ORDINANCE
OF THE
CITY OF MINNEAPOLIS

By Gordon

Amending Title 8.5, Chapter 167 of the Minneapolis Code of Ordinances relating to Elections: Municipal Elections: Rules of Conduct.

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

Section 1. That Section 167.20 of the above-entitled ordinance be amended to read as follows:

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 for whom it is mathematically impossible to be elected.

Chief election official ~~includes the director of elections and his or her designee~~ means the City Clerk and includes the City Clerk's designee(s).

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

Declared write-in candidate(s) means a candidate(s) who has filed a written request in accordance with section 167.45.

~~*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 advanced under section ~~167.60(a)(2) or section 167.70(a)(2)~~ 167.60(c)(2) or section 167.70(c)(2).

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, tied candidates, ~~and~~ surplus votes, and from undeclared write-in candidates) would not be enough to equal or 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).

Maximum possible threshold means the number of votes sufficient for a candidate to be elected under a first ranked choice tabulation under sections 167.60(b) and 167.70(b). In any given election, the maximum possible threshold equals the total ballots cast that include votes, undervotes, skipped rankings, or overvotes for the office, divided by the sum of one (1) plus the number of offices to be filled, then adding one (1), disregarding any fractions. Maximum Possible Threshold = ((Total ballots cast that include votes, undervotes, skipped rankings, or overvotes for the office)/(Seats to be elected + 1)) +1, with any fractions disregarded.

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~~ sections 167.60 and 167.70 of this chapter.

Ranked-choice voting tabulation center means ~~the place selected for the automatic or manual processing and tabulation of ballots and/or votes~~ one or more locations selected by the chief election official for the tabulation of 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.

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

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 proportion of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated by dividing the surplus by the total votes cast for the elected candidate, calculated to four (4) decimal places, ignoring any remainder. Surplus fraction of a vote = (Surplus of an elected

candidate)/(Total votes cast for elected candidate), calculated to four (4) decimal places, ignoring any remainder.

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~~, then adding one (1) ~~to the quotient~~, disregarding any fractions. Threshold = ((Total votes cast)/(Seats to be elected + 1)) +1, with any fractions disregarded.

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 by its current value, calculated to four (4) decimal places, ignoring any remainder. 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.

Undeclared write-in candidate means a write-in candidate who is not a declared write-in candidate.

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

Section 2. That Section 167.30 of the above-entitled ordinance be amended to read as follows:

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.

(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.

Section 3. That Section 167.40 of the above-entitled ordinance be amended to read as follows:

167.40. Ranked-choice voting tabulation center. The chief election official shall designate one ~~(1) location~~ or more locations 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.

Section 4. That Chapter 167 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 167.45 to read as follows:

167.45. Write-in votes. A candidate for municipal office who wants write-in votes for the candidate to be counted as votes for the candidate must file a written request with the chief election official no later than seven days before the general or special election. The chief election official shall provide copies of the form to make the request.

Section 5. That Section 167.50 of the above-entitled ordinance be amended to read as follows:

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~~ election night materials and ballots from the precinct to the ~~ranked-choice voting tabulation center designated pursuant to section 167.40 of this chapter~~ location designated by the chief election official. Upon receipt ~~at the ranked-choice voting tabulation center, all electronic voting data~~, the election night materials 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 shall be posted of such recess, which 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 tabulation center.~~

(c) *Recording write-in votes.* At a time set by the chief election official, the judges of the election shall convene at ~~the~~ a 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 declared write-in candidate. ~~In the event that votes~~

~~cast for the write-in category are not eliminated as provided in section 167.60(b), or 167.70(c), the results must be entered into the ranked-choice voting tabulation software.~~ The number of votes received by undeclared write-in candidates will be recorded as a group by office.

~~(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).~~

Section 6. That Section 167.60 of the above-entitled ordinance be amended to read as follows:

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.

(b) *First ranked choice tabulation*. A first ranked choice tabulation shall be done under this clause before a tabulation as described in clause (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the number one ranked votes. The maximum possible threshold must be determined. If the vote total for a candidate, other than an undeclared or a declared write-in candidate, is equal to or greater than the maximum possible threshold, that candidate is declared elected and the tabulation is complete. If the vote total for no candidate, other than an undeclared or a declared write-in candidate, is equal to or greater than the maximum possible threshold, a tabulation, as described in clause (c), shall be done.

