

**Subject** Ranked-Choice Voting Authorization

**Authors** Elkins and others

**Analyst** Matt Gehring

**Date** March 16, 2021

## Overview

This bill establishes a system of ranked-choice voting for federal, state constitutional, and legislative offices. It further authorizes local jurisdictions to adopt the use of ranked-choice voting for local elections.

A ranked-choice voting election permits voters to rank a number of candidates for office in order of preference, and the election results are tabulated in a series of rounds, eliminating candidates based on the strength of their rankings by voters, until the candidate(s) to be elected have received an established threshold of votes sufficient for election.

The cities of Minneapolis and St. Paul have both recently adopted ranked-choice voting procedures for their local elections through amendments to their city charters. In Minneapolis, the first ranked-choice voting election occurred in 2009. In St. Paul, the first election occurred in 2011.

## Article 1: Ranked Choice Voting Implementation

This article establishes the substantive requirements and procedures for the conduct of ranked-choice voting for federal, state constitutional, and legislative offices, along with an option for political subdivisions to adopt ranked-choice voting at local elections.

### Section Description – Article 1: Ranked Choice Voting Implementation

---

#### 1 **Applicability.**

Provides that the new chapter of statute enacted by this bill applies to all elections conducted using ranked-choice voting, as authorized by law. All other provisions of law related to the conduct and administration of elections also apply to ranked-choice voting elections, to the extent they are consistent with the provisions established in the bill.

**Section Description – Article 1: Ranked Choice Voting Implementation**

---

**2 Definitions.**

Provides definitions for a number of terms used throughout the bill.

**3 Statewide implementation of ranked choice voting; authorization for local adoption.**

Provides that the ranked-choice voting procedure established in this bill must be used to nominate and elect candidates for federal offices, state constitutional offices, and the state legislature.

Cities, counties, towns, and school districts are further authorized to adopt the use of ranked-choice voting for local offices. Procedures for adoption and certain other general standards for local implementation are provided. Voter approval would be required in the case of a charter city or county, otherwise adoption is permitted by ordinance or resolution of the governing body. A decision about the use of ranked-choice voting must be made at least 30 days prior to the first day for filing of affidavits of candidacy for the election.

**4 Ballots.**

Provides standards for ballot formatting, including a requirement that a ranked-choice voting ballot permit a voter to rank at least three candidates for each office and provide for write-in candidates, that instructions be provided on the ballot, and that offices to be elected using ranked-choice voting be clearly separated on the ballot from offices to be elected using the traditional voting method.

The local election official is required to determine the ballot format after a voting mechanism has been selected.

**5 Ranked-choice voting tabulation center.**

**Subd. 1. Tabulation of votes; generally.** Requires one physical location be designated as the ranked-choice voting tabulation center. The location must be accessible to the public for the purposes of observing the vote tabulation.

**Subd. 2. Precinct tabulation.** On election night, within each precinct, the election judges must record and publicly declare the number of first choice votes cast for each candidate in the precinct. All electronic voting data and ballots must then be securely transferred to the tabulation center.

**Subd. 3. Notice of recess in count.** At the ranked-choice voting tabulation center, a recess in counting is permitted for meals or other necessary purposes. Notice of a recess must be posted; the content and locations for posting the notice are provided in the bill.

**Section Description – Article 1: Ranked Choice Voting Implementation**

---

**Subd. 4. Recording write-in votes.** Establishes standards for processing and counting write-in votes.

**Subd. 5. Ranked-choice vote tabulation.** Requires tabulation of votes cast, at a time set by the chief elections official, on a continual basis until preliminary results are determined for all races (subject to the provisions allowing for a recess).

**6 Tabulation of votes.**

Establishes mathematical and procedural standards for tabulating ranked-choice votes and determining the result, including establishment of a threshold vote total required for a candidate to be elected, procedures for transferring a candidate's surplus votes to other continuing candidates based on ranking, elimination of candidates with insufficient votes to continue, and procedures when a voter skips a ranking on the ballot.

**7 Reporting results.**

Establishes standards for the vote total summary statements required to be produced within each precinct and by the ranked-choice voting tabulation center, and the election abstract. The summary statements must be certified as true and accurate and signed by the individuals making the certification.

