

Ramsey County Elections
Staff Recommendations for text of ordinance to implement ranked voting in Saint Paul
December 21, 2010

An Ordinance creating election rules for municipal elections under ranked voting.

The Council of the City of Saint Paul does Ordain:

Section 1.

That the Legislative Code of the City of Saint Paul be amended by adding a new Chapter 31:

31.01. Applicability.

This chapter applies to municipal elections for Mayor and Councilmember consistent with Chapter 7 of the Charter

31.02. Definitions.

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

Candidate means a candidate for the offices of mayor or councilmember.

Chief election official means the city clerk and his or her designee.

Viable candidate means a candidate who has been neither elected nor eliminated.

Inactive ballot means a ballot on which there are no additional votes to be reallocated and counted .

Mathematically nonviable means a candidate whose current vote total plus all votes that could possibly be reallocated in subsequent rounds of voting to that candidate from candidates with less than or an equal number of votes is smaller than the number needed to surpass the candidate with the highest current vote total.

Ranked voting means an election method in which voters rank candidates for an office in order of their preference, with the results from the first round of voting counted on election day and if no candidate receives a majority of the votes cast, a runoff occurs to determine that either one (1) candidate meets the target or

if two (2) candidates remain that the candidate with the greater number of votes is declared elected.

Counting center means the place selected for the manual processing and tabulation of ballots for the runoff.

Round means a discrete step in the election process where the votes from the first or any subsequent rank are counted and/or reallocated.

Runoff means the reallocation and counting of votes in a second and any successive rounds of voting needed to determine a winning candidate in the election.

Target means the number equal to one-half the total number of votes cast for candidates for the office on the first round of voting, plus one. If the target is not a whole number, the fractional part must be dropped.

Reallocated vote means a vote that is reassigned from a nonviable candidate to the next viable candidate, according to the voter's ranking.

31.03. Ballots.

(a) Ballot format.

(1) When more than one candidate has filed for office, the ballot must be designed to permit a voter to rank up to three candidates for the office in order of the voter's preference.

(2) The ballot design shall permit electronic counting of votes for the first round of voting on election night so that:

- i. candidates meeting the target can be identified on election night;
- ii. the voting system can detect overvotes for the first round of voting and
- iii. voters have the opportunity to correct a mismarked ballot.

(3) The ballot must include instructions to voters that clearly indicate how to properly mark the ballot so that it can be counted electronically by the voting system on election night and manually by the election judges in the runoff.

(4) A ballot must include instructions to voters that clearly indicate how to rank candidates in order of the voter's preference.

(c) Ballot design and instructions timeline.

The ballot design for the general election must be established no later than 14 days before the first day to file affidavits of candidacy for the offices on the ballot. The chief election officer must provide instructional and educational materials for voters, candidates and election judges on the ranked voting method no later than eight weeks before the general election. All election judges must receive training in the election procedures to be used for ranked voting no later than one week before the general election.

(d) Ballot format rules.

The chief election official shall establish administrative rules for the ballot format, which shall be adopted in accordance with this section.

31.04. Ranked voting counting center.

The chief election official shall designate one (1) location to serve as the ranked voting counting center. The counting center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in section 31.06 and of this chapter.

31.05. Tabulation of votes; in general.

(a) Precinct tabulation.

At the close of voting on election day, the election judges in each precinct shall report the number of votes cast to the chief election official. After all vote totals have been reported by the election judges, the chief election official must establish the target for each office on the ballot.

(b) Canvass of votes for general election; declaration of runoff.

No earlier than three and no later than ten days after the general election, the city council shall canvass the results of the general election. If any candidate has received a number of votes equal to or greater than the target established for that office, that candidate shall be declared to be elected. If no candidate for the office has received a number of votes equal to or greater than the target for the office, the council shall authorize a runoff for that office and establish the date, time and place for the runoff. The runoff must be completed no later than ten days following the completion of the canvass of the general election. The city council shall canvass the results of the runoff no later than ten days following the completion of the runoff.

(c) Recording and counting write-in votes.

A candidate who wants write-in votes for the candidate to be counted in the general election or the runoff must file a written request with the chief election official no later than seven days before the general election. If a runoff is required,

all write-in votes cast for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single candidate.

31.06. Counting and reallocating votes in the runoff.

(a) Counting and reallocation of votes at the counting center must proceed in rounds for each office to be counted. Each round must proceed sequentially as follows:

1. All candidates who are mathematically nonviable must be eliminated simultaneously and their votes reallocated to the viable candidate with the next highest rank on the ballot.

2. After the votes have been reallocated, the number of reallocated votes cast for each viable candidate must be counted. If one candidate's vote total is equal to or greater than the target, that candidate is declared elected and the runoff for that office is concluded. If no candidate's vote total is equal to or greater than the target, a new round begins and the counting and reallocation of votes must continue as described in clause 1.

3. At the beginning of each round, the candidate with the fewest votes and any candidates who are mathematically nonviable are eliminated. Votes for each eliminated candidate must be reallocated to each ballot's next-ranked viable candidate. Ties between candidates with the fewest votes must immediately and publicly be decided by lot by the chief election official at the counting center. The candidate chosen by lot is viable. In the event of a recount, this result is binding if there is a tie.