(c) *Tabulation of Round(s).*

(1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated ~~and publicly declared~~. 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~~ candidate, other than an undeclared write-in candidate, has a vote total that is equal to or greater than the threshold, that candidate is declared elected and the tabulation is complete. If no ~~candidate's~~ candidate, other than an undeclared write-in candidate, has a vote total that is equal to or greater than the threshold, a new round begins and the tabulation must continue as described in clause b.

b. ~~All~~ At the beginning of the second round only, all undeclared write-in candidates and all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. For rounds subsequent to

the second round, 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, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. If no candidate can be defeated ~~mathematically~~ under this clause, the tabulation must continue as described in clause c. Otherwise, the tabulation must continue as described in clause d.

c. The candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. Ties between candidates with the fewest votes must immediately and publicly be decided by lot by the chief election official at the ranked-choice voting 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.

d. The procedures in clauses a. to c. must be repeated until one (1) candidate reaches the threshold, or until only ~~two (2) continuing candidates remain~~ one (1) continuing candidate remains. If only ~~two (2) candidates remain~~ one (1) continuing candidate remains, ~~the~~ that continuing candidate ~~with the most votes~~ must be elected. In the case of a tie between two (2) or more 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. A tied candidate chosen by lot must be defeated. When only one (1) continuing candidate remains after a tie has been decided by lot, that continuing candidate must be elected and the votes of the tied candidate chosen by lot will be retained.

(2) When a ~~single~~ skipped ranking, overvote or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the ~~next non-skipped ranking~~ highest continuing ranking that is not a skipped ranking, an overvote or repeat candidate 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 because an undervote, overvote, or duplicate ranking is encountered,~~ the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

Section 7. That Section 167.70 of the above-entitled ordinance be amended to read as follows:

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.

(b) *First ranked choice tabulation.* A first ranked choice tabulation shall be done under this clause before a tabulation as described in clause (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the number one ranked votes. The maximum possible threshold must be determined. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is equal to the number of seats to be filled, those candidates are declared elected and the tabulation is complete. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is less than the number of seats to be filled, a tabulation, as described in clause (c), shall be done.

(c) *Tabulation of Round(s).*

(1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated ~~and publicly declared~~. Each round must proceed sequentially as follows:

a. The number of votes cast for each candidate for the current round must be counted. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and 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. ~~After~~ At the beginning of the second round only, after any surplus votes are calculated but not yet transferred, all undeclared write-in candidates and all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. For rounds subsequent to the second round, after any surplus votes are calculated but not yet transferred, 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, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. If no candidate can be defeated ~~mathematically~~ under this clause, the tabulation must continue as described in clause d. Otherwise, the tabulation must continue as described in clause a.

d. ~~The transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot.~~ The candidate with the largest surplus is declared elected and that candidate's surplus is transferred. A tie between two (2) or more candidates must immediately and publicly be resolved by lot by the chief election official at the ranked-choice voting 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. The transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. If no candidate has a surplus, the tabulation must continue as described in clause e. Otherwise, the tabulation must continue as described in clause a.

e. 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, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. 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.

f. The procedures in clauses a. to e. must be repeated until the number of candidates whose vote total is equal to or greater than 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~~ seats yet to be ~~elected~~ filled. If the number of continuing candidates is equal to the number of ~~offices~~ seats yet to be ~~elected~~ filled, any remaining continuing candidates must be declared elected. In the case of a tie between two (2) or more 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 reused in the event of a recount. Candidates defeated under this clause in the final round will retain their votes.

(2) When a ~~single~~ skipped ranking, overvote or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the ~~next non-skipped ranking~~ highest continuing ranking that is not a skipped ranking, an overvote or repeat candidate 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 because an undervote, overvote, or duplicate ranking is encountered,~~ the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

Section 8. That Section 167.90 of the above-entitled ordinance be amended to read as follows:

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 final round vote total 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~~ less than the percentage threshold as provided by Minnesota Statutes, Section 204C.36. 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~~ percentage threshold difference, as provided by Minnesota Statutes, Section 204C.36, is between the elected candidate with the fewest votes and the candidate with the highest final round vote total 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.

Section 9. That Section 167.100 of the above-entitled ordinance be amended to read as follows:

167.100. ~~Manual count~~ Count procedures. The chief election official shall establish administrative procedures for ~~conduct of a manual count~~ the tabulation of votes in accordance with rules for counting the votes contained in sections 167.50, 167.60 and 167.70 of this chapter.

