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State of Minnesota
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Authored by Simon, Hilty and Masin

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act
1.2 relating to elections; establishing procedures for home rule charter jurisdictions
1.3 that adopt ranked-choice voting; amending Minnesota Statutes 2006, sections
1.4 205.13, subdivision 2; 206.83; proposing coding for new law in Minnesota
1.5 Statutes, chapter 206; proposing coding for new law as Minnesota Statutes,
1.6 chapter 204E.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[204E.01] APPLICABILITY.**

1.9 (a) This chapter applies to all elections conducted using ranked-choice voting. All
1.10 other provisions of Minnesota Statutes also apply, to the extent they are not inconsistent
1.11 with this chapter.

1.12 (b) Except as otherwise provided, a jurisdiction that chooses to adopt ranked-choice
1.13 voting pursuant to section 204E.03 must conduct the elections according to the method
1.14 and procedures established by this chapter.

1.15 Sec. 2. **[204E.02] DEFINITIONS.**

1.16 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

1.17 Subd. 2. **Batch elimination.** "Batch elimination" means a simultaneous defeat of
1.18 multiple continuing candidates that have no mathematical chance of being elected.

1.19 Subd. 3. **Continuing candidate.** "Continuing candidate" means a candidate who
1.20 has been neither elected nor defeated.

1.21 Subd. 4. **Defective ballot.** "Defective ballot" means a ballot in which a first ranking
1.22 is not indicated or if more than one candidate is given a first ranking.

1.23 Subd. 5. **Duplicate ranking.** "Duplicate ranking" occurs when a voter ranks the
1.24 same candidate at multiple rankings.

2.1 Subd. 6. **Exhausted ballot.** "Exhausted ballot" means a ballot that cannot be
2.2 transferred to a lower ranked candidate because the next ranking is blank or there is more
2.3 than one candidate given the next ranking.

2.4 Subd. 7. **Highest continuing ranking.** "Highest continuing ranking" means the
2.5 ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

2.6 Subd. 8. **Overvote.** An "overvote" occurs when a voter ranks more than one
2.7 candidate at the same ranking.

2.8 Subd. 9. **Ranked-choice voting.** "Ranked-choice voting" means an election method
2.9 in which voters rank candidates for an office in order of their preference and the ballots are
2.10 counted in rounds that, in the case of a single-seat election, simulate a series of runoffs
2.11 until one candidate meets the threshold, or until two candidates remain and the candidate
2.12 with the greatest number of votes is declared elected. In the case of multiple-seat elections,
2.13 the series of runoffs are simulated until all seats to be elected have been filled.

2.14 Subd. 10. **Ranked-choice voting tabulation center.** "Ranked-choice voting
2.15 tabulation center" means the place selected for the automatic or manual processing and
2.16 tabulation of ballots.

2.17 Subd. 11. **Ranking.** "Ranking" means the number assigned by a voter to a candidate
2.18 to express the voter's preference for that candidate. Ranking number one is the highest
2.19 ranking. A ranking of lower numerical value indicates a greater preference for a candidate
2.20 than a ranking of higher numerical value.

2.21 Subd. 12. **Round.** "Round" means an instance of the sequence of voting tabulation
2.22 steps established in sections 204E.06 and 204E.07.

2.23 Subd. 13. **Skipped ranking.** "Skipped ranking" occurs when a voter leaves a
2.24 ranking blank and ranks a candidate at a subsequent ranking.

2.25 Subd. 14. **Surplus.** "Surplus" means the total number of votes cast for an elected
2.26 candidate in excess of the threshold.

2.27 Subd. 15. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the surplus
2.28 divided by the total votes cast for the elected candidate, calculated to four decimal places.
2.29 Surplus fraction of a vote = (Surplus)/(Total votes cast for elected candidate).