**8 Recounts.**

Establishes standards for a recount of a ranked-choice voting election. A candidate defeated in the final round of tabulation may request a recount under the standards and procedures provided in current law and rule. Any candidate, regardless of the time of their elimination, may request a recount at the candidate's own expense, also subject to administrative rules governing recounts.

**9 Rules.**

Authorizes the secretary of state to adopt rules to implement the ranked-choice voting requirements and procedures established by this bill.

## **Article 2: Conforming Changes**

This article provides a number of conforming and technical updates to existing election laws, to reflect the adoption of ranked-choice voting.

**Section Description – Article 2: Conforming Changes**

---

- 1      Ranked-choice voting training and outreach.**  
Requires the secretary of state to conduct outreach and educational activities to provide voters with information on the ranked-choice voting process.
- 2      State elections.**  
Requires references to ranked-choice voting to be included in the existing notice of election required to be posted prior to a state primary and state general election.
- 3      Application.**  
Adds references to ranked-choice voting elections to an existing law governing ballot preparation.
- 4      Ranked-choice voting election.**  
Adds references to ranked-choice voting elections to an existing law governing the method of counting votes.
- 5      Ranked-choice voting election.**  
Adds references to ranked-choice voting elections to an existing law governing the method of counting votes.
- 6      Information requirements.**  
Adds references to ranked-choice voting elections to an existing law governing the content of the precinct summary statement prepared by the election judges following the completion of voting at an election.
- 7      County canvass.**  
Adds references to ranked-choice voting elections to an existing law establishing the required contents of the county canvass report prepared after the state primary election.
- 8      County canvass.**  
Adds references to ranked-choice voting elections to an existing law establishing the required contents of the county canvass report prepared after the state general election.
- 9      State canvass.**  
Adds references to ranked-choice voting elections to an existing law establishing the required contents of the state canvass report prepared after a general election.

**Section Description – Article 2: Conforming Changes**

---

- 10     **State partisan primary ballot; party columns.**  
Modifies the ballot format used for a state primary election, to reflect the use of ranked-choice voting at the primary.
- 11     **Party columns; arrangement.**  
Modifies the ballot format used for a state primary election, to reflect the use of ranked-choice voting at the primary.
- 12     **Partisan offices; nominees.**  
Adds references to ranked choice voting to an existing law governing the way the results of a primary are used to determine a party’s nominee for a partisan office.
- 13     **Nonpartisan offices; nominees.**  
Adds references to ranked choice voting to an existing law governing the way the results of a primary are used to determine the nominees for a nonpartisan office.
- 14     **State general election ballot; rules.**  
Adds references to ranked choice voting to an existing law governing the preparation of the state general election ballot.
- 15     **Notice of filing dates.**  
Requires the notice of candidate filing dates for a municipal election to include information on the method of voting to be used at the election.
- 16     **Municipalities.**  
Authorizes municipalities to adopt the use of an electronic voting system that includes features for vote tabulation that have not been certified by the secretary of state, so long as those features have been certified by an independent testing authority accredited by the federal Election Assistance Commission and those features meet the municipality’s needs for an election. Notice to the secretary of state is required.
- 17     **Electronic voting systems; purchasing.**  
Establishes minimum standards and functionality for all electronic voting systems purchased in the state, including a requirement that the system be capable of handling a ranked-choice voting election.
- 18     **Testing of voting systems.**  
Requires voting systems to be tested for accuracy in tabulating votes at a ranked-choice voting election, when the system will be used for that purpose.

**Section Description – Article 2: Conforming Changes**

---

- 19     **Selection for review; notice.**  
Establishes standards for setting the date, time, and place for a required postelection review in certain precincts where ranked-choice voting is used. This information must be determined at least 30 days prior to the election.
- 20     **Scope and content of review.**  
Establishes substantive standards for the conduct of a postelection review in a precinct where ranked-choice voting was used.
- 21     **Conducting presidential nomination primary.**  
Adds references to ranked choice voting in the existing law governing the conduct of the presidential nomination primary.
- 22     **State Canvassing Board.**  
Requires the State Canvassing Board to declare presidential elector candidates elected based on the ranked choice voting procedures established in this bill.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155