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November 15, 2023

City of Saint Paul  
City Hall 310  
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**BY EMAIL ONLY TO:**  
contact-council@ci.stpaul.mn.us

**Re: RES 23-1611 Canvassing Returns of City General Election on November 7, 2023**

Dear Councilmembers:

I am a Ward 3 resident and I voted in the City General Election on November 7, 2023. I am writing to about the City Council Member Ward 3 Reallocation Summary Statement dated November 13, 2023 prepared by Ramsey County Elections and some perceived irregularities in the Ward 3 ranked choice reallocation process.

As you know, Ward 1, Ward 3 and Ward 7 all had reallocations and the Summary Statements for each Ward are attached to your Meeting Agenda for Item 16 (RES 23-1611). My comments are specific to the Ward 3 City Council Member Reallocation Summary Statement because it does not have all the information required by City Ordinance.

City Ordinance 31.06(b) establishes the information required in the Summary Statement:

(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. (emphasis added)

The 2023 Ward 3 Reallocation Summary Statement is incomplete. It does not include all the defeated candidate transfers or exhausted ballots. The 168 exhausted ballots, or inactive ballots, in Round 1 plus the addition of a total of 547 reallocated votes to the top two candidates is unusually low because the 1<sup>st</sup> choice votes for the eliminated two candidates and the Write-In votes total 2,807. In Round 1, the two candidates with the lowest 1<sup>st</sup> choice votes and the Write-In votes were batch eliminated simultaneously because they were all mathematically impossible to be elected.

City Ordinance 31.05(d)(1) requires that, "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." (emphasis added) The ordinance does not permit the vote reallocation to end in the middle of any round of reallocation. In fact, City Ordinance 31.05(d)(1) is clear that the votes of the eliminated candidate are required to be reallocated.

There might be some confusion that the reallocation can abruptly end in the middle of any round when the threshold is met. I believe this is wrong for two reasons. First, the information required in the Summary Statement will be incorrect when the counting ends mid-round. Second, the process in the opening section of City Ordinance 31.05(d) only applies before any reallocation of votes is to begin at the ranked voting tabulation center.

The process before any reallocation is to: (1) re-determine the threshold based on a manual examination of the ballots; and (2) if the threshold is reached after this hand count, then the counting is complete before the reallocation. In Ward 3, none of the top two candidates reached this threshold before reallocation and a complete reallocation should have occurred in Round 1. This reallocation did not occur based on what the ordinance requires. Ordinance 31.05(5) specifically allows any candidate to waive participation in additional rounds of counting but does not allow a candidate to stop the counting in the middle of a round. Once a reallocation round starts it should be fully completed.

The Total Ballots from the hand count (before reallocation) must equal the Total Ballots at the end of each round. The Total Ballots at the end of a round is the Total Votes Cast plus the Inactive Ballots. The term Inactive Ballots used on the Reallocation Summary Statement is not defined in City Ordinance. For consistency in ranked choice voting, I recommend Ramsey County Elections consider replacing "Inactive Ballots" with "Exhausted Ballots" as only that term is defined in City Ordinance 31.02 as "a ballot that cannot be advanced under section 31.05." Minneapolis uses "Exhausted" on its summary statements.

You will see that the Summary Statements for Ward 1 and Ward 7 balance with the Total Votes Cast plus Inactive Ballots at the end of each round equaling the Total Ballots after the hand count. In fact, I reviewed the Summary Statements for all the prior ranked choice reallocations in Saint Paul in 2011 (Ward 2), 2013 (Ward 1), 2015 (Ward 2) and 2019 (Ward 1 and Ward 6) and they all are consistent with the reporting in the 2023 Summary Statements for Ward 1 and Ward 7 but not Ward 3.

The 2023 Reallocation Summary Statement for Ward 3 is an anomaly because the Total Ballots after Round 1 is reflected as "N/A" while the Total Votes Cast (10,926) plus Inactive Ballots (168) after Round 1 is 11,094 rather than equaling the 13,396 Total Ballots from the hand count. Therefore, there are 2,302 "missing" votes in Ward 3 that are made up of some unknown combination of votes that should have been allocated to Saura Jost, Isaac Russell or to Inactive Ballots/Exhausted Ballots.

Much of this is academic because there is no question that the Ward 3 councilmember-elect is Saura Jost because she met the threshold number of votes. But, soon after this threshold was met it appears the process stopped. Unless my analysis is wrong, it seems liberties were taken in applying the City Ordinances to both the reallocation of votes in Ward 3 and the information required in the Ward 3 Summary Statement.

Thank you for including this information in the public record. Please contact me if you have any questions or if my analysis is incorrect.

Sincerely,

/s/

Peter M. Hendricks

cc: Heather Bestler, Ramsey County Auditor/Treasurer  
David Triplett, Ramsey County Elections