

By Glidden

Amending Title 8.5 of the Minneapolis Code of Ordinances relating to Elections by adding a new Chapter 167 relating to Municipal Elections; Rules of Conduct.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 167 to read as follows:

CHAPTER 167. Municipal Elections; Rules of Conduct

167.10. Applicability. This chapter applies to all municipal elections. All provisions of City Charter and Minnesota Statutes pertaining to elections also apply, to the extent they are not inconsistent with this chapter.

167.20. Definitions. The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section:

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

Continuing candidate means a candidate who has been neither elected nor defeated.

Duplicate ranking occurs when a voter ranks the same candidate at multiple rankings for the office being counted.

Exhausted ballot means a ballot that cannot be transferred to a lower ranked candidate because the next ranking is blank or there is more than one (1) candidate given the next ranking for the office being counted.

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

An *overvote* occurs when a voter ranks more than one (1) candidate at the same ranking.

Partially defective ballot means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent with respect to the office being counted.

Ranked-choice voting means an election method in which voters rank candidates for an office in order of their preference and the ballots are counted in rounds that, in the case of a single-seat election, simulate a series of runoffs until one (1) candidate meets the threshold, or until two (2) candidates remain and the candidate with the greatest number of votes is declared elected. In the case of multiple-seat elections, a winning threshold is calculated, and votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot as described in section 167.7 of this ordinance.

Ranked-choice voting tabulation center means the place selected for the automatic or manual processing and tabulation of ballots and/or votes.

Ranking means the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking. A ranking of lower numerical value indicates a greater preference for a candidate than a ranking of higher numerical value.

Round means an instance of the sequence of voting tabulation steps established in sections 167.60 and 167.70 of this chapter.

Skipped ranking occurs when a voter leaves a ranking blank and ranks a candidate at a subsequent ranking.

Surplus means the total number of votes cast for an elected candidate in excess of the threshold.

Surplus fraction of a vote means the surplus divided by the total votes cast for the elected candidate, calculated to four (4) decimal places. Surplus fraction of a vote = (Surplus)/(Total votes cast for elected candidate).

Threshold means the number of votes sufficient for a candidate to be elected. In any given election, the threshold equals the total votes counted in the first round after removing partially defective ballots, divided by the sum of one (1) plus the number of offices to be filled and adding one (1) to the quotient, disregarding any fractions. Threshold = (Total votes cast)/(Seats to be elected + 1) + 1.

Transfer value means the fraction of a vote that a transferred 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. The transfer value of a vote cast for a defeated candidate is the same as its current value.

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

Totally defective ballot means a ballot that is defective to the extent that the election judges are unable to determine the voter's intent for any office on the ballot.

An *undervote* occurs when a voter does not rank any candidates for an office.

167.30. Ballots. (a) *Ballot format.*

- (1) When there are three (3) or more qualified candidates, a ballot must allow a voter to rank at least three (3) candidates for each office in order of preference and must also allow the voter to add write-in candidates.
- (2) A ballot must include instructions to voters that clearly indicates how to mark the ballot so as to be read by the Election Judges conducting the count, or if voting equipment is to be used, so as to be read by the voting equipment used to tabulate results.
- (3) A ballot must include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference.
- (4) A ballot must indicate the number of seats to be elected for each office.
- (5) A ballot which allows voters to indicate the order of their preference by marking multiple positions for each candidate must include instructions indicating the ranking of each position.

(b) *Mixed-election method ballots.* If elections are held in which ranked-choice voting is used in addition to other methods of voting, the ranked-choice voting and non-ranked-choice voting elections must be on the same ballot card if possible, with ranked-choice voting and non-ranked-choice voting portions clearly separated on the ballot card. If placement of all offices to be elected cannot be placed on a single ballot card, a separate ballot card may be used for those offices to be elected using ranked-choice voting. The City may deviate from the standard ballot order of offices to allow separation of ranked-choice voting and non-ranked-choice voting elections.

(c) *Ballot format rules* The chief election official shall establish administrative rules for ballot format after a voting mechanism has been selected. All rules shall be adopted in accordance with this section.

