

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3868

(SENATE AUTHORS: MORRISON)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11637	Introduction and first reading Referred to Elections

1.1A bill for an act

1.2relating to elections; providing for ranked choice voting; authorizing jurisdictions

1.3to adopt ranked choice voting for local offices; establishing procedures for adoption,

1.4implementation, and use of ranked choice voting for local jurisdictions; allowing

1.5local jurisdictions to use electronic voting systems with a reallocation feature;

1.6authorizing rulemaking; amending Minnesota Statutes 2022, sections 204B.35,

1.7subdivision 1; 204C.21, by adding a subdivision; 204D.07, subdivision 3; 205.13,

1.8subdivision 2; 206.57, subdivision 6; 206.58, subdivision 1; 206.83; 211A.02,

1.9subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 206;

1.10proposing coding for new law as Minnesota Statutes, chapter 204E.

1.11BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.12Section 1. Minnesota Statutes 2022, section 204B.35, subdivision 1, is amended to read:

1.13Subdivision 1. **Application.** All ballots for every election shall be prepared in accordance

1.14with sections 204B.35 to 204B.44 and ~~chapter~~ chapters 204D and 204E, except for voting

1.15machine ballots or as otherwise provided by law.

1.16Sec. 2. Minnesota Statutes 2022, section 204C.21, is amended by adding a subdivision to

1.17read:

1.18Subd. 4. **Ranked choice voting election.** Notwithstanding the requirements of this

1.19section, the votes cast in a ranked choice voting election must be counted according to the

1.20procedures established in chapter 204E.

1.21Sec. 3. Minnesota Statutes 2022, section 204D.07, subdivision 3, is amended to read:

1.22Subd. 3. **Exception; certain nonpartisan candidate.** If not more than twice the number

1.23of individuals to be elected to a nonpartisan office file for the nomination, their names and

1.24the name of the office shall be omitted from the state and county nonpartisan primary ballot

and the candidates who filed shall be the nominees. For candidates in a nonpartisan ranked choice voting election, candidates shall be omitted from the state and county primary ballot.

Sec. 4. **[204E.01] APPLICABILITY; AUTHORIZED LOCAL ADOPTION ONLY.**

This chapter applies to all elections conducted using ranked choice voting as authorized by section 204E.03. Except as otherwise provided by this chapter, Minnesota election law applies to elections conducted using ranked choice voting.

Sec. 5. **[204E.02] DEFINITIONS.**

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

Subd. 2. **Active candidate.** "Active candidate" means any candidate who has not been defeated or elected and 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 aggregated votes produced by a single voter in one voting session. For ballots on which voters have indicated a write-in choice, the finalized cast vote record indicates whether the write-in choice was cast for one of the declared write-in candidates, and if so, which one.

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

Subd. 6. **Hand count election.** "Hand count election" means an election in which all tabulation of ballots is done by hand, regardless of whether the ballots are cast in a polling place or as absentee or mail ballots.

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

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

(1) the candidate cannot be elected because the candidate's surplus votes and current vote total plus the surplus votes and votes of all other candidates in the current round with

3.1 fewer votes or an equal number of votes would not be enough to surpass the candidate with
3.2 the next higher current vote total; or

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

3.5 Subd. 10. **Maximum possible threshold.** "Maximum possible threshold" means the
3.6 number of votes sufficient for a candidate to be elected under a first ranked choice tabulation
3.7 under sections 204E.06 and 204E.07. Maximum possible threshold equals:

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

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

3.11 (3) adding one to the result; and

3.12 (4) with any fractions disregarded.

3.13 Subd. 11. **Multiple-seat election.** "Multiple-seat election" means an election in which
3.14 two or more seats in an office are to be filled from a single set of candidates on the ballot.

3.15 Subd. 12. **Overvote.** "Overvote" means a voter has ranked more than one candidate at
3.16 the same ranking.

3.17 Subd. 13. **Partially defective ballot.** "Partially defective ballot" means a ballot that is
3.18 defective to the extent that the election judges are unable to determine the voter's intent with
3.19 respect to the office being counted.

3.20 Subd. 14. **Ranked choice voting.** "Ranked choice voting" means an election method in
3.21 which voters rank candidates for an office in order of their preference, with each vote
3.22 counting for the highest-ranked continuing candidate on each ballot until that candidate has
3.23 been elected or defeated as provided in this chapter.

