Executive summary

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

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

Policy consideration: Does the city council support staff’s recommendations related to calculating the threshold required to be elected, requiring a candidate to file a written request to have their write-in votes counted, and resolving any ties that occur by lot?

Summary: In previous discussions the city council has agreed with following the Minneapolis model for the development of the rules for conduct of municipal elections and directed staff to move forward with a ballot design that would allow for at least three (3), but not more than six (6) rankings for any office on the ballot.

The rules for conduct of municipal elections must also address the topics of tabulation, write-ins, and provide a method for resolving ties.

The ordinance should provide a general overview of how the city will tabulate votes, meaning how the data collected on election night will be used to determine winners. One of the most important concepts that needs to be established is the threshold that must be reached for a candidate to be elected. The recommendation is to use a formula that will calculate a threshold of 50% +1 of the total ballots cast for an office. In the event that the threshold is not reached and only two candidates remain, the candidate with the most votes will be declared elected.

Under current election practices, all write-in votes for municipal offices are tabulated by election judges at city hall after Election Day. Judges use ballot images captured by the DS200 to tabulate all names that appear as write-in votes, including illegitimate or fictional names such as “Mickey Mouse” or “Captain America”. Going forward the recommendation would be to only tabulate write-in votes for those who file a written request with the chief election official. This would save time administratively and speed up the counting process overall. Both Minneapolis and St. Paul require a written request to tabulate write-in votes for a specific candidate for municipal office.

State law currently requires the canvassing board to resolve ties by lot. For municipal offices, the canvassing board is the city council. In a ranked-choice race, it is possible that a tie could occur in a round of tabulation. For this reason, it is recommended that the chief election official be authorized to resolve ties by lot. This will allow the tabulation process to continue, with limited interruption, rather than needing to stop tabulation of the race to convene the canvassing board and provide legal notice of the meeting. The city council will still be responsible for canvassing the results of municipal elections. After results have been canvassed, a candidate can make a formal request for a recount. This is the same process currently used in Minneapolis and St. Paul.

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

Strategic priority consideration: Not applicable.

Supporting documents: Discussion

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Discussion

At the study session, staff will provide council with various hands-on scenarios that demonstrate what is outlined in this report. We understand the written report provides an extensive amount of information that may be difficult to understand at first glance. Due to the complexities of various components of tabulating a ranked-choice ballot, it is important to have the following information in writing to accompany the hands-on session with council. We want to ensure that we are developing a system that can handle all possible scenarios, can be adapted to work with new technology, and can produce accurate results as efficiently as possible.

Key definitions: The following definitions will be used when discussing tabulation, write-ins, and method of resolving ties. Staff will use voting scenarios to help council understand the meaning and implication of these definitions.

- **Batch elimination** means a simultaneous defeat of multiple continuing candidates for whom it is mathematically impossible to be elected.
- **Chief election official** means the city clerk and 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 to have write-in votes for the candidate(s) counted with the chief election official no later than seven (7) days before the general or special election.
- **Exhausted ballot** means a ballot that cannot be advanced under any rule.
- **Highest continuing ranking** means the ranking on a voter’s ballot with the lowest numerical value for a continuing candidate.
- **Mathematically eliminated** 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, 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).
- **Mathematically impossible to be elected** means mathematically eliminated by the next higher current vote total comparison.
- **Maximum possible threshold** means the number of votes sufficient for a candidate to be elected under a first ranked choice tabulation. In any given election, the maximum possible threshold equals the total ballots cast that include votes, undervotes, skipped rankings, and overvotes for the office, divided by the sum of one (1) plus the number of offices to be filled, then adding one (1).

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\text{Maximum Possible Threshold} = \left(\frac{\text{Total ballots cast that include votes, undervotes, skipped rankings, and overvotes for the office}}{\text{Seats to be elected} + 1}\right) + 1
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• 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 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.

• **Ranked-choice voting tabulation center** means the location 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 sequences of voting tabulation steps.