2.30 Subd. 16. **Threshold.** "Threshold" means the number of votes sufficient for a
2.31 candidate to be elected. In any given election, the threshold equals the total votes counted
2.32 in the first round after removing defective ballots, divided by the sum of one plus the
2.33 number of offices to be filled and adding one to the quotient, disregarding any fractions.
2.34 Threshold = (Total votes cast)/(Seats to be elected + 1) + 1.

2.35 Subd. 17. **Transferable vote.** "Transferable vote" means a vote or a fraction of a
2.36 vote for a candidate who has been either elected or defeated.

3.1 Subd. 18. **Undervote.** An "undervote" occurs when a voter does not rank any
3.2 candidates for an office.

3.3 **Sec. 3. [204E.03] IMPLEMENTATION OF RANKED-CHOICE VOTING.**

3.4 (a) A home rule charter city or county that adopts the use of ranked-choice voting
3.5 in local elections must adopt a charter amendment no later than 30 days before the first
3.6 day for filing affidavits of candidacy for the office for which ranked-choice voting is to be
3.7 used as the method of election.

3.8 (b) The use of ranked-choice voting may be eliminated through repeal of the charter
3.9 amendment no later than 30 days before the first day for filing affidavits of candidacy for
3.10 offices for which ranked-choice voting is used as the method of election.

3.11 (c) The chief election official in the jurisdiction must notify the secretary of state
3.12 and, if applicable, the county auditor within 30 days following adoption or repeal of
3.13 the charter amendment.

3.14 **Sec. 4. [204E.04] BALLOTS.**

3.15 Subdivision 1. **Ballot format.** (a) A ballot must allow a voter to rank at least
3.16 three candidates for each office in order of preference and must also allow the voter to
3.17 add write-in candidates.

3.18 (b) A jurisdiction may use ballots compatible with alphanumeric character
3.19 recognition voting equipment.

3.20 Subd. 2. **Mixed-election method ballots.** If elections are held in which
3.21 ranked-choice voting is used in addition to other methods of voting, the ranked-choice
3.22 voting and non-ranked-choice voting elections must be on the same ballot card if possible,
3.23 with ranked-choice voting and non-ranked-choice voting portions clearly separated on the
3.24 ballot card. A separate ballot card may be used if necessary. A jurisdiction may deviate
3.25 from the standard ballot order of offices to allow separation of ranked-choice voting
3.26 and non-ranked-choice voting elections.

3.27 Subd. 3. **Ballot instructions.** (a) In an election held using optical-scan voting
3.28 technology, the ballot must include instructions to voters appearing substantially as
3.29 follows:

3.30 "INSTRUCTIONS: Mark your first choice in the first column by completely filling
3.31 in the oval next to your choice, as shown in the picture. To indicate a second choice, select
3.32 a different candidate in the second column. To indicate a third choice, select a different
3.33 candidate in the third column.

3.34 1. Rank candidates in order of your preference.

4.1 2. You may rank as few candidates as you wish or as many as is allowed.

4.2 3. Do not skip rankings.

4.3 4. Do not give the same ranking to more than one candidate.

4.4 5. Do not rank the same candidate more than once."

4.5 (b) In an election held using alphanumeric character recognition technology,
4.6 the ballot must contain the instructions as provided in paragraph (a), provided that the
4.7 instructions may be modified where necessary to reflect the appearance and layout of
4.8 the ballot.

4.9 **Sec. 5. [204E.05] RANKED-CHOICE VOTING TABULATION CENTER.**

4.10 The chief election official in the jurisdiction shall designate one location to serve as
4.11 the ranked-choice voting tabulation center. The center must be accessible to the public for
4.12 the purpose of observing the vote tabulation. Tabulation of votes must be conducted as
4.13 described in sections 204E.06 and 204E.07.

4.14 **Sec. 6. [204E.06] TABULATION OF VOTES; SINGLE-SEAT ELECTIONS.**

4.15 Subdivision 1. **Applicability.** This section applies to a ranked-choice voting election
4.16 in which one seat in office is to be filled from a single set of candidates on the ballot. The
4.17 method of tabulating ranked-choice votes for single-seat elections as described in this
4.18 section must be known as the "single-seat single transferable vote" method of tabulation.