167.40. Ranked-Choice Voting Tabulation Center. The chief election official shall designate one (1) location to serve as the ranked-choice voting tabulation center. The center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in sections 167.60 and 167.70 of this chapter.

167.50. Tabulation of Votes; In General. (a) *Precinct tabulation.* When the hours for voting have ended and all voting has concluded, the election judges in each precinct shall record and publicly declare the number of votes at each ranking on the ballot. The election judges must then securely transfer all electronic voting data and ballots from the precinct to the ranked-choice voting tabulation center designated pursuant to section 167.40 of this chapter. Upon receipt at the ranked-choice voting tabulation center, all electronic voting data and ballots shall be secured.

(b) *Notice of recess in count.* At any time following receipt of materials per 167.50(a) the chief election official may declare a recess. Notice of such recess must include the date, time and location at which the process of recording and tabulating votes will resume and the reason for the recess. Notice shall be posted on the city's official bulletin board and on the door of the ranked-choice voting counting center.

(c) *Recording write-in votes.* At a time set by the Chief Election Official, the Judges of the Election shall convene at the ranked-choice voting tabulation center to examine ballots on which voters have indicated a write-in choice, and record the names and number of votes received by each write-in candidate. In the event that votes cast for the write-in category are not eliminated as provided in section 167.60 (c), or 167.70 (c), the results must be entered into the ranked-choice voting tabulation software.

(d) *Ranked-choice vote tabulation.* After all votes for all candidates have been recorded and at a time set by the chief election official, the process of tabulating votes cast for offices to be elected using the ranked-choice method shall begin. The counting shall continue until preliminary results for all races are determined, subject to provisions contained in 167.50(b).

167.60. Tabulation of Votes; Single-Seat Elections. (a) *Applicability.* This section applies to a ranked-choice voting election in which one (1) seat in an office is to be filled from a single set of candidates on the ballot. The method of tabulating ranked-choice votes for single-seat elections as described in this section must be known as the "single-seat single transferable vote" method of tabulation.

- (1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. First the threshold must be calculated and publicly declared. After calculation of the threshold, each round must proceed sequentially as follows:
 - a. The number of votes cast for each candidate, as indicated by the highest continuing ranking on each ballot, must be counted. If a candidate's vote total is equal to or greater than the threshold, the tabulation is complete. If no candidate's vote total is equal to or greater than the threshold, the tabulation must continue as described in clause "b".

- b. Candidates appearing on the ballot who do not receive any valid rankings are defeated immediately, before any transfers.
 - c. All candidates are defeated whose vote total, plus all potentially transferable votes from candidates with fewer votes, is less than the vote total of the candidate with the next higher number of votes, such that it is mathematically impossible for that candidate to be elected. All candidates for whom it is mathematically impossible to be elected must be considered defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate.
 - d. The candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must immediately and publicly be decided by lot by the chief election official at the tabulation center. The candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.
 - e. The procedures in clauses "a" to "d" must be repeated until one (1) candidate reaches the threshold, or until only two (2) continuing candidates remain. If only two (2) candidates remain, the candidate with the most votes must be elected. In the case of a tie between two (2) continuing candidates, the tie must be decided by lot as provided in Minneapolis Charter Chapter 2, Section 12. The result of the tie resolution must be recorded and reused in the event of a recount.
- (2) When a single skipped ranking is encountered on a ballot, that ballot shall count towards the next non-skipped ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because a voter has skipped more than one (1) ranking or has ranked the same candidate in two (2) or more rankings, that ballot shall immediately be declared "exhausted". Any ballot that has been declared an undervote, overvote, or exhausted must not count towards any candidate in that round or in subsequent rounds.

167.70. Tabulation of Votes, Multiple-Seat Elections. (a) *Applicability.* This section applies to a ranked-choice voting election in which more than one (1) seat in office is to be filled from a single set of candidates on the ballot. The method of tabulating ranked-choice votes for multiple-seat elections as described in this section must be known as the "multiple-seat single transferable vote" method of tabulation.

