of public educational campaigns related to local use of ranked
22.20 choice voting. A local government may partner with and subgrant funding to third-party
22.21 entities to assist with a public education campaign. In evaluating the application, the secretary
22.22 of state shall consider only the information set forth in the application and is not subject to
22.23 Minnesota Statutes, chapter 14, including Minnesota Statutes, section 14.386. If the secretary
22.24 of state determines that the application has been fully and properly completed, and that there
22.25 are sufficient funds available to award the grant, either in whole or in part, the secretary of
22.26 state may approve the application.
- 22.27 Subd. 4. **Report to the legislature.** No later than January 15, 2025, and annually
22.28 thereafter until the appropriations provided for grants under this section have been exhausted,
22.29 the secretary of state must submit a report to the legislative committees with jurisdiction
22.30 over elections policy on grants awarded by this section. The report must detail each grant
22.31 awarded, including the jurisdiction, the amount of the grant, and the type of equipment
22.32 purchased.

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

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