Executive summary

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

Recommended action: None at this time. This is the fourth 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 reporting of results, conducting recounts, testing of voting equipment, and procedures for post-election review?

Summary: The rules for conduct of municipal elections must address the topics of reporting of results, recounts, testing of voting equipment, and post-election review. Although many of these items are addressed in state election laws and occur under our current system, it is important to include these topics to ensure the public understands we have a continued obligation to perform these functions under a ranked-choice system. Additionally, it is important that all interested parties - voters, candidates, media, county auditor, etc. - have a clear understanding of what to expect before, during, and after Election Day.

Under current election practices, precinct-level summary statements and results are prepared by election judges on election night. The precinct-level results are then combined to produce city-wide results. These practices will continue under a ranked-choice system. The canvassing board will be provided with an election abstract that details both the precinct-level and city-wide results, similar to what occurs now. However, under a ranked-choice system the abstract will also detail the round-by-round results that were calculated.

State law does not provide for automatic recounts for municipal offices. Instead, a losing candidate can request a recount within the timeframe prescribed by state law. The recount is done at the city’s expense if the difference in the vote total between the losing candidate and the winning candidate is less than one-half of one percent of the total votes counted for that office. If the difference between the candidate vote totals exceeds that threshold, the candidate can still request a recount at their own expense. It is recommended that the city continue to follow this practice. However, because multiple rounds of tabulation can occur in a ranked-choice election, a candidate who is eliminated prior to the final round of tabulation is eligible to request a discretionary recount at their own expense.

Post-election review currently occurs at the direction of the county auditor. Because we want to ensure the public trusts the accuracy of our voting system, we have recommended conducting a post-election review for all municipal elections. A sampling of precincts will be counted by hand to verify that the voting equipment accurately recorded the votes that were cast. Because a council member race appears on every municipal election ballot, that is the office that will be counted by hand during the post-election review.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: Discussion

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Approved by: Tom Harmening, City Manager
Discussion

Reporting results.
(a) Precinct summary statement. Each precinct must print a precinct summary statement, which must minimally include the number of votes in the first ranking for each candidate.

(b) Ranked-choice voting tabulation center summary statement. The ranked-choice voting tabulation center must print a summary statement, which must include the following information: total votes cast, number of undervotes, number of totally defective and spoiled ballots, threshold calculation, total first choice rankings for all candidates, round-by-round tabulation results, including simultaneous batch eliminations and defeated candidate transfers, and exhausted ballots at each round.

(c) Election abstract. The election abstract must include the information required in the ranked-choice voting tabulation center summary statement, with the addition of the number of registered voters by precinct, the number of Election Day voter registrations, the number of absentee voters, and all other information required by the St. Louis Park Home Rule Charter.

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 the percentage threshold as provided by Minnesota Statutes, Section 204C.36.

(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 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 clause (a) above, 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.
Count procedures.
The chief election official shall establish administrative procedures for the tabulation of votes in accordance with rules for counting the votes contained in section XXX of this chapter.

Electronic voting systems.
All provisions of Minnesota Statutes pertaining to electronic voting equipment systems apply, to the extent they are not inconsistent with this chapter. Any voting equipment system used to conduct an election under this section must be authorized by the county auditor pursuant to Minnesota Statute Section 206.58.

Testing of voting systems.
The chief election official shall have the voting system tested to verify that the system will correctly mark ballots using all methods supported by the system, and count the votes cast for all candidates and on all questions per Minnesota Statute Section 206.83. In addition to all requirements of Minnesota Statute Section 206.83, the equipment must be tested to ensure that each ranking for each candidate is recorded properly, and must be tested to ensure the accuracy of software used to perform vote transfers and produce results.

Post-election review of voting system and tabulation of results.
(a) Selection of test date; notice. 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. Post-election review is not required for a hand count election.

(b) Scope and conduct of test. The post-election review must be conducted, in public, of a sample of ballots cast for at least one (1) single-seat ranked-choice voting election for city council.

(c) Single seat test. At canvass, the chief election official shall select, by lot, a total of two (2) precincts. Using the actual ballots cast in the two (2) precincts selected, the judges of the election shall conduct a hand count of ballots cast for the one (1) or two (2) offices of council member. Using procedures called for in section XXX of this chapter and accompanying rules, the judges shall count and record the ballots cast.

(d) 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 hand count must show that the results of the electronic voting system differed by no more than the applicable percentage threshold, as provided by Minnesota Statutes, section 204C.36, from the 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.

(e) Additional review if needed. Additional review(s) may be required as follows:

(1) Additional precinct review. If a test under clause (c) reveals a difference greater than the applicable percentage threshold, as provide by Minnesota Statutes, Section 204C.36, in at least one (1) precinct of an office, the chief election official must
immediately publicly select by lot two (2) 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 additional precinct review also indicates a difference in the vote totals that is greater than the applicable percentage threshold, as provided by Minnesota Statutes, section 204C.36, in at least one (1) precinct of an office, the chief election official must conduct a review of the ballots from all the remaining precincts in the office being reviewed. This review must be completed no later than two (2) weeks after the canvass.

(f) Report of results. Upon completion of the post-election review, the chief election official must immediately report the results to the county auditor and make those results public.

(g) 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.

(h) 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 hand recount of all ballots cast in the election.

Equity and inclusion considerations: Building trust in our voting system and the procedures we have put in place will be a very important part of our effort to create a system that is both equitable and inclusive. Voters and candidates from traditionally underrepresented populations will be more likely to participate in our municipal elections if they trust that the systems used will produce accurate results and if we are transparent about what will happen before, during, and after Election Day.