4.19 Subd. 2. **Precinct tabulation.** When the hours for voting have ended and all voting
4.20 has concluded, the election judges in each precinct shall record and publicly declare the
4.21 number of votes at each ranking on the ballot. The election judges must then securely
4.22 transfer all electronic voting data, if applicable, from the precinct to the ranked-choice
4.23 voting tabulation center designated pursuant to section 204E.05.

4.24 Subd. 3. **Ranked-choice voting tabulation center.** (a) Tabulation of votes at the
4.25 ranked-choice voting tabulation center must proceed in rounds. First the threshold must
4.26 be calculated and publicly declared. After calculation of the threshold, each round must
4.27 proceed sequentially as follows:

4.28 (1) The number of votes cast for each candidate, as indicated by the highest
4.29 continuing ranking on each ballot, must be counted. If a candidate's vote total is equal to or
4.30 greater than the threshold, the tabulation is complete. If no candidate's vote total is equal
4.31 to or greater than the threshold, the tabulation must continue as described in clause (2).

4.32 (2) Candidates appearing on the ballot who do not receive any votes are defeated
4.33 immediately, before any transfers.

5.1 (3) All candidates are defeated whose vote total, plus all potentially transferable
5.2 votes from candidates with fewer votes, is less than the vote total of the candidate with the
5.3 next higher number of votes, such that it is mathematically impossible for that candidate
5.4 to be elected. All candidates for whom it is mathematically impossible to be elected
5.5 must be considered defeated simultaneously.

5.6 (4) The candidate with the fewest votes is defeated. Votes for the defeated candidate
5.7 must be transferred to each ballot's next-ranked continuing candidate. Ties between
5.8 candidates with the fewest votes must immediately and publicly be decided by lot by the
5.9 chief election administrator at the tabulation center. The candidate chosen by lot must
5.10 be defeated. The result of the tie resolution must be recorded and reused in the event of
5.11 a recount.

5.12 (5) The procedures in clauses (1) to (4) must be repeated until one candidate reaches
5.13 the threshold, or until only two continuing candidates remain. If only two candidates
5.14 remain, the candidate with the most votes must be elected. In the case of a tie between two
5.15 continuing candidates, the tie must be decided by lot as provided in section 204C.34. The
5.16 result of the tie resolution must be recorded and reused in the event of a recount.

5.17 (b) If any ballot cannot be advanced because no further continuing candidates
5.18 are ranked on that ballot, or because a voter has skipped a ranking or ranked the same
5.19 candidate in two or more rankings, that ballot must immediately be declared "exhausted."
5.20 Any ballot that has been declared an undervote, overvote, or exhausted must not count
5.21 towards any candidate in that round or in subsequent rounds.

5.22 **Sec. 7. [204E.07] TABULATION OF VOTES; MULTIPLE-SEAT ELECTIONS.**

5.23 Subdivision 1. **Applicability.** This section applies to a ranked-choice voting election
5.24 in which more than one seat in office is to be filled from a single set of candidates on
5.25 the ballot. The method of tabulating ranked-choice votes for multiple-seat elections as
5.26 described in this section must be known as the "multiple-seat single transferable vote"
5.27 method of tabulation.

5.28 Subd. 2. **Precinct tabulation.** When the hours for voting have ended and all voting
5.29 has concluded, the election judges in each precinct must record and publicly declare the
5.30 number of votes at each ranking on the ballot. The election judges must then securely
5.31 transfer all electronic voting data, if applicable, from the precinct to the ranked-choice
5.32 voting tabulation center designated pursuant to section 204E.05.