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

• **Sum of all ranked-choice votes** means the sum of all votes for a candidate at every ranking for an office, including all repeat candidate rankings.

• **Surplus** means the total number of votes cast for an elected candidate in excess of the threshold.

• **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, then adding one (1).

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\text{Threshold} = \left(\frac{\text{Total votes cast}}{\text{Seats to be elected} + 1}\right) + 1
\]

• **Transferable vote** means a vote for a candidate who has been 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.
Ordinance recommendations: Staff recommends that the following sections be included in the body of the ordinance. It is important to note that the tabulation of votes is not the same as counting procedures, which will be determined administratively. This will provide staff with the flexibility to change and adapt the counting procedures to the technology that is available and to make improvements, as necessary, after each municipal cycle to increase efficiency. Although the counting procedures will be developed administratively in the form of a written policy, they must follow the rules set forth in the ordinance for tabulation and they must be repeatable and transparent. Post-election review plans, including an independent audit of our administrative counting procedures, will be discussed at a subsequent meeting.

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 post the number of votes at each ranking on the ballot. The election judges must then securely transfer all election night materials and ballots from the precinct to the location designated by the chief election official. Upon receipt, election night materials and ballot shall be secured.

(b) Notice of recess in count. At any time following receipt of materials, 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.

(c) Recording write-in votes. At a time set by the chief election official, the judges of the election shall convene at a ranked-choice voting tabulation center to record the names and number of votes received by each declared write-in candidate. The number of votes received by undeclared write-in candidates will be recorded as a group, by office.

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 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 number one (1) 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. The sum of all ranked-
choice votes for every candidate must be calculated. 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, 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, 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.

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 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 (1). If no candidate can be defeated under this clause, the tabulation must continue.

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 (1). Ties between candidates with the fewest votes must be resolved by lot by the chief election official. 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 one (1) continuing candidate remains. If only one continuing candidate remains, that continuing candidate must be elected. In the case of a tie between two (2) or more continuing candidates, the tie must be resolved by lot by the chief election official. 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 resolved by lot by the chief election official, that continuing candidate must be elected and the votes of the tied candidate chosen by lot will be retained.

(2) When a skipped ranking, overvote or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the 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 the only votes for further continuing candidates 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.

Ties resolved by lot.
(a) Who resolves a tie by lot. The chief election official must resolve a tie by lot.
(b) **Notice to candidates with tied votes.** The chief election official must notify all candidates with tied votes that the tie will be resolved by lot. This notice must be sent at least one (1) hour prior to resolving the tie by lot. The notice must be sent through a medium that would generally be capable of reaching a person within the one-hour period, such as face-to-face, a fax, an email, an instant message, a text, a video chat, a telephone call, or a voicemail. The chief election official is not required to confirm that the notice is received by a candidate before resolving a tie by lot. A tie may be resolved by lot even though some or all of the candidates who have tied votes are not present.

(c) **Witnesses.** The resolving of the tie by lot must be witnessed by two (2) election judges who are members of different major political parties.

(d) **Video.** The resolving of a tie by lot may be recorded through any audio and visual recording technology.

(e) **Media.** The chief election official may allow the media to view the resolution of a tie by lot.

(f) **Procedures.** The chief election official may establish written procedures for implementing this section.

**Write-in votes.**
A candidate for municipal office who wants write-in votes for themselves to be counted as votes must file a written request with the chief election official no later than seven (7) days before the general or special election. The chief election official shall provide copies of the form to make the request.

**Equity and inclusion considerations:** When considering how votes will be tabulated in a ranked-choice system, it is important to consider measures that can be taken to ensure that voters have the greatest possible opportunity to have their ballot count. This means clearly defining what will happen in scenarios in which voters skip rankings, vote for the same candidate in all rankings, or vote for too many candidates at one ranking. Although we cannot prevent all voter errors, we can find ways to ensure that the tabulation process is as equitable and inclusive as possible. A big piece of this will also be educating voters on how they can avoid making errors and maximize their opportunity to have their ballot counted in the tabulation process.