

## Chapter 10

### ELECTIONS\*

Sec. 10-1. Ward lines established.

Sec. 10-2. Absentee ballot counting board.

#### ARTICLE I. Rules of Conduct for Municipal Elections

Sec. 10-3. Applicability.

Sec. 10-4. Definitions.

Sec. 10-5. Ballots.

Sec. 10-6. Ranked-choice voting tabulation center.

Sec. 10-7. Write-in votes.

Sec. 10-8. Tabulation of votes; in general.

Sec. 10-9. Tabulation of votes; single-seat elections.

Sec. 10-10. Ties resolved by lot.

Sec. 10-11. Reporting results.

Sec. 10-12. Recounts.

Sec. 10-13. Count procedures.

Sec. 10-14. Electronic voting systems.

Sec. 10-15. Testing of voting systems.

Sec. 10-16. Post-election review of voting system and tabulation of results.

-----

\***Charter reference(s)**--Nominations and elections, ch. 4; code of ethics, ch. 12.

**Cross reference(s)**--Administration, ch. 2.

**State law reference(s)**--Minnesota Election Law, M.S.A. chs. 201--211C; municipal elections, M.S.A. ch. 205.

**Sec. 10-1. Ward lines established.**

Ward lines of the city are hereby determined, and the city is divided into four separate wards, as follows:

- (1) *Ward No. 1.* Ward No. 1 is as follows: Beginning at the intersection of Louisiana Ave. S. and the Burlington Northern Railroad tracks, south along Louisiana Ave. S. to Minnetonka Boulevard, east along Minnetonka Boulevard to the Soo Line Railroad tracks, south along the Soo Line Railroad tracks to State Hwy. 7, north/east along State Hwy. 7 to State Hwy. 100, south along State Hwy. 100 to the Southwest Transit Corridor tracks, north/east along the Southwest Transit Corridor tracks to the eastern city limit, north along the eastern city limit to the Burlington Northern Railroad tracks, south/west along the Burlington Northern Railroad tracks to the point of beginning.
- (2) *Ward No. 2.* Ward No. 2 is described as follows: Beginning at the intersection of State Hwy. 7 and the southern city limit, following south and east along the southern city limit to the eastern city limit, north along the eastern city limit the Southwest Transit Corridor tracks, south/west along the Southwest Transit Corridor tracks to State Hwy. 100, north along State Hwy. 100 to State Hwy. 7, south/west along State Hwy. 7 to the point of beginning.
- (3) *Ward No. 3.* Ward No. 3 is described as follows: Beginning at the intersection of the Burlington Northern Railroad tracks and the western city limit, south along the western city limit to the southern city limit, east along the southern city limit to State Hwy. 7, east along State Hwy. 7 to the Soo Line Railroad tracks, north along the Soo Line Railroad tracks to Minnetonka Boulevard, west along Minnetonka Boulevard to Louisiana Ave. S., north along Louisiana Ave. S. to the Burlington Northern Railroad tracks, south/west along the Burlington Northern Railroad tracks to the point of beginning.
- (4) *Ward No. 4.* Ward No. 4 is described as follows: Beginning at the intersection of the northern and western city limits, south along the western city limit to the Burlington Northern Railroad tracks, east along the Burlington Northern Railroad tracks to the eastern city limit, north along the eastern city limit to the northern city limit, west/north along the northern city limit to the point of beginning.

(Code 1976, §§ 4-101--4-104; Ord. No. 2223-02, 4-15-2002; Ord. No. 2412-12, 8-14-2012)

**State law reference(s)**--Wards in certain cities, M.S.A. § 205.84.

**Sec. 10-2. Absentee ballot counting board.**

The city council authorizes an absentee ballot counting board and further authorizes the election judges of such board to receive, examine and validate absentee ballots. The further duties of such board shall be those provided by statute.

**Cross reference(s)**--Boards, commissions and committees, § 2-161 et seq.

**State law reference(s)**--Municipal absentee ballot board, M.S.A. § 203B.13.

### ARTICLE I. Rules of Conduct for Municipal Elections

#### Sec. 10-3. Applicability.

This article applies to all municipal elections. All provisions of the St. Louis Park Home Rule Charter and Minnesota Statutes pertaining to elections also apply, to the extent they are not inconsistent with this chapter.

#### Sec. 10-4. 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* 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).

Maximum Possible Threshold = ((Total ballots cast that include votes, undervotes, skipped rankings, and overvotes for the office)/(Seats to be elected + 1)) + 1

*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).

$$\text{Threshold} = ((\text{Total votes cast}) / (\text{Seats to be elected} + 1)) + 1$$

*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.

*Undervote* means an instance when a voter does not rank any candidates for an office.

**Sec. 10-5. Ballots.***(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.

**Sec. 10-6. Ranked-choice voting tabulation center.**

The chief election official shall designate at least one (1) location to serve as the ranked-choice voting tabulation center. Tabulation of votes must be conducted as described in this chapter.

**Sec. 10-7. Write-in votes.**

A candidate for municipal office who wants write-in votes for the candidate 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.

**Sec. 10-8. 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.

**Sec. 10-9. 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.

**Sec. 10-10. 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.

**Sec. 10-11. 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.

**Sec. 10-12. 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.

**Sec. 10-13. 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 sections of this chapter.

**Sec. 10-14. 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.

**Sec. 10-15. 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.



**Sec. 10-16. 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 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.