3.24 Subd. 15. **Ranked choice voting local election official.** "Ranked choice voting local
3.25 election official" means the county auditor, school district clerk, or municipal clerk
3.26 responsible for duties related to election administration in the applicable jurisdiction. Where
3.27 more than one ranked choice voting election jurisdiction is involved, the ranked choice
3.28 voting local election official in the jurisdiction with a greater population is the ranked choice
3.29 voting local election official for the purpose of administering the ranked choice voting
3.30 election.

4.1 Subd. 16. **Ranked choice voting tabulation center.** "Ranked choice voting tabulation
4.2 center" means the location where ballots are processed automatically or by hand and are
4.3 tabulated.

4.4 Subd. 17. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to
4.5 express the voter's preference for that candidate. Ranking number one is the highest ranking.
4.6 A ranking of lower numerical value indicates a greater preference for a candidate than a
4.7 ranking of higher numerical value.

4.8 Subd. 18. **Repeat candidate ranking.** "Repeat candidate ranking" means a voter ranks
4.9 the same candidate at multiple rankings for the office being counted.

4.10 Subd. 19. **Round.** "Round" means an instance of the sequence of voting tabulation steps
4.11 established in section 204E.06 or 204E.07.

4.12 Subd. 20. **Single-seat election.** Single-seat election means an election in which one seat
4.13 in an office is to be filled from a single set of candidates on the ballot.

4.14 Subd. 21. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank
4.15 and ranks a candidate at a subsequent ranking.

4.16 Subd. 22. **Surplus.** "Surplus" means the total number of votes cast for an elected
4.17 candidate in excess of the threshold.

4.18 Subd. 23. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion
4.19 of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated
4.20 by dividing the surplus by the total votes cast for the elected candidate, calculated to four
4.21 decimal places, ignoring any remainder.

4.22 Subd. 24. **Threshold.** "Threshold" means the number of votes sufficient for a candidate
4.23 to be elected. In any given single-seat election, the threshold equals: the total votes counted,
4.24 during that tabulation round, excluding inactive ballots; divided by two; then adding one;
4.25 and disregarding any fractions. In any given multiple-seat election, the threshold equals:
4.26 the total votes counted in the first round after removing defective ballots; divided by the
4.27 sum of one plus the number of offices to be filled; adding one to the result; and disregarding
4.28 any fractions.

4.29 Subd. 25. **Totally defective ballot.** "Totally defective ballot" means a ballot that is
4.30 defective to the extent that election judges are unable to determine the voter's intent for any
4.31 office on the ballot.

4.32 Subd. 26. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred
4.33 ballot will contribute to the next ranked continuing candidate on that ballot. The transfer

value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction of each vote by its current value, calculated to four decimal places, ignoring any remainder. The transfer value of a vote cast for a defeated candidate is the same as its current value.

Subd. 27. Transferable vote. "Transferable vote" means a vote or a fraction of a vote for a candidate who has been either elected or defeated.

Subd. 28. Undervote. "Undervote" means a voter did not rank any candidates for an office.

Sec. 6. **[204E.03] AUTHORIZATION FOR LOCAL ADOPTION.**

(a) After January 1, 2025, the following political subdivisions conducting elections that are not in conjunction with a state general election may adopt, in the manner provided in this section, ranked choice voting as a method of voting for local offices within the political subdivision:

(1) home rule charter or statutory cities; and

(2) school districts.

(b) A jurisdiction that adopts ranked choice voting may do so by adopting an ordinance or resolution, by a ballot question presented to the voters, or by amending the charter. The ranked choice voting method may be repealed by the same methods used for adoption. If a home rule charter or statutory city or school district does not administer the election, the city or school district must enter into an agreement with the county or counties administering the city or school district election before adopting ranked choice voting.

(c) A home rule charter jurisdiction that adopts a ranked choice voting system in its charter may adopt this chapter by reference in an ordinance but is not required to do so. Nothing in this chapter prevents a home rule charter jurisdiction from adopting another voting method in its charter if the home rule charter jurisdiction elections are not held in conjunction with a state general election.

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

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

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

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

6.7 **Sec. 7. [204E.04] BALLOTS IN LOCAL RANKED CHOICE VOTING ELECTIONS.**

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

6.11 (b) A ballot must:

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

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

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

6.16 Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked choice
6.17 voting is used in addition to other methods of voting, the ranked choice voting and nonranked
6.18 choice voting elections must be on the same ballot card if possible, with ranked choice
6.19 voting and nonranked choice voting portions clearly separated. A jurisdiction that does not
6.20 conduct its election in conjunction with the state general election may deviate from the
6.21 standard ballot order of offices to allow separation of ranked choice voting and nonranked
6.22 choice voting elections.

