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S.F. No. 3868 - Authorizing ranked choice voting for cities and schools (as amended by the A-3 amendment)

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S.F. 3868 allows cities and school districts to adopt the use of ranked choice voting for local offices in elections that are not in conjunction with a state general election. If ranked choice voting is adopted, it must be conducted in the manner provided in the newly established chapter 204E.

Section 1 [§204B.35, subd. 1; Application] adds a cross-reference to the newly established chapter 204E in the statute about ballot preparation.

Section 2 [§204C.21, subd. 4; Ranked choice voting election] requires votes cast in a ranked choice voting election to be counted according to the procedures established in the newly established chapter 204E instead of pursuant to existing law.

Section 3 [§204D.07, subd. 3; Exception; certain nonpartisan candidate] provides that candidates in a nonpartisan ranked choice voting election must be omitted from the state and county primary ballot.

Section 4 [§204E.01; Applicability; authorized local adoption only] is the first section of several in the newly established chapter 204E, which authorizes ranked choice voting for local elections. Chapter 204E applies to all elections conducted using ranked choice voting. Except as otherwise provided, Minnesota election law applies to elections conducted using ranked choice voting.

Section 5 [§204E.02; Definitions] provides definitions for chapter 204E.

Section 6 [§204E.03; Authorization for local adoption] allows cities and school districts to adopt the use of ranked choice voting for local offices in elections that are not in conjunction with a state general election. Adoption must be after January 1, 2025, or after the secretary of state adopts administrative rules governing ranked choice voting, whichever is later. Ranked choice voting must

be conducted in the manner provided in chapter 204E. Ranked choice voting may be adopted by ordinance, resolution, charter amendment, or by ballot question.

Section 7 [§204E.04; Ballots in local ranked choice voting elections]

Subdivision 1 [Ballot format] establishes the ballot format for ranked choice voting elections. If there are three or more qualified candidates, a ballot must allow a voter to rank three candidates for each office and must also allow the voter to add write-in candidates. Specifies information that must be included on the ballot.

Subdivision 2 [Mixed-election method ballots] provides that if an election is held where both non-ranked choice voting and ranked choice voting are used, the same ballot must be used but the non-ranked choice voting and ranked choice voting portions must be separated.

Subdivision 3 [Ballot format rules] requires the secretary of state to adopt rules regarding ranked choice ballot format.

Section 8 [§204E.05; Local ranked choice voting tabulation center]

Subdivision 1 [Tabulation of votes; generally] requires the ranked choice voting local election official to designate one location to serve as the ranked choice voting tabulation center. If the tabulation includes a manual count of physical ballots, the center must be accessible for the public to observe.

Subdivision 2 [Precinct tabulation] requires the county auditor, municipal clerk, or school district clerk to deliver certain materials to the ranked choice voting tabulation center as soon as possible after the vote counting is completed and the election judges have returned election materials.

Subdivision 3 [Notice of recess in count] allows a ranked choice voting local election official to declare a recess any time following receipt of materials under subdivision 2. Notice of the recess must include specified information and must be posted as specified. All data and ballots must be secured during a recess.

Subdivision 4 [Recording write-in votes] election judges and other election officials designated by the ranked choice voting local election official must convene at the ranked choice voting tabulation center at a time set by the ranked choice voting local election official to count write-in votes. A candidate who wants write-in votes to be counted must file a request for votes to be counted not more than 7 days before the election.

Subdivision 5 [Ranked choice voting tabulation] requires that, at a time set by the ranked choice voting local election official, the process of tabulating votes cast for offices to be elected using ranked choice voting must begin after all the votes have been recorded. Counting must continue until preliminary results are determined, unless a recess is declared pursuant to subdivision 3.

Section 9 [§204E.06; Tabulation of votes; single-seat local ranked choice voting elections]

specifies the process to be used when ranked choice voting is used for an office in which one seat is to be filled. Provides the method for counting votes in the initial and subsequent rounds.