- (1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. First the threshold must

be calculated and publicly declared. After calculation of the threshold, each round must proceed sequentially as follows:

- a. The number of votes cast for each candidate, as indicated by the highest ranked continuing candidate on each ballot, must be counted. If the number of candidates whose vote totals equal or exceed the threshold is equal to the number of seats to be filled, the tabulation is complete. If the number of candidates whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, the tabulation must continue as described in clause “b”.
- b. Surplus votes for any candidates whose vote total is equal to or greater than the threshold must be calculated.
- c. Candidates appearing on the ballot who do not receive any valid rankings are defeated immediately, before any transfers.
- d. After any surplus votes are calculated but not yet transferred, a candidate is defeated whose vote total, plus all potentially transferable votes from elected candidates and candidates with fewer votes, is less than the vote total of the candidate with the next higher number of votes, such that it is mathematically impossible for that candidate to be elected. All candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. Votes for the defeated candidates must be transferred to each ballot’s next-ranked continuing candidate.
- e. The transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. If two (2) or more candidates have vote totals that equal or exceed the threshold, the votes for the candidate with the largest surplus will be transferred first with subsequent transfers proceeding in descending order of surplus size. A tie between two (2) or more candidates must immediately and publicly be resolved by lot by the chief election official at the tabulation center. The surplus of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount.
- f. If there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for a defeated candidate are transferred at their transfer value to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must be decided by lot, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

g. The procedures in clauses "a" to "f" must be repeated until the number of candidates whose vote totals equal or exceed the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of offices yet to be elected. If the number of continuing candidates is equal to the number of offices yet to be elected, the remaining continuing candidate must be declared elected. In the case of a tie between two (2) continuing candidates, the tie must be decided by lot as provided in Minneapolis Charter Chapter 2, Section 12, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and repeated in the event of a recount.

(2) When a single skipped ranking is encountered on a ballot, that ballot shall count towards the next non-skipped ranking. If any ballot cannot be advanced because no further continuing candidates are ranked on that ballot, or because a voter has skipped more than one (1) ranking or has ranked the same candidate in two (2) or more rankings, that ballot shall immediately be declared "exhausted". Any ballot that has been declared an undervote, overvote, or exhausted must remain so and shall not count towards any candidate in that round or in subsequent rounds.

167.80. Reporting Results. (a) *Precinct summary statement.* Each precinct must print a precinct summary statement, which must minimally include the number of votes in the first ranking for each candidate.

(b) *Ranked-choice voting tabulation center summary statement.* The ranked-choice voting tabulation center must print a summary statement, which must include the following information: total votes cast; number of undervotes; number of totally defective and spoiled ballots; threshold calculation; total first choice rankings for all candidates; round-by-round tabulation results, including simultaneous batch eliminations, surplus transfers, and defeated candidate transfers; and exhausted ballots at each round.

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

167.90. Recounts. (a) *Required recounts.* A candidate defeated in the final round of tabulation may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate is less than one-half (1/2) of one (1) percent of the total votes counted for that office. In case of offices where two (2) or more seats are being filled from among all the candidates for the office, the one-half (1/2) of one (1) percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(1) Candidates shall file a written request for the recount with the city clerk. All requests shall be filed during the time for notice of contest of the election for which a recount is sought.

(2) Upon receipt of a request made pursuant to this section, the city shall recount the votes for a municipal office at the expense of the city.

(b) *Discretionary candidate recounts.* Candidates defeated in the final round of tabulation when the vote difference is greater than the difference required by section 167.90(a), and candidates defeated in an earlier round of counting, may request a recount in the manner provided in this section at the candidate's own expense.

(1) The votes shall be recounted as provided in this section if the requesting candidate files with the city clerk a bond, cash, or surety in an amount set by the city for payment of the recount expenses.

(c) *Notice of contest.* Time for notice of contest of election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality.

(d) *Scope of recount.* A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and summary statements certified by the election judges may be considered in the recount process.

167.100. Manual Count Procedures. The chief election official shall establish administrative procedures for conduct of a manual count in accordance with rules for counting the votes contained in sections 167.60 and 167.70 of this ordinance.