6.23 Subd. 3. **Ballot format rules.** After a voting mechanism has been selected, the ranked
6.24 choice voting local election official must adopt the necessary procedures for that ballot
6.25 format, consistent with this section.

6.26 **Sec. 8. [204E.05] LOCAL RANKED CHOICE VOTING TABULATION CENTER.**

6.27 Subdivision 1. **Tabulation of votes; generally.** The ranked choice voting local election
6.28 official must designate one location to serve as the ranked choice voting tabulation center.
6.29 If multiple political subdivisions appear on a ballot with ranked choice voting elections, the
6.30 jurisdictions must agree on a single location for the tabulation center. If the tabulation
6.31 includes a manual count of physical ballots, the center must be accessible to the public for

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

7.3 Subd. 2. **Precinct tabulation.** In an election where ranked choice voting is used, one or
7.4 more of the election judges in each precinct shall deliver one set of summary statements;
7.5 all spoiled ballots; and the envelopes containing the ballots to the ranked choice voting
7.6 tabulation center as soon as possible after the vote counting is completed but no later than
7.7 24 hours after the end of the hours for voting. If there are other elections on the ballot that
7.8 do not use ranked choice voting, one or more election judges shall deliver the remaining
7.9 set of summary statements and returns, all unused and spoiled municipal and school district
7.10 ballots, the envelopes containing municipal and school district ballots, and all other things
7.11 furnished by the municipal or school district clerk, to the municipal or school district clerk's
7.12 office within 24 hours after the end of the hours for voting. The municipal or school district
7.13 clerk shall return all polling place rosters and completed voter registration cards to the
7.14 county auditor within 48 hours after the end of the hours for voting.

7.15 Subd. 3. **Notice of recess in count.** At any time following receipt of materials under
7.16 subdivision 2, the ranked choice voting local election official may declare a recess. Notice
7.17 of the recess must include the date, time, and location at which the process of recording and
7.18 tabulating votes will resume and the reason for the recess. Notice must be posted on the
7.19 local jurisdiction's official bulletin board and on the door of the ranked choice voting
7.20 tabulation center. During any recess, all electronic voting data and ballots must be secured.

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

7.28 Subd. 5. **Ranked choice vote tabulation.** After all votes have been recorded, and at a
7.29 time set by the ranked choice voting local election official, the process of tabulating votes
7.30 cast for offices to be elected using the ranked choice method must begin. The counting must
7.31 continue until preliminary results for all races are determined, subject to subdivision 3.

8.1 Sec. 9. [204E.06] TABULATION OF VOTES; SINGLE-SEAT LOCAL RANKED
8.2 CHOICE VOTING ELECTIONS.

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

8.7 (b) A first ranked choice tabulation shall be done under this paragraph before a tabulation
8.8 as described in paragraph (c). A first ranked choice tabulation will consist of a first round
8.9 only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked
8.10 votes marked number one. The maximum possible threshold must be determined. If the
8.11 vote total for a candidate, other than an undeclared or a declared write-in candidate, is equal
8.12 to or greater than the maximum possible threshold, that candidate is declared elected and
8.13 the tabulation is complete. If the vote total for no candidate, other than an undeclared or a
8.14 declared write-in candidate, is equal to or greater than the maximum possible threshold,
8.15 additional rounds must be performed as provided in paragraph (c).

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

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

8.26 (2) at the beginning of the second round only, all candidates who did not file a request
8.27 as provided in subdivision 2 and write-in candidates who did not file a request as provided
8.28 in subdivision 2 must be defeated and all candidates for whom it is mathematically impossible
8.29 to be elected may be defeated simultaneously. For third and subsequent rounds, the candidate
8.30 with the fewest votes must be defeated and all candidates for whom it is mathematically
8.31 impossible to be elected may be defeated simultaneously. Votes for the defeated candidates
8.32 must be transferred to each ballot's next-ranked continuing candidate, except votes for
8.33 candidates defeated in the final round are not transferred if, by their defeat, the number of
8.34 continuing candidates is reduced to one. If no candidate can be defeated under this clause,

9.1 the tabulation must continue as described in clause (3). Otherwise, the tabulation must
9.2 continue as described in clause (4);

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

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

9.13 (5) when a skipped ranking, overvote, or repeat candidate ranking is encountered on a
9.14 ballot, that ballot shall count toward the highest continuing ranking that is not a skipped
9.15 ranking, overvote, or repeat candidate ranking. If any ballot cannot be advanced because
9.16 no further continuing candidates are ranked on that ballot, or because the only votes for
9.17 further continuing candidates that are ranked on that ballot are either overvotes or repeat
9.18 candidate rankings, the ballot shall not count toward any candidate in that round or in
9.19 subsequent rounds for the office being counted.

