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| 12/15/2010 | 1 | City Council | Laid Over to Second Reading | |

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

Amended Proposed Ordinance 2/1/11

An Ordinance creating election rules for municipal elections under ranked-choice 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:

Batch elimination means a simultaneous defeat of multiple continuing candidates for whom it is mathematically impossible to be elected.

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

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

Exhausted ballot means a ballot that cannot be advanced under section 31.05.

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

Mathematically impossible to be elected means either:

(1) The candidate could never win because his or her current vote total plus all votes that could possibly be transferred to him or her in future rounds (from candidates with fewer votes and tied candidates) would not be enough to surpass the candidate with the next higher current vote total; or

(2) The candidate has a lower current vote total than a candidate who is described by (1).

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

Ranked 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 simulate a series of runoffs until one (1) candidate meets the threshold, or until two (2) candidates remain and the candidate with the greater number of votes is declared elected.

Ranked voting tabulation center means the place selected for the electronic 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 section 31.05 of this chapter.

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

Threshold means the number of votes sufficient for a candidate to be elected. In any given election, the threshold for an office equals the total votes counted in the first round, divided by two (2), then adding one (1) to the quotient, disregarding any fractions.

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

An undervote occurs on any round of voting when a voter does not rank any candidates for an office.

31.03. Ballots.

(a) Ballot format.

(1) When there are six (6) or more qualified candidates, a ballot must allow a voter to rank at least six (6) candidates for each office in order of preference and must also allow the voter to add write-in candidates. When there are fewer than six (6) candidates, the ballot must allow the voter to rank each candidate for office.

(2) To the greatest extent practical, the ballot design shall:

(A) Allow for electronic counting of first rankings, and preferably for all rankings, so that early round winners can be identified on election night;

(B) Allow the voting systems to detect errors in ballot marking for at least the first ranking, and preferably all rankings, to provide an opportunity for a voter to correct a mismarked ballot; and

(3) A ballot must include instructions to voters that clearly indicate how to mark the ballot so as to be read by the election judges conducting the count, or if a voting system is to be used, so as to be read by the voting system used to tabulate results.

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

(b) Mixed-election method ballots.

If elections are held in which ranked voting is used in addition to other methods of voting, the ranked voting and non-ranked voting election must be on the same ballot card if possible, with ranked voting and non-ranked 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 voting.

(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 ballot format after a voting mechanism has been selected. All rules shall be adopted in accordance with this section.

31.04. Ranked voting tabulation center.

The chief election official shall designate one (1) location to serve as the ranked 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 section 31.05 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 in each ranking to the chief election official. After all vote totals have been reported by the election judges, the chief election official must establish the threshold for each office on the ballot. If any candidate has received a number of votes equal to or greater than the threshold established for that office, that candidate is elected. If no candidate for the office has received a number of votes equal to or greater than the threshold for the office, counting shall resume no later than Monday following the general election. The chief election official must include the time, date, and place for the resumption of counting, if required, in the notice of election.

(b) Canvass of votes for general election.

No earlier than three and no later than seventeen 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 threshold established for that office, that candidate shall be declared to be elected.

(c) Recording and counting write-in votes.

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

(d) Counting procedures at the tabulation center. If no candidate for an office has reached the threshold, counting and reallocation of votes at the ranked voting tabulation center must proceed in rounds for each office to be counted. Each round must proceed sequentially as follows:

(1) At the beginning of each round of counting, all candidates for whom it is mathematically impossible to be elected must be eliminated simultaneously and their votes reallocated to the continuing candidate with the next highest ranking on the ballot.

(2) After the votes have been reallocated, the number of reallocated votes cast for each continuing candidate must be counted. If one candidate's vote total is equal to or greater than the threshold, that candidate is elected. If no candidate's vote total is equal to or greater than the threshold, a new round begins and the candidate with the fewest votes is defeated. Votes for the defeated candidate must be reallocated to the next highest 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 ranked voting tabulation center. The candidate chosen by lot remains a continuing candidate and the other candidate is defeated. In the event of a recount, this result is binding if there is a tie.

(3) The procedures in clauses (1) and (2) 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 is elected. Ties between two (2) continuing candidates must immediately and publicly be decided by lot by the chief election official at the ranked voting tabulation center. The candidate chosen by lot is elected. In the event of a recount, this result is binding if there is a tie.

(4) The following rules must be followed when reallocating and counting votes.

- (i) If the voter's next choice on a round of counting is either an undervote or a vote for a defeated candidate and no votes for continuing candidates remain on the ballot, the voter's ballot is exhausted.
- (ii) If a voter's next choice on a round of counting is either an undervote or a vote for a defeated candidate and at least one vote for a continuing candidate remains on the ballot, the voter's next highest choice for a continuing candidate must be counted for that round.
- (iii) 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.
- (iv) If the voter has ranked the same candidate in more than one column, only the voter's highest ranked vote must be counted.

(5) A candidate may waive participation in additional rounds of counting at any time. Votes cast for a waived candidate must be treated as votes for a candidate who is mathematically impossible to be elected.

31.06. Reporting results.

(a) Precinct summary statement.

Each precinct must prepare a precinct summary statement, which must minimally include the number of votes in the first ranking for each candidate.

(b) Summary statement.

The ranked voting tabulation center must prepare a summary statement, which must include the following information: total votes cast; threshold calculation; total first choice rankings for all candidates; round-by-round tabulation results, including batch eliminations, 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.

31.07. Recounts.

(a) Required recounts.

A candidate eliminated in the final round of counting may request a recount of the votes cast for the election to that office if the difference between the vote total in the final round of counting 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 of a written request, 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 counting when the vote difference is greater than the difference required by section 31.07(a), and candidates eliminated in an earlier round of counting, 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 counting 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 as provided in 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.*

Challenges that occur during a recount of the results of the election 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.

31.08. 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 31.05 of this chapter

31. 09. Electronic voting systems.

All provisions of Minnesota Statutes pertaining to electronic voting 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 Minnesota Statute Section 206.58.

Section 2.

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