4. The procedures in clauses 1 to 3 must be repeated until one (1) candidate reaches the target, or until only two (2) viable candidates remain. If only two (2) candidates remain, the candidate with the most votes is elected. Ties between two (2) viable candidates must immediately and publicly be decided by lot by the chief election official at the counting center. The candidate chosen by lot is elected. In the event of a recount, this result is binding if there is a tie.

(b) If a voter declines to rank a candidate on any given round of voting, the ballot must be considered as an undervote for that round.

(c) If the voter's next choice on a round of voting is either an undervote or a vote for a nonviable candidate and no votes for viable candidates remain on the ballot, the voter's ballot becomes inactive.

(d) If a voter's next choice on a round of voting is either an undervote or a vote for a nonviable candidate and at least one vote for a viable candidate remains on the ballot, the voter's next highest choice for a viable candidate must be counted for that round of voting.

(e) If a voter has ranked two or more candidates in the same column, an overvote for that office exists and no votes for any candidate in that column may be counted. An overvoted ballot remains active as long as it contains at least one vote for a viable candidate in a subsequent round of voting.

(f) If the voter has ranked the same candidate in more than one column, only the voter's highest ranked vote must be counted.

A candidate may waive participation in the runoff at any time. Votes cast for a waived candidate must be treated as votes for a candidate who is mathematically nonviable.

31.07. Reporting results.

(a) Precinct summary statement.

At the conclusion of voting on election day, the election judges at each precinct must prepare a precinct summary statement, which must include the number of votes cast in the first round of voting for each candidate.

(b) Runoff summary statement.

The chief election official must prepare a summary statement for the runoff, which must include the total votes cast for each office, the target for each office, and the total number of votes cast and reallocated in each round for all candidates.

31.08. Recounts.

(a) Required recounts.

A candidate eliminated in the final round of may request a recount of the votes cast for the election to that office if the difference between the final round vote total for that candidate and for a winning candidate is less than one-quarter (1/4) of one (1) percent of the total votes counted for that office.

(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 eliminated in the final round of voting when the vote difference is greater than the difference required by section 31.08(a), and candidates eliminated in an earlier round of voting, may request a recount in the manner provided in this section at the candidate's own expense. A recount for a candidate eliminated before the final round of voting must continue only to the point that the candidate is eliminated. 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 before the recount begins.

(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.

(e) *Challenges during recount of the runoff.*

Challenges that occur during a recount of the results of a runoff may take place only during the process in which ballots are separated into piles by candidate.

(f) *Waiver of recount*

A candidate who requests a recount may waive the recount at any time.

31.09. 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 section 31.06 of this chapter

Section 2.

7.04. Name on ~~primary~~ ballot.

An affidavit of candidacy may be filed for the offices of mayor and councilmember not more than 91 days nor less than 77 days before the general election. Each person desiring to have his or her name placed on the primary ballot for councilmember shall state in the affidavit of candidacy the district for which he or she is a candidate. The filing fee for the office of mayor is \$500. The filing fee for the office of councilmember is \$250. Filing fees must be used for the administration of the city general election and any runoff that is required.

Section 3.

Sec. 28.03. - Committees and political funds.

(d)

Campaign reports:

(1)

Every candidate, the secretary of every personal campaign committee and treasurer of every committee or political fund shall file with the city clerk the reports required by this section in any year it receives contributions or makes expenditures of one hundred dollars (\$100.00) or more.

(2)

Every candidate, the secretary of every personal campaign committee and the treasurer of every committee and every political fund shall file a financial statement as follows:

a.

Ten (10) ~~days~~ weeks before the ~~primary~~ general election;

b.

Ten (10) days before the ~~regular~~ general or special elections;

c.

On January 31 of each year the personal campaign committee or the committee is in existence; and

d.

Thirty (30) days after the special or ~~regular~~ general election.

The statements shall be verified upon the oath of the party filing and shall cover all transactions made up to and including the third day before the filing of the statement and not accounted for and reported upon in statements previously filed, except that no transactions shall be made thereafter which are not included in the final statement. The statements required by this section shall disclose the same information required in

subsection (3). Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this subdivision.

30.04. - Duration of display.

(a)

Temporary election signs may only be displayed after filings for office open or ~~sixty (60) days~~ 14 weeks before a ~~primary~~ the general election, whichever comes first, until one (1) week after a general election. ~~Unsuccessful candidates of a primary election shall cause their temporary election signs to be removed no later than one (1) week after such election.~~

(b)

The volunteer or political committee, however organized and required by law or ordinance to identify itself in support of a candidate or issue, shall be the responsible entity for conformance to this chapter as regards size, display and removal of temporary election signs. Any sign found in violation of this chapter may be abated as a nuisance pursuant to Chapter 45 of this Code.

Section 4.

This ordinance shall become effective thirty (30) days after passage, approval and publication.

12-21-10