9.20 **Sec. 10. [204E.07] TABULATION OF VOTES; MULTIPLE-SEAT LOCAL RANKED**
9.21 **CHOICE VOTING ELECTIONS.**

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

9.26 (b) A first ranked choice tabulation shall be done under this paragraph before a tabulation
9.27 as described in paragraph (c). A first ranked choice tabulation will consist of a first round
9.28 only. Under the first ranked choice tabulation, the vote total will be the sum of the ranked
9.29 votes marked number one. The maximum possible threshold must be determined. If the
9.30 number of candidates, other than any undeclared or declared write-in candidate, whose vote
9.31 total is equal to or greater than the maximum possible threshold is equal to the number of
9.32 seats to be filled, those candidates are declared elected and the tabulation is complete. If
9.33 the number of candidates, other than any undeclared or declared write-in candidate, whose

10.1 vote total is equal to or greater than the maximum possible threshold is less than the number
10.2 of seats to be filled, additional rounds must be performed as provided in paragraph (c).

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

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

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

10.16 (3) the candidate with the largest surplus is declared elected and that candidate's surplus
10.17 is transferred. A tie between two or more candidates must be resolved by lot by the ranked
10.18 choice voting local election official. The surplus of the candidate chosen by lot must be
10.19 transferred before other transfers are made. The result of the tie resolution must be recorded
10.20 and reused in the event of a recount. The transfer value of each vote cast for an elected
10.21 candidate must be transferred to the next continuing candidate on that ballot. If no candidate
10.22 has a surplus, the tabulation must continue as described in clause (4). Otherwise, the
10.23 tabulation must continue as described in clause (1);

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

10.32 (5) the procedures in clauses (1) to (4) must be repeated until the number of candidates
10.33 whose vote total is equal to or greater than the threshold is equal to the number of seats to
10.34 be filled, or until the number of continuing candidates is equal to the number of seats yet

11.1 to be filled. If the number of continuing candidates is equal to the number of seats yet to be
11.2 filled, any remaining continuing candidates must be declared elected; and

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

11.10 **Sec. 11. [204E.08] LOCAL RANKED CHOICE VOTING ELECTIONS;**
11.11 **REPORTING RESULTS.**

11.12 (a) In addition to the requirements of section 204C.24, each precinct must print a precinct
11.13 summary statement, which must include the number of first choices cast for each candidate
11.14 in that precinct.

11.15 (b) The ranked choice voting local election official must provide a tabulation summary
11.16 statement of each contest with the following information:

11.17 (1) total votes cast;

11.18 (2) number of undervotes;

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

11.20 (4) threshold calculation;

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

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

11.24 (7) exhausted ballots at each round.

11.25 (c) In jurisdictions where ballots are scanned and recorded electronically, the ranked
11.26 choice voting local election official must provide an electronically available spreadsheet of
11.27 the cast vote record. To the extent practicable, the spreadsheet must be in a format that is
11.28 human-readable.

11.29 (d) The jurisdiction must canvass the election returns pursuant to section 123B.94 or
11.30 205.185, and the canvassing board report must include the information required in the ranked
11.31 choice voting tabulation center summary statement, with the addition of the number of

12.1 registered voters by precinct, the number of same-day voter registrations, and the number
12.2 of absentee voters.

12.3 Sec. 12. **[204E.09] LOCAL RANKED CHOICE ELECTION RECOUNTS.**

12.4 (a) A candidate defeated in the final round of tabulation may request a recount as provided
12.5 in section 204C.361, to the extent applicable. For the purpose of ranked choice voting
12.6 recounts, the recount official and filing officer is the ranked choice voting local election
12.7 official.

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

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

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

12.23 Sec. 13. **[204E.10] LOCAL RANKED CHOICE ELECTIONS; POSTELECTION**
12.24 **REVIEW.**

12.25 Subdivision 1. **Selection of test date; notice.** At the canvass, the ranked choice voting
12.26 local election official must select by lot the offices and precincts to be reviewed and set the
12.27 date, time, and place for the postelection review, in accordance with section 206.89.
12.28 Postelection review is not required for a hand count election.

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

13.1 Subd. 3. **Review.** (a) For each office to be reviewed, the number of precincts selected
13.2 for review shall be determined as follows. If the office was voted on in fewer than five
13.3 precincts, one precinct shall be selected. If the office was voted on in at least five precincts
13.4 and fewer than 50 precincts, two precincts shall be selected. If the office was voted on in
13.5 at least 50 precincts and fewer than 100 precincts, three precincts shall be selected. If the
13.6 office was voted on in at least 100 precincts, four precincts or three percent of the total
13.7 number of precincts in the election shall be selected, whichever is greater.