Section 10. That Section 167.130 of the above-entitled ordinance be amended to read as follows:

167.130. Post-election review of voting system; ~~ranked-choice voting elections~~ and tabulation of results. (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.~~ Post-election review is not required for a hand count election. At canvass, the chief election official must select by lot the offices and precincts to be reviewed and set the date, time and place for the post-election review.

(b) *Scope and conduct of test.* The post-election review must be conducted, in public, of a sample of ~~votes~~ ballots 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 one thousand five hundred (1,500) votes cast in the election.~~

(c) *Single seat test.* ~~No later than two (2) days following completion of the vote tabulation~~ At canvass, the chief election official shall select, by lot, a total of 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~~ hand count of ~~votes~~ ballots cast for the ~~office~~ one or two offices of council member ~~using~~. Using procedures called for in section 167.100 of this chapter and accompanying rules~~. The~~ , the judges shall ~~make a record of~~ count and record the ~~votes~~ ballots 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 two (2) days following completion of the vote tabulation~~ At canvass, the chief election official shall select, by lot, a total of 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~~ hand count of ~~votes~~ ballots cast for ~~a multiple seat office appearing on the ballot~~ either the office of park board or the office of board of estimate and taxation, also to be determined by lot. Using procedures called for in section 167.100 of this chapter and accompanying rules, the judges shall count and record the ~~votes~~ ballots 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 voting tabulation 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~~ hand count must show that the results of the electronic voting system differed by no more than ~~one-half (1/2) of one (1) percent~~ the applicable percentage threshold, as provided by Minnesota Statutes, Section 204C.36, from the ~~manual~~ hand 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 needed*. Additional review(s) may be required as follows:

(1) Additional precinct review. If ~~the post-election review~~ a test under clause (c) or (d) reveals a difference greater than ~~one-half (1/2) of one (1) percent~~ the applicable percentage threshold, as provided by Minnesota Statutes, Section 204C.36, in at least one (1) precinct of an office, 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 two additional precincts of the same office for review. The additional precinct review must be completed within two (2) days after the precincts are selected and the results immediately reported to the county auditor.

(2) Additional office review. If the ~~second~~ additional precinct 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~~ the applicable percentage threshold, as provided by Minnesota Statutes, Section 204C.36, in at least one (1) precinct~~, from the result indicated by the post-election review~~ of an office, the chief election official must conduct a review of the ballots from all the remaining precincts in the ~~contest~~ office being reviewed. This review must be completed no later than two (2) weeks after the ~~election~~ canvass.

(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~~ make those results 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 Minnesota Statute Section 206.58. In addition, the county auditor may order the city to conduct a ~~manual~~ hand recount of all ~~votes~~ ballots 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~~ hand recount ordered per section 167.130(i) and is liable for additional penalties imposed per agreement between the city and the vendor.

Ordinance Changes Reference Chart 2013
Enhancements Highlighted in Yellow

For Council Reference May 13, 2013

167.20. Definitions. **Old Language**	**New Language**	**Notes**
Chief election official includes the director of elections and his or her designee.	*Chief election official* ~~includes the director of elections and his or her designee~~ means the City Clerk and includes the City Clerk's designee(s).	**Administrative/Housekeeping Change** Brings the ordinance into alignment with the Charter
None	*Declared write-in candidate(s)* means a candidate(s) who has filed a written request in accordance with section 167.45.	**RCV enhancement** Comparable process used in federal, state and county offices, and in the charter cities of St. Paul and Blaine
~~*Duplicate ranking* occurs when a voter ranks the same candidate at multiple rankings for the office being counted.~~	Stricken	**Administrative/Housekeeping Change** Renamed, refer to *Repeat candidate ranking* definition
Exhausted ballot means a ballot that cannot be advanced under section 167.60(a)(2) or section 167.70(a)(2).	*Exhausted ballot* means a ballot that cannot be advanced under section ~~167.60(a)(2) or section 167.70(a)(2)~~ 167.60(c)(2) or section 167.70(c)(2).	**Renumbering**
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, tied candidates, and surplus votes, would not be enough to surpass the candidate with the next higher current vote total; or	*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, tied candidates, ~~and~~ surplus votes, and from undeclared write-in candidates) would not be enough to equal or surpass the candidate with the next higher current vote total; or	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins**