Section 10 [§204E.07; Tabulation of votes; multiple-seat elections] specifies the process to be used when ranked choice voting is used for an office in which two or more seats are to be filled. Provides the method for counting votes in the initial and subsequent rounds.

Section 11 [§204E.08; Local ranked choice voting elections; reporting results] requires each precinct to print a precinct summary statement which must include the number of first choice votes cast for each candidate. The local election official must provide a tabulation summary statement of each race that includes specified information. In jurisdictions where ballots are scanned and recorded electronically, the local election official must provide an electronic spreadsheet of the cast vote record. The canvassing board report must include specified information.

Section 12 [§204E.09; Local ranked choice election recounts] provides that a candidate defeated in the final round of tabulation may request a recount in the same manner as for non-ranked choice voting elections. Depending on the vote difference, the candidate may be required to pay for the recount. A candidate defeated in an earlier round may request a recount, at the candidate's expense. The secretary of state must adopt rules governing recounts conducted pursuant to this section. A recount may commence with the earliest tabulation round in which any requesting candidate was defeated on any prior round.

Section 13 [§204E.10; Local ranked choice elections; postelection review]

Subdivision 1 [Selection of test date; notice] requires the ranked choice voting local election official to select, by lot, the offices and precincts to be reviewed and set the date, time, and place for the postelection review at the canvass. Postelection review is not required for a hand count election.

Subdivision 2 [Scope and conduct of test] requires the postelection review to be conducted in public and review a sample of ballots cast for at least one single-seat and one multiple-seat election, if such an election occurred.

Subdivision 3 [Review] provides a method for determining the number of precincts to be reviewed. Requires the judges to use the actual ballots cast in each precinct selected and conduct a hand-count tabulation of how many ballots contain each combination of candidates across the rankings.

Subdivision 4 [Multiple-seat test] requires the ranked choice voting local election official to select, by lot, a total of two precincts in the selected election. Using the actual ballots cast, the judges must conduct a hand count of the ballots cast.

Subdivision 5 [Standard of acceptable performance by voting system] requires that the comparison of the results from the voting system and the results from the hand count show that the results of the electronic voting system differed by no more than the applicable recount percentage in current law.

Subdivision 6 [Additional review if needed] specifies when an additional review is required and provides a timeline.

Subdivision 7 [Report of results] provides that upon completion of the postelection review, the ranked choice voting local election official must immediately report the results to the county auditor and make the results available to the public.

Subdivision 8 [Update of vote totals] requires that if the postelection review results in a change in the number of votes counted for a candidate, the revised vote totals must be incorporated in the official results from those precincts.

Subdivision 9 [Effect on voting systems] provides that if a voting system is found to have failed to accurately record votes, the voting system must not be used at another election until it has been approved for use by the county auditor. The county auditor may order the city to conduct a hand recount of all ballots cast in the election.

Section 14 [§204E.11; Rules; Local option ranked choice voting] requires the secretary of state to adopt rules necessary to implement the requirements of chapter 204E.

Section 15 [§205.13, subd. 2] requires if ranked choice voting is to be used in an election, the notice of the filing period must include the method of election that will be used.

Section 16 [§206.57, subd. 6a; Required certification for ranked choice voting] provides that a voting system used to administer ranked choice voting must provide a test lab report from a lab accredited by the Election Assistance Commission. The report must show that the system is in conformity with voluntary voting system guidelines issued by the Commission.

Section 17 [§206.58, subd. 1; Municipalities] makes formatting changes.

Section 18 [§206.802; Electronic voting systems; purchasing] requires a voting system purchased to administer ranked choice voting to have specified capabilities. 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.

Section 19 [§206.83; Testing of voting systems] requires public accuracy testing to be conducted at least three days before voting equipment is used. The test must include ranked choice voting equipment, if applicable.

Section 20 [§211A.02, subd. 1; When and where filed by committee] amends the timing of candidate reports in jurisdictions where local primaries are not held because of ranked choice voting.