5.33 Subd. 3. **Ranked-choice voting tabulation center.** (a) Tabulation of votes at the
5.34 ranked-choice voting tabulation center must proceed in rounds. First the threshold must

6.1 be calculated and publicly declared. After calculation of the threshold, each round must
6.2 proceed sequentially as follows:

6.3 (1) The number of votes cast for each candidate, as indicated by the highest ranked
6.4 continuing candidate on each ballot, must be counted. If the number of candidates whose
6.5 vote totals equal or exceed the threshold is equal to the number of seats to be filled, the
6.6 tabulation is complete.

6.7 (2) Surplus votes for any candidates whose vote total is equal to or greater than
6.8 the threshold must be calculated.

6.9 (3) Candidates appearing on the ballot who do not receive any votes are defeated
6.10 immediately, before any transfers.

6.11 (4) After any surplus votes are calculated but not yet transferred, a candidate is
6.12 defeated whose vote total, plus all potentially transferable votes from elected candidates
6.13 and candidates with fewer votes, is less than the vote total of the candidate with the next
6.14 higher number of votes, such that it is mathematically impossible for that candidate to be
6.15 elected. All candidates for whom it is mathematically impossible to be elected must be
6.16 defeated simultaneously.

6.17 (5) The surplus fraction of each vote cast for an elected candidate must be transferred
6.18 to the next continuing candidate on that ballot. If two or more candidates have vote totals
6.19 that equal or exceed the threshold, the surplus fraction of the votes cast for the elected
6.20 candidate with the most votes must be transferred to the next continuing candidate on
6.21 each ballot. The surplus fraction of votes cast for other elected candidates, in order of
6.22 vote totals, must then be transferred to the next continuing candidate on each ballot. A
6.23 tie between two or more candidates must immediately and publicly be resolved by lot by
6.24 the chief election administrator at the tabulation center. The candidate chosen by lot
6.25 must be defeated. The result of the tie resolution must be recorded and reused in the
6.26 event of a recount.

6.27 (6) If there are no transferable surplus votes, the candidate with the fewest votes
6.28 is defeated. Votes for the defeated candidate are transferred to each ballot's next-ranked
6.29 continuing candidate. Ties between candidates with the fewest votes must be decided by
6.30 lot, and the candidate chosen by lot must be defeated. The result of the tie resolution must
6.31 be recorded and reused in the event of a recount.

6.32 (7) The procedures in clauses (1) to (6) must be repeated until the number of
6.33 candidates whose vote totals equal or exceed the threshold is equal to the number of seats
6.34 to be filled, or until the number of continuing candidates is equal to the number of offices
6.35 yet to be elected. If the number of continuing candidates is equal to the number of offices
6.36 yet to be elected, the remaining continuing candidate must be declared elected. In the case

7.1 of a tie between two continuing candidates, the tie must be decided by lot as provided in
7.2 section 204C.34, and the candidate chosen by lot must be defeated. The result of the tie
7.3 resolution must be recorded and repeated in the event of a recount.

7.4 (b) If any ballot cannot be advanced because no further candidates are ranked on that
7.5 ballot, that ballot must immediately be declared "exhausted." Any ballot that has been
7.6 declared an undervote, overvote, or exhausted must remain so and shall not count towards
7.7 any candidate in that round or in subsequent rounds.

7.8 Subd. 4. **Alternate counting methods.** Notwithstanding subdivision 1, a
7.9 jurisdiction may use a different ranked-choice counting method for multiple-winner
7.10 elections upon application to and approval of the secretary of state. The secretary of state
7.11 must adopt rules governing the approval of alternate counting method applications.

7.12 **Sec. 8. [204E.08] WRITE-IN PROCEDURES.**

7.13 In the event that votes cast for the write-in category are not eliminated as provided in
7.14 section 204E.06, subdivision 2, or 204E.07, subdivision 3, each ballot must be examined
7.15 by the elections administrator and the results must be entered into the ranked-choice
7.16 voting tabulation software.

7.17 **Sec. 9. [204E.09] REPORTING RESULTS.**

7.18 (a) Each precinct must print a precinct summary statement, which must include the
7.19 number of votes in each ranking for each candidate.