Ordinance Changes Reference Chart 2013
Enhancements Highlighted in Yellow

For Council Reference May 13, 2013

167.20. Definitions. **Old Language**	**New Language**	**Notes**
None	*Maximum possible threshold* means the number of votes sufficient for a candidate to be elected under a first ranked choice tabulation under sections 167.60(b) and 167.70(b). In any given election, the maximum possible threshold equals the total ballots cast that include votes, undervotes, skipped rankings, or overvotes for the office, divided by the sum of one (1) plus the number of offices to be filled, then adding one (1), disregarding any fractions. Maximum Possible Threshold = ((Total ballots cast that include votes, undervotes, skipped rankings, or overvotes for the office)/(Seats to be elected + 1)) +1, with any fractions disregarded.	**RCV Enhancement: Election Night Results** Allows use of election night results to determine election night winners
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 167.70 of this chapter.	*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~~ sections 167.60 and 167.70 of this chapter.	**Administrative/Housekeeping Change** Consistent tabulation procedures for single- and multiple-seat elections.
Ranked-choice voting tabulation center means the place selected for the automatic or manual processing and tabulation of ballots and/or votes.	*Ranked-choice voting tabulation center* means ~~the place selected for the automatic or manual processing and tabulation of ballots and/or votes.~~ one or more locations selected by the chief election official for the tabulation of votes.	**Administrative/Housekeeping Change** Allows flexibility if needed

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167.20. Definitions. **Old Language**	**New Language**	**Notes**
None	*Repeat candidate ranking* occurs when a voter ranks the same candidate at multiple rankings for the office being counted.	**Administrative/Housekeeping Change** Renamed *Duplicate ranking*
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, with any fractions disregarded.	*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~~, then adding one (1) ~~to the quotient~~, disregarding any fractions. Threshold = ((Total votes cast)/(Seats to be elected + 1)) +1, with any fractions disregarded.	**Administrative/Housekeeping Change**
None	*Undeclared write-in candidate* means a write-in candidate who is not a declared write-in candidate.	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins**
167.30. Ballots. **Old Language**	**New Language**	**Notes**
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	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	**Administrative/Housekeeping Change**

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167.40. Ranked-choice voting tabulation center **Old Language**	**New Language**	**Notes**
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	**167.40. Ranked-choice voting tabulation center.** The chief election official shall designate one ~~(1) location~~ or more locations 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	**Administrative/Housekeeping Change** Allows flexibility of use if needed
167.45. Write-in votes **Old Language**	**New Language**	**Notes**
None	**167.45. Write-in votes.** A candidate for municipal office who wants write-in votes for the candidate to be counted as votes for the candidate must file a written request with the chief election official no later than seven days before the general or special election. The chief election official shall provide copies of the form to make the request.	**RCV enhancement: write-ins** Process to file as a declared write-in (Specifically to record the number of votes for the candidate)

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167.50 Tabulation of votes; in general **Old Language**	**New Language**	**Notes**
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	**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~~ election night materials and ballots from the precinct to the ~~ranked-choice voting tabulation center designated pursuant to section 167.40 of this chapter~~ location designated by the chief election official. Upon receipt ~~at the ranked-choice voting tabulation center, all electronic voting data~~ , the election night materials and ballots shall be secured	**Administrative/Housekeeping Change**
(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 tabulation center.	(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 shall be posted of such recess, which 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 tabulation center~~	**Administrative/Housekeeping Change**

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167.50 Tabulation of votes; in general **Old Language**	**New Language**	**Notes**
(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(b), or 167.70(c), the results must be entered into the ranked-choice voting tabulation software.	(c) *Recording write-in votes.* At a time set by the chief election official, the judges of the election shall convene at ~~the~~ a 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 declared write-in candidate. ~~In the event that votes cast for the write-in category are not eliminated as provided in section 167.60(b), or 167.70(c), the results must be entered into the ranked-choice voting tabulation software.~~ The number of votes received by undeclared write-in candidates will be recorded as a group by office.	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins**
(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).	~~(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).~~	**Administrative/Housekeeping Change**