167.110. Electronic Voting Systems. All provisions of Minnesota Statutes pertaining to electronic voting equipment systems apply, to the extent they are not inconsistent with this chapter. Any voting equipment system used to conduct an election under this section must be authorized for use by the County Auditor pursuant to MN Statute section 206.58.

167.120. Testing of Voting Systems. The chief election official shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, and count the votes cast for all candidates and on all questions per MN Statute Section 206.83. In addition to all requirements of MN Statute Section 206.83, the equipment must be tested to ensure that each ranking for each candidate is recorded properly, and must be tested to ensure the accuracy of software used to perform vote transfers and produce results.

167.130. Post-election Review of Voting System; Ranked-Choice Voting Elections. (a) *Selection of test date; notice.* Thirty (30) days before a ranked-choice election that will be conducted using electronic voting equipment to tabulate results, the

chief election official must set the date, time, and place for conduct of a post-election review, and must also set the date, time and place for the random selection of contests to be reviewed.

(b) *Scope and conduct of test.* The post-election review must be conducted, in public, of a sample of votes cast for at least one (1) single-seat ranked-choice voting election for city council, if applicable, and at least one (1) multiple-seat ranked-choice voting election for either park board or board of estimate and taxation, if applicable. At least one (1) precinct selected in each review must have had at least 1,500 votes cast in the election.

(c) *Single seat test.* No later than two (2) days following completion of the vote tabulation, the chief election official shall select two (2) precincts by lot. Using the actual ballots cast in the two (2) precincts selected, the judges of the election shall conduct a manual count of votes cast for the office of council member using procedures called for in section 167.100 of this ordinance and accompanying rules. The judges shall make a record of the votes cast and vote transfers made. Upon determining the outcome of the manual count, the judges shall perform a second test with the same ballots where votes cast are read and counted by the same voting equipment used in the precincts on election day, and shall determine the outcome of the count using the same software used to perform vote transfers at the ranked-choice counting center.

(d) *Multiple seat test.* No later than 2 days following completion of the vote tabulation, the chief election official shall select, by lot, two (2) precincts in a single ward. Using the actual ballots cast in the two (2) precincts selected, the judges of the election shall conduct a manual count of votes cast for a multiple seat office appearing on the ballot, also to be determined by lot. Using procedures called for in section 167.100 of this ordinance and accompanying rules, the judges shall count the votes cast and perform vote transfers. Upon determining the outcome of the manual count, the judges shall perform a second test with the same ballots where votes cast are read and counted by the same voting equipment used in the precincts on election day, and shall determine the outcome of the count using the same software used to perform vote transfers at the ranked-choice counting center.

(e) *Standard of acceptable performance by voting system.* A comparison of the results compiled by the voting system with the results compiled by the judges of election performing the manual count must show that the results of the electronic voting system differed by no more than one-half (1/2) of one (1) percent from the manual count of the sample tested. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance.

(f) *Additional Review.* If the post-election review reveals a difference greater than one-half (1/2) of one (1) percent, in one (1) precinct, the post-election review official must, within two (2) days, conduct an additional review of two (2) more precincts

in the same jurisdiction where the discrepancy was discovered. The chief election official must immediately publicly select by lot additional precincts for review. The additional review must be completed within two (2) days after the precincts are selected and the results immediately reported to the county auditor. If the second review also indicates a difference in the vote totals compiled by the voting system that is greater than one-half (1/2) of one (1) percent, in one (1) precinct, from the result indicated by the post-election review, the chief election official must conduct a review of the ballots from all the remaining precincts in the contest being reviewed. This review must be completed no later than two (2) weeks after the election.

g) *Report of results.* Upon completion of the post-election review, the chief election official must immediately report the results to the county auditor and be made public.

h) *Update of vote totals.* If the post-election 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.

i) *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 may not be used at another election until it has been approved for use by the county auditor, pursuant to MN Statute section 206.58. In addition, the county auditor may order the city to conduct a manual recount of all votes cast in the election.

j) *Penalties to voting equipment system vendor.* If the voting system failure is attributable to either its design or to actions of the vendor, the vendor is liable for the cost of a manual recount ordered per section 167.130 (g) and is liable for additional penalties imposed per agreement between the city and the vendor.