Executive summary

Title: 2019 municipal elections: ranked-choice voting planning and implementation

Recommended action: None at this time. This is the second in a series of discussions regarding the development of the rules of conduct for municipal elections.

Policy consideration: Does the city council support allowing voters in St. Louis Park to rank at least three (3), but not more than six (6), candidates for each office in order of preference?

Summary: On June 11, 2018 the city council agreed with following the Minneapolis model for the development of the rules for conduct of municipal elections using a ranked-choice method. As a part of that discussion, the city council also directed staff to define ranked-choice voting using plain language (see discussion on p. 2 for definition).

In addition to defining ranked-choice voting, the rules must also define the ballot design style and format to be used in municipal elections. The central question that must be addressed is the number of rankings a voter will be allowed for a single office. The main factors to consider about ballot design style and format are:

- In order to ensure voters understand and are comfortable using a RCV ballot, the ballots should, wherever possible, conform to the ballot format styles established in Minnesota Statutes and Rules for statewide elections.
- The number of rankings allowed for each race on the ballot must fit within the overall framework established in state laws and regulations.
- The ballot style and the number of rankings allowed need to be compatible with existing, certified technology that complies with the tabulation method that has been tested and used in Minneapolis and administratively supported by Hennepin County.
- Allow for future opportunities to increase the number of rankings voters are allowed for a single office as new voting equipment and software become available.

In the Minneapolis model, the ballot format provides for at least three (3) rankings for each office on the ballot (when at least three (3) candidates have filed for one office).

Staff recommends following the Minneapolis model by allowing at least three (3) rankings and adding language that not more than (6) rankings will be allowed for any office on the ballot. This language would allow for a potential increase in the number of rankings allowed at such time that new equipment or technology is available to tabulate beyond three (3) rankings. Additionally, allowing for up to six (6) rankings has been shown to reduce the number of exhausted ballots in large, competitive elections.

Financial or budget considerations: Funds have been included in the 2019 budget for RCV.

Strategic priority consideration: Not applicable.

Supporting documents: None.

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Approved by: Nancy Deno, Deputy City Manager/HR Director
Discussion

Key definitions: The following definitions will be used when discussing ballot format:

- **Chief election official** means the city clerk and includes the city clerk’s designee(s).
- **Ranked-choice voting** means an election method in which voters rank candidates for an office in order of their preference and ballots are counted in rounds where votes are distributed to candidates according to the preferences marked on each ballot 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.
- **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.

Rules for ballot format: The following rules related to ballot format will be included in the final ordinance. This will allow St. Louis Park to ensure that ballots for municipal elections comply with state law, are compatible with the existing, certified election equipment used in Hennepin County, can accommodate school district races (non-ranked-choice) on the same ballot, and that the results are able to be reproduced via hand count in the event a recount is necessary.

(a) Ballot format.

1. When there are three (3) or more candidates for a single office, a ballot must allow a voter to rank at least three (3), but not more than six (6), 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 indicate 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 if possible, with ranked-choice voting and non-ranked-choice voting portions clearly separated on the ballot. If placement of all offices to be elected cannot be placed on a single ballot, a separate ballot 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 for each voting mechanism that is selected. All rules shall be adopted in accordance with this section.

Ballot design considerations:

- **Current equipment capabilities** – Hennepin County is responsible for the election definition that accompanies each election event. This includes the responsibility for programming ballot design, maintaining election equipment, and facilitating election reporting across all precincts. The systems controlled by Hennepin County are limited in
flexibility by the capabilities of the existing equipment and software. Each jurisdiction within the county must use a single election definition common to all jurisdictions conducting an election on a given day, current software does not support two distinct election definitions or ballot designs within the voting system. This creates a technological barrier that must be factored into any decision related to the design of an RCV ballot.

- Ballot design styles – In RCV elections across the United States, there are three main designs used for RCV ballots; a 3-column ballot design, a 3-column “stacked” design, and a “grid” design, sometimes referred to as a “Cambridge style” ballot. All three ballot design styles will be reviewed with council at the study session.

- After considering existing state laws and regulations related to ballot design and the current capabilities of the existing election equipment (hardware, software, and firmware), it is recommended that St. Louis Park use the 3-column ballot design. This is the same design currently used in Minneapolis and supported by Hennepin County.

**Three-column ballot design (recommended)**
The three-column ballot design allows voters to rank up to three (3) choices for a given race on the ballot. Three choices are recommended at this time because although this design is consistent with the design of ballots used in state primary and general elections, adding additional choices to a three-column ballot style would necessitate a multiple page ballot for each voter. This would present serious technical issues, including the fact that the current assistive voting technology equipment used in precincts (AutoMARK) cannot process a multi-page ballot and the Cast Vote Record exportable data file (used to expedite the tabulation process for RCV elections) cannot reconcile the number of voters to the number of ballots cast. The three-column ballot design has been successfully used and vetted in Minneapolis for RCV elections and is currently supported by Hennepin County.

**Alternative ballot designs**
At this time use of either a three-column “stacked” design or a “grid” design is not recommended as there are concerns with compliance with current state law. Additionally, the “grid” design is not supported by current software. Although the county’s current equipment vendor, ES&S, has designed a software utility as a potential workaround, it is not currently certified for use in Minnesota. If the “grid” design and software utility was certified and permissible under state election law, the process to tabulate vote totals would need to be developed, tested, and vetted to verify the accuracy of votes cast using this design. Additionally, the city may have to purchase the software utility on its own and discussions would be required with Hennepin County to determine if they would continue to provide “back-end” support for election definition, programming, and reporting functions.

**Future design considerations**
The city’s goal going forward will be pursuing a ballot design which maximizes a voter’s opportunity to express more than three (3) preferences in any race, potentially to offer as many as six (6) rankings for each office. We will collaborate with the City of Minneapolis, Hennepin County, and ES&S to identify and evaluate opportunities for future improvements that could include changes in ballot design, operating systems, and technical enhancements. Our main...
focus will continue to be ensuring voters understand and comfortable using the RCV ballot and we are committed to continual analysis and improvement.

**Equity and inclusion considerations:** Increasing the diversity of candidates for city offices was a stated goal of the city council at the time the policy decision was made to switch to the ranked-choice method. When choosing the number of rankings to allow it is important to be mindful of the barriers or challenges that come into play before a candidate's name ever appears on a ballot. Factors that influence a person's decision to run for office may include: age, race, gender, income level, interest or desire to serve, social network, cost, time commitment, length of time living in community, language, familial responsibilities, education, and employment. While allowing voters more choices may help a non-traditional candidate feel that they have a better chance of being elected and that may factor into their decision to run for office, it is important to consider whether or not the number of rankings allowed will directly impact the diversity of the candidate pool. The ranked-choice method is one tool that can be used to try to remove a barrier for non-traditional candidates. What other tools are available? Can city policies or procedures influence all of the potential barriers?