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167.60 Tabulation of votes; single-seat elections **Old Language**	**New Language**	**Notes**
None	(b) *First ranked choice tabulation*. A first ranked choice tabulation shall be done under this clause before a tabulation as described in clause (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the number one ranked votes. The maximum possible threshold must be determined. If the vote total for a candidate, other than an undeclared or a declared write-in candidate, is equal to or greater than the maximum possible threshold, that candidate is declared elected and the tabulation is complete. If the vote total for no candidate, other than an undeclared or a declared write-in candidate, is equal to or greater than the maximum possible threshold, a tabulation, as described in clause (c), shall be done.	**RCV enhancement: Election Night Results** Process to determine winners based on election night first choice results **RCV enhancement: Voter intent** Allows for voter intent rules which call for disregarding RCV skipped rankings, overvotes and repeat candidate rankings and proceeding to the ballot's next highest ranking
(1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated and publicly declared Each round must proceed sequentially as follows:	(c) *Tabulation of Round(s).* (1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated ~~and publicly declared~~. Each round must proceed sequentially as follows:	**Administrative/Housekeeping Change**

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167.60 Tabulation of votes; single-seat elections Old Language	New Language	Notes
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, that candidate is declared elected and the tabulation is complete. If no candidate's vote total is equal to or greater than the threshold, a new round begins and the tabulation must continue as described in clause b.	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~~ candidate, other than an undeclared write-in candidate, has a vote total that is equal to or greater than the threshold, that candidate is declared elected and the tabulation is complete. If no ~~candidate's~~ candidate, other than an undeclared write-in candidate, has a vote total that is equal to or greater than the threshold, a new round begins and the tabulation must continue as described in clause b.	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins**
b. 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. If no candidate can be defeated mathematically, the tabulation must continue as described in clause c. Otherwise, the tabulation must continue as described in clause d.	b. At the beginning of the second round only, all undeclared write-in candidates and all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. For rounds subsequent to the second round, all ~~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, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. If no candidate can be defeated ~~mathematically~~ under this clause, the tabulation must continue as described in clause c. Otherwise, the tabulation must continue as described in clause d.	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins** **Administrative/Housekeeping Change** Same tabulation procedures for single- and multiple-seat elections.

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167.60 Tabulation of votes; single-seat elections Old Language	New Language	Notes
c. 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 ranked-choice voting 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.	c. The candidate with the fewest votes is defeated. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to one. Ties between candidates with the fewest votes must immediately and publicly be decided by lot by the chief election official at the ranked-choice voting 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.	**Administrative/Housekeeping Change** Same tabulation procedures for single- and multiple-seat elections.
d. The procedures in clauses a. to c. 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.	d. The procedures in clauses a. to c. must be repeated until one (1) candidate reaches the threshold, or until only ~~two (2) continuing candidates remain~~ one (1) continuing candidate remains. If only ~~two (2) candidates remain~~ one (1) continuing candidate remains, ~~the~~ that continuing candidate ~~with the most votes~~ must be elected. In the case of a tie between two (2) or more 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. A tied candidate chosen by lot must be defeated. When only one (1) continuing candidate remains after a tie has been decided by lot, that continuing candidate must be elected and the votes of the tied candidate chosen by lot will be retained.	**Administrative/Housekeeping Change** Same tabulation procedures for single- and multiple-seat elections.

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167.60 Tabulation of votes; single-seat elections **Old Language**	**New Language**	**Notes**
(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 because an undervote, overvote, or duplicate ranking is encountered, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.	(2) When a ~~single~~ skipped ranking, overvote or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the ~~next non-skipped ranking~~ highest continuing ranking that is not a skipped ranking, an overvote or repeat candidate 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 because an undervote, overvote, or duplicate ranking is encountered,~~ the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.	**RCV enhancement: Voter intent** Clarifies voter intent specific to RCV to eliminate inconsistent rules. Adopts a principle that when a skipped ranking, overvote or repeat candidate is encountered in a ranking, the ballot's next highest ranked continuing candidate will be used.