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

7.26 (c) The election abstract must include the information required in the ranked-choice
7.27 voting tabulation center summary statement, with the addition of the number of registered
7.28 voters by precinct, the number of same day voter registrations, and the number of absentee
7.29 voters.

7.30 **Sec. 10. [204E.12] RECOUNTS.**

7.31 (a) A candidate defeated in the final round of tabulation may request a recount
7.32 as provided in section 204C.36.

8.1 (b) A candidate defeated in an earlier round of tabulation may request a recount at
8.2 the candidate's own expense. The candidate is responsible for all expenses associated
8.3 with the recount regardless of the vote difference between the candidates in the round in
8.4 which the requesting candidate was defeated.

8.5 Sec. 11. **[204E.13] RULES.**

8.6 The secretary of state may adopt rules necessary to implement the requirements
8.7 and procedures established by this chapter.

8.8 Sec. 12. Minnesota Statutes 2006, section 205.13, subdivision 2, is amended to read:

8.9 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file
8.10 affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last
8.11 dates on which affidavits of candidacy may be filed in the clerk's office and the closing
8.12 time for filing on the last day for filing. The clerk shall post a similar notice at least
8.13 ten days before the first day to file affidavits of candidacy. The notice must indicate the
8.14 method of election to be used for the offices on the ballot. If ranked-choice voting is to be
8.15 used for a multiple-winner election and the method of tabulating votes is different from
8.16 that described in section 204E.07, the notice must also indicate the date on which the
8.17 secretary of state approved the alternate tabulation method and a location at which a full
8.18 copy of the tabulation procedures to be used may be inspected.

8.19 Sec. 13. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

8.20 Any new voting equipment purchased for use in Minnesota for the purpose of
8.21 replacing a voting system must have the ability to:

8.22 (1) capture and store ballot data;

8.23 (2) keep data anonymous;

8.24 (3) accept ranked or cumulative voting data under a variety of tabulation rules;

8.25 (4) be programmable to follow all other specifications of the ranked-choice voting
8.26 system as provided in chapter 204E;

8.27 (5) provide a minimum of three rankings for ranked-choice voting elections;

8.28 (6) notify voters of the following errors: overvotes, skipped rankings, and duplicate
8.29 rankings in a ranked-choice voting election; and

8.30 (7) be programmable to print a zero tape indicating all rankings for all candidates in
8.31 a ranked-choice voting election.

9.1 **EFFECTIVE DATE.** This section is effective upon certification by the secretary
9.2 of state that equipment meeting the standards required by this section is available for
9.3 purchase and implementation.

9.4 Sec. 14. Minnesota Statutes 2006, section 206.83, is amended to read:

9.5 **206.83 TESTING OF VOTING SYSTEMS.**

9.6 (a) Within 14 days before election day, the official in charge of elections shall
9.7 have the voting system tested to ascertain that the system will correctly mark ballots
9.8 using all methods supported by the system, including ranked-choice voting if applicable,
9.9 and through assistive technology, and count the votes cast for all candidates and on all
9.10 questions. Public notice of the time and place of the test must be given at least two days
9.11 in advance by publication once in official newspapers. The test must be observed by at
9.12 least two election judges, who are not of the same major political party, and must be open
9.13 to representatives of the political parties, candidates, the press, and the public. The test
9.14 must be conducted by (1) processing a preaudited group of ballots punched or marked to
9.15 record a predetermined number of valid votes for each candidate and on each question,
9.16 and must include for each office one or more ballot cards which have votes in excess of
9.17 the number allowed by law in order to test the ability of the voting system tabulator and
9.18 electronic ballot marker to reject those votes; and (2) processing an additional test deck
9.19 of ballots marked using the electronic ballot marker for the precinct, including ballots
9.20 marked using the electronic ballot display, audio ballot reader, and any assistive voting
9.21 technology used with the electronic ballot marker. If an election is to be conducted using
9.22 ranked-choice voting, the equipment must also be tested to ensure that each ranking
9.23 for each candidate is recorded properly.

