

1.1 **Senator Carlson from the Committee on Elections, to which was referred**

1.2 **S.F. No. 3868:** A bill for an act relating to elections; providing for ranked choice voting;
 1.3 authorizing jurisdictions to adopt ranked choice voting for local offices; establishing
 1.4 procedures for adoption, implementation, and use of ranked choice voting for local
 1.5 jurisdictions; allowing local jurisdictions to use electronic voting systems with a reallocation
 1.6 feature; authorizing rulemaking; amending Minnesota Statutes 2022, sections 204B.35,
 1.7 subdivision 1; 204C.21, by adding a subdivision; 204D.07, subdivision 3; 205.13, subdivision
 1.8 2; 206.57, subdivision 6; 206.58, subdivision 1; 206.83; 211A.02, subdivision 1; proposing
 1.9 coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as
 1.10 Minnesota Statutes, chapter 204E.

1.11 Reports the same back with the recommendation that the bill be amended as follows:

1.12 Page 3, line 28, delete everything after "official" and insert "is presumed to be the county
 1.13 auditor if the county has adopted ranked choice voting. If an overlapping city and school
 1.14 district adopt ranked choice voting, the municipal clerk is presumed to be the ranked choice
 1.15 voting election official. Nothing in this subdivision prohibits overlapping jurisdictions from
 1.16 agreeing to an alternative ranked choice voting election official."

1.17 Page 3, delete lines 29 and 30

1.18 Page 5, after line 5, insert:

1.19 "Subd. 28. **Undeclared candidate.** "Undeclared candidate" means a candidate who does
 1.20 not file a request within the time required by section 204E.05, subdivision 4, for the
 1.21 candidate's write-in votes to be counted, and whose name does not otherwise appear on the
 1.22 ballot."

1.23 Page 5, line 9, after "2025," insert "or the adoption of administrative rules governing
 1.24 ranked choice voting by the secretary of state, whichever is later," and delete everything
 1.25 after "subdivisions"

1.26 Page 5, line 10, delete everything before "may"

1.27 Page 5, line 13, delete "and"

1.28 Page 5, line 14, after "districts" insert "; and" and delete the period

1.29 Page 5, after line 14, insert:

1.30 "(3) counties."

1.31 Page 5, line 17, delete everything after the period

1.32 Page 5, delete lines 18 to 20

1.33 Page 5, delete lines 23 to 25

1.34 Page 5, line 29, after "than" insert "20 weeks before the state primary or"

- 2.1 Page 5, line 30, after "election" insert "if the election is not held in conjunction with a
2.2 state primary or state general election"
- 2.3 Page 6, line 5, delete "30 days" and insert "four weeks"
- 2.4 Page 6, line 19, delete everything after the period and insert "A jurisdiction may not
2.5 deviate from the standard ballot order of federal offices, state offices, or state constitutional
2.6 amendments, but may deviate from the standard ballot order for other offices to allow
2.7 separation of ranked choice voting and nonranked choice voting elections."
- 2.8 Page 6, delete lines 20 to 22
- 2.9 Page 6, delete subdivision 3 and insert:
- 2.10 "Subd. 3. **Ballot format rules.** The secretary of state must adopt rules regarding ranked
2.11 choice voting ballot format, consistent with this section. Notwithstanding section 204B.36,
2.12 the rules adopted under this subdivision may provide a standard for ballot format that differs
2.13 from the standards required by that section."
- 2.14 Page 6, delete line 29
- 2.15 Page 6, line 30, delete everything before "If"
- 2.16 Page 7, delete subdivision 2 and insert:
- 2.17 "Subd. 2. **Precinct tabulation.** In an election where ranked choice voting is used, the
2.18 county auditor, municipal clerk, or school district clerk shall deliver one set of summary
2.19 statements; all spoiled ballots; and the envelopes containing the ballots to the ranked choice
2.20 voting tabulation center as soon as possible after the vote counting is completed and the
2.21 election judges have returned materials pursuant to section 204C.27."
- 2.22 Page 7, line 21, before "At" insert "(a)"
- 2.23 Page 7, line 25, delete "declared" and after "candidate" insert "who submits a request
2.24 as required by this subdivision"
- 2.25 Page 7, line 26, delete "subdivision 2 will" and insert "this subdivision must"
- 2.26 Page 7, after line 27, insert:
- 2.27 "(b) Notwithstanding section 204B.09, subdivision 3, a candidate for a city or school
2.28 district office whose election is governed by this chapter and who wants write-in votes for
2.29 the candidate to be counted must file a written request with the filing officer not more than
2.30 seven days before the election. The filing officer shall provide copies of the form to make

- 3.1 the request. The filing officer shall not accept a written request later than 5:00 p.m. on the
3.2 last day for filing a written request."
- 3.3 Page 8, line 26, delete everything after "only," and insert "all undeclared candidates"
- 3.4 Page 8, delete line 27
- 3.5 Page 8, line 28, delete "in subdivision 2"
- 3.6 Page 11, line 12, delete the second "a" and insert "an additional"
- 3.7 Page 11, line 24, delete "exhausted" and insert "inactive"
- 3.8 Page 11, line 27, after "record" insert ", consistent with the requirements of section
3.9 206.845" and delete everything after the period
- 3.10 Page 11, delete line 28
- 3.11 Page 11, line 29, delete everything after "to" and insert "applicable state statutes for the
3.12 election being held"
- 3.13 Page 11, line 30, delete "205.185"
- 3.14 Page 12, delete lines 16 and 17 and insert:
- 3.15 "(c) The secretary of state must adopt rules governing recounts conducted under this
3.16 section."
- 3.17 Page 12, line 20, delete "on" and insert "or"
- 3.18 Page 13, delete lines 16 to 24
- 3.19 Page 14, line 23, delete "may" and insert "must"
- 3.20 Page 14, line 30, after the period insert "If ranked choice voting pursuant to chapter
3.21 204E is to be used,"
- 3.22 Page 15, delete section 16 and insert:
- 3.23 "Sec. 16. Minnesota Statutes 2022, section 206.57, is amended by adding a subdivision
3.24 to read:
- 3.25 Subd. 6a. **Required certification for ranked choice voting.** In addition to the
3.26 requirements of this section, a voting system used to administer ranked choice voting under
3.27 chapter 204E must provide a test lab report from a voting system test lab accredited by the
3.28 Election Assistance Commission or other appropriate federal agency responsible for testing
3.29 and certification of compliance with the federal voting systems guidelines at the time of
3.30 submission of the application required by subdivision 1. The test lab report must show that

4.1 the system is in conformity with voluntary voting system guidelines issued by the Election
4.2 Assistance Commission or other appropriate federal agency."

4.3 Page 15, delete section 17

4.4 Page 16, line 10, after "Minnesota" insert "to administer ranked choice voting"

4.5 Page 16, line 18, delete "as"

4.6 Page 16, line 19, delete everything before the semicolon

4.7 Page 17, delete section 19 and insert:

4.8 "Sec. 18. Minnesota Statutes 2023 Supplement, section 206.83, is amended to read:

4.9 **206.83 TESTING OF VOTING SYSTEMS.**

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

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

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

4.32 Page 17, delete section 20

- 5.1 Renumber the subdivisions and sections in sequence
- 5.2 Amend the title numbers accordingly
- 5.3 And when so amended the bill do pass and be re-referred to the Committee on State and
- 5.4 Local Government and Veterans. Amendments adopted. Report adopted.

A handwritten signature in black ink that reads "Jim Carlson". The signature is written in a cursive, flowing style.

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(Committee Chair)

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5.8

February 22, 2024.....
(Date of Committee recommendation)