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167.70 Tabulation of votes; multiple-seat elections **Old Language**	**New Language**	**Notes**
None	(b) *First ranked choice tabulation*. A first ranked choice tabulation shall be done under this clause before a tabulation as described in clause (c). A first ranked choice tabulation will consist of a first round only. Under the first ranked choice tabulation, the vote total will be the sum of the number one ranked votes. The maximum possible threshold must be determined. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is equal to the number of seats to be filled, those candidates are declared elected and the tabulation is complete. If the number of candidates, other than any undeclared or declared write-in candidate, whose vote total is equal to or greater than the maximum possible threshold is less than the number of seats to be filled, a tabulation, as described in clause (c), shall be done.	**RCV enhancement: Election Night Results** Process to determine winners based on election night first choice results
(1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated and publicly declared. Each round must proceed sequentially as follows:	(c) *Tabulation of Round(s).* (1) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated ~~and publicly declared~~. Each round must proceed sequentially as follows:	**Administrative/Housekeeping Change**

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167.70 Tabulation of votes; multiple-seat elections Old Language	New Language	Notes
a. The number of votes cast for each candidate for the current round must be counted. If the number of candidates whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, those candidates who are continuing candidates are elected and 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, a new round begins and the tabulation must continue as described in clause b.	a. The number of votes cast for each candidate for the current round must be counted. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates, other than any undeclared write-in candidate, whose vote total is equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as described in clause b.	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins**
c. After any surplus votes are calculated but not yet transferred, 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. If no candidate can be defeated mathematically, the tabulation must continue as described in clause d. Otherwise, the tabulation must continue as described in clause a.	c. ~~After~~ At the beginning of the second round only, after any surplus votes are calculated but not yet transferred, all undeclared write-in candidates and all candidates for whom it is mathematically impossible to be elected must be defeated simultaneously. For rounds subsequent to the second round, after any surplus votes are calculated but not yet transferred, 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, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. If no candidate can be defeated ~~mathematically~~ under this clause, the tabulation must continue as described in clause d. Otherwise, the tabulation must continue as described in clause a.	**Administrative/Housekeeping Change relative to RCV enhancement: write-ins** **Administrative/Housekeeping Change** Same tabulation procedures for single- and multiple-seat elections.

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167.70 Tabulation of votes; multiple-seat elections Old Language	New Language	Notes
e. 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.	e. 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, except votes for candidates defeated in the final round are not transferred if, by their defeat, the number of continuing candidates is reduced to the number of seats yet to be filled. 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.	**Administrative/Housekeeping Change** Same tabulation procedures for single- and multiple-seat elections.
f. The procedures in clauses a. to e. must be repeated until the number of candidates whose vote total is equal to or greater than 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, any remaining continuing candidates 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 reused in the event of a recount.	f. The procedures in clauses a. to e. must be repeated until the number of candidates whose vote total is equal to or greater than 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~~ seats yet to be ~~elected~~ filled. If the number of continuing candidates is equal to the number of ~~offices~~ seats yet to be ~~elected~~ filled, any remaining continuing candidates must be declared elected. In the case of a tie between two (2) or more 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 reused in the event of a recount. Candidates defeated under this clause in the final round will retain their votes.	**Administrative/Housekeeping Change** Same tabulation procedures for single- and multiple-seat elections.

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167.70 Tabulation of votes; multiple-seat elections **Old Language**	**New Language**	**Notes**
(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 because an undervote, overvote, or duplicate ranking is encountered, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.	(2) When a ~~single~~ skipped ranking, overvote or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the ~~next non-skipped ranking~~ highest continuing ranking that is not a skipped ranking, an overvote or repeat candidate 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 because an undervote, overvote, or duplicate ranking is encountered,~~ the only votes for further continuing candidates that are ranked on that ballot are either overvotes or repeat candidate rankings, the ballot shall not count towards any candidate in that round or in subsequent rounds for the office being counted.	**Administrative/Housekeeping Change relative to RCV enhancement: Voter intent**
167.90 Manual count **Old Language**	**New Language**	**Notes**
(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 final round vote total 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 highest final round vote total from among the candidates who were not elected.	(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 final round vote total 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~~ less than the percentage threshold as provided by Minnesota Statutes, Section 204C.36. 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~~ percentage threshold difference, as provided by Minnesota Statutes, Section 204C.36, is between the elected candidate with the fewest votes and the candidate with the highest final round vote total from among the candidates who were not elected.	**Administrative/Housekeeping Change:** keeps ordinance in alignment with state statute

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167.100 Manual count **Old Language**	**New Language**	**Notes**
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 chapter.	**167.100. ~~Manual count~~ Count procedures.** The chief election official shall establish administrative procedures for ~~conduct of a manual count~~ the tabulation of votes in accordance with rules for counting the votes contained in sections 167.50, 167.60 and 167.70 of this chapter.	**Administrative/Housekeeping Change**
167.130 Post-election review **Old Language**	**New Language**	**Notes**
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.	**167.130. Post-election review of voting system~~; ranked-choice voting elections~~ and tabulation of results.** (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.~~ Post-election review is not required for a hand count election. At canvass, the chief election official must select by lot the offices and precincts to be reviewed and set the date, time and place for the post-election review.	**Administrative/Housekeeping Change** Clarification