13.8 (b) For each office voted on in a county election, the ranked choice voting local election
13.9 official may select precincts as specified in paragraph (a) or use the precincts selected in
13.10 accordance with section 206.89.

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

13.16 (d) Using the actual ballots cast in each precinct selected, the judges of the election shall
13.17 conduct a hand-count tabulation of how many ballots contain each combination of candidates
13.18 across the rankings. All undeclared write-in candidates shall be considered as a group in
13.19 this hand count, and blank or overvoted rankings shall be included as such in the tabulated
13.20 combinations.

13.21 Subd. 4. **Multiple-seat test.** At the canvass, the ranked choice voting local election
13.22 official shall select, by lot, a total of two precincts in the selected election. Using the actual
13.23 ballots cast in the precinct selected, the judges of the election shall conduct a hand count
13.24 of ballots cast.

13.25 Subd. 5. **Standard of acceptable performance by voting system.** A comparison of the
13.26 results compiled by the voting system with the cast vote records compiled by the judges of
13.27 the election performing the hand count must show that the results of the electronic voting
13.28 system differed by no more than the applicable percentage provided in section 204C.36
13.29 from the hand count of the sample tested. Valid votes that have been marked by the voter
13.30 outside the vote targets or using a manual marking device that cannot be read by the voting
13.31 system must not be included in making the determination whether the voting system has
13.32 met the standard of acceptable performance.

13.33 Subd. 6. **Additional review if needed.** An additional review is required if:

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

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

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

Subd. 7. **Report of results.** 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.

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

Subd. 9. **Effect on voting systems.** If a voting system is found to have failed to record votes accurately and in the manner provided by this chapter, the voting system must not be used at another election until it has been approved for use by the county auditor, pursuant to section 206.58. In addition, the county auditor may order the city to conduct a hand recount of all ballots cast in the election.

Sec. 14. [204E.11] RULES; LOCAL OPTION RANKED CHOICE VOTING.

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

Sec. 15. Minnesota Statutes 2022, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must indicate the method of election to be used for the offices on the ballot. The notice must separately list any office for which

15.1 affidavits of candidacy may be filed to fill the unexpired portion of a term when a special
15.2 election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

15.3 Sec. 16. Minnesota Statutes 2022, section 206.57, subdivision 6, is amended to read:

15.4 Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a
15.5 vendor of a voting system must be certified by an independent testing authority obtain a
15.6 test report from a voting system test lab accredited by the Election Assistance Commission
15.7 or appropriate federal agency responsible for testing and certification of compliance with
15.8 the federal voting systems guidelines at the time of submission of the application required
15.9 by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the
15.10 Election Assistance Commission or other previously referenced agency. The application
15.11 must be accompanied by the certification test report of the voting systems test laboratory.
15.12 A certification test report under this section from an independent testing authority accredited
15.13 by the Election Assistance Commission or other previously referenced agency meets the
15.14 requirement of Minnesota Rules, part 8220.0350, item L. A vendor must provide a copy of
15.15 the source code for the voting system to the secretary of state. A chair of a major political
15.16 party or the secretary of state may select, in consultation with the vendor, an independent
15.17 third-party evaluator to examine the source code to ensure that it functions as represented
15.18 by the vendor and that the code is free from defects. A major political party that elects to
15.19 have the source code examined must pay for the examination. Except as provided by this
15.20 subdivision, a source code that is trade secret information must be treated as nonpublic
15.21 information, according to section 13.37. A third-party evaluator must not disclose the source
15.22 code to anyone else.

15.23 Sec. 17. Minnesota Statutes 2022, section 206.58, subdivision 1, is amended to read:

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

15.32 (b) No system may be adopted or used unless it has been approved by the secretary of
15.33 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. 18. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

A voting system purchased for use in Minnesota on or after the effective date of this section 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. 19. Minnesota Statutes 2022, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

~~Within 14~~ (a) At least three days before election-day voting equipment is used, 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. 20. 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:

- 18.1 (1) ten days before the primary or special primary. In a jurisdiction where the local
18.2 primary is eliminated due to the adoption of ranked choice voting, candidates running in a
18.3 ranked choice voting election must file a report in the same manner as if a primary were
18.4 being held for such offices;
- 18.5 (2) ten days before the general election or special election; and
- 18.6 (3) 30 days after a general or special election.