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167.130 Post-election review Old Language	New Language	Notes
(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 one thousand five hundred (1,500) votes cast in the election.	(b) *Scope and conduct of test*. The post-election review must be conducted, in public, of a sample of ~~votes~~ ballots 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 one thousand five hundred (1,500) votes cast in the election.~~	**Administrative/Housekeeping Change**
(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 chapter 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.	(c) *Single seat test*. ~~No later than two (2) days following completion of the vote tabulation~~ At canvass, the chief election official shall select, by lot, a total of 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~~ hand count of ~~votes~~ ballots cast for the ~~office~~ one or two offices of council member ~~using.~~ Using procedures called for in section 167.100 of this chapter and accompanying rules~~. The~~ , the judges shall ~~make a record of~~ count and record the ~~votes~~ ballots 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.~~	**Administrative/Housekeeping Change** Specifies procedures for post-election review.

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167.130 Post-election review **Old Language**	**New Language**	**Notes**
(d) *Multiple seat test*. No later than two (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 chapter and accompanying rules, the judges shall 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 voting tabulation center.	(d) *Multiple seat test*. ~~No later than two (2) days following completion of the vote tabulation~~ At canvass, the chief election official shall select, by lot, a total of 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~~ hand count of ~~votes~~ ballots cast for ~~a multiple seat office appearing on the ballot~~ either the office of park board or the office of board of estimate and taxation, also to be determined by lot. Using procedures called for in section 167.100 of this chapter and accompanying rules, the judges shall count and record the ~~votes~~ ballots 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 voting tabulation center.~~	**Administrative/Housekeeping Change** Specifies procedures for post-election review.

Ordinance Changes Reference Chart 2013
Enhancements Highlighted in Yellow

For Council Reference May 13, 2013

167.130 Post-election review Old Language	New Language	Notes
(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.	(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~~ hand count must show that the results of the electronic voting system differed by no more than ~~one-half (1/2) of one (1) percent~~ the applicable percentage threshold, as provided by Minnesota Statutes, Section 204C.36, from the ~~manual~~ hand 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.	**Administrative/Housekeeping Change**

Ordinance Changes Reference Chart 2013
Enhancements Highlighted in Yellow

For Council Reference May 13, 2013

167.130 Post-election review Old Language	New Language	Notes
(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.	(f) *Additional review if needed*. Additional review(s) may be required as follows: (1) Additional precinct review. If ~~the post-election review~~ a test under clause (c) or (d) reveals a difference greater than ~~one-half (1/2) of one (1) percent~~ the applicable percentage threshold, as provided by Minnesota Statutes, Section 204C.36, in at least one (1) precinct of an office, 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 two additional precincts of the same office for review. The additional precinct review must be completed within two (2) days after the precincts are selected and the results immediately reported to the county auditor. (2) Additional office review. If the ~~second~~ additional precinct 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~~ the applicable percentage threshold, as provided by Minnesota Statutes, Section 204C.36, in at least one (1) precinct~~, from the result indicated by the post-election review~~ of an office, the chief election official must conduct a review of the ballots from all the remaining precincts in the ~~contest~~ office being reviewed. This review must be completed no later than two (2) weeks after the ~~election~~ canvass.	**Administrative/Housekeeping Change**

Ordinance Changes Reference Chart 2013
Enhancements Highlighted in Yellow

For Council Reference May 13, 2013

167.130 Post-election review Old Language	New Language	Notes
(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 results public.	(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~~ make those results public.	**Administrative/Housekeeping Change**
(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 Minnesota 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.	(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 Minnesota Statute Section 206.58. In addition, the county auditor may order the city to conduct a ~~manual~~ hand recount of all ~~votes~~ ballots cast in the election.	**Administrative/Housekeeping Change**
(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(i) and is liable for additional penalties imposed per agreement between the city and the vendor.	(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~~ hand recount ordered per section 167.130(i) and is liable for additional penalties imposed per agreement between the city and the vendor.	**Administrative/Housekeeping Change**