9.24 (b) If any error is detected, the cause must be ascertained and corrected and an
9.25 errorless count must be made before the voting system may be used in the election.

9.26 (c) After the completion of the test, the programs used and ballot cards must be
9.27 sealed, retained, and disposed of as provided for paper ballots.

9.28 Sec. 15. **[206.892] POSTELECTION AUDIT OF VOTING SYSTEMS;**
9.29 **RANKED-CHOICE VOTING ELECTIONS.**

9.30 Subdivision 1. **Definition.** For purposes of this section, "postelection audit official"
9.31 means the election administration official who is responsible for the conduct of elections
9.32 in the jurisdiction being audited under this section.

9.33 Subd. 2. **Selection for audit; notice.** Thirty days before an election that will
9.34 be conducted using the ranked-choice voting method pursuant to chapter 204E, the

10.1 postelection audit official must set the date, time, and place for postelection audit. Within
10.2 four days after the election, the postelection audit official must select the precincts to be
10.3 audited. Jurisdictions with fewer than 50,000 registered voters must select at least two
10.4 precincts for postelection audit. Jurisdictions with between 50,000 and 100,000 registered
10.5 voters must select at least three precincts to be audited. Jurisdictions with over 100,000
10.6 registered voters must select at least four precincts to be audited. The precincts must be
10.7 selected by lot at a public meeting. At least one precinct selected in each county must have
10.8 had more than 150 votes cast at the election. The postelection audit official must notify the
10.9 secretary of state of the precincts that have been chosen for audit and the time and place
10.10 the postelection audit for that jurisdiction will be conducted, as soon as the decisions are
10.11 made. The secretary of state must post this information on the secretary of state's Web site.

10.12 Subd. 3. **Scope and conduct of audit.** The postelection audit must be conducted
10.13 of the votes cast for at least one single-seat ranked-choice voting election, if applicable,
10.14 and at least one multiple-seat ranked-choice voting election, if applicable. The audit must
10.15 be conducted of elections decided most closely in the final round, by percentage. The
10.16 postelection audit official may conduct a postelection audit of the votes cast for additional
10.17 offices. The postelection audit must be conducted in public at the location where the voted
10.18 ballots have been securely stored after the general election or at another location chosen
10.19 by the postelection audit official. The postelection audit official for each precinct selected
10.20 must conduct the postelection audit and may be assisted by election judges designated
10.21 by the postelection audit official for this purpose. The party balance requirement of
10.22 section 204B.19 applies to election judges designated for the audit. The postelection audit
10.23 must consist of a manual count of the ballots used in the precincts selected and must be
10.24 performed in the manner provided by section 204C.21. To the extent practicable, the
10.25 postelection audit must be conducted in the manner provided for recounts under section
10.26 204C.361. The postelection audit must also include testing of the accumulation software,
10.27 using stored electronic data for those precincts that are not audited by manual count. The
10.28 audit must be completed no later than two days before the meeting of the canvassing
10.29 board to certify the results of the election.

10.30 Subd. 4. **Standard of acceptable performance by voting system.** A comparison
10.31 of the results compiled by the voting system with the postelection audit described in this
10.32 section must show that the results of the electronic voting system differed by no more than
10.33 one-half of one percent from the manual count of the offices audited. Valid votes that have
10.34 been marked by the voter outside the vote targets or using a manual marking device that
10.35 cannot be read by the voting system must not be included in making the determination
10.36 whether the voting system has met the standard of acceptable performance for any precinct.

11.1 Subd. 5. **Additional review.** (a) If the postelection audit in one of the audited
11.2 precincts reveals a difference greater than one-half of one percent or greater than two votes
11.3 in a precinct where 400 or fewer voters cast ballots, the postelection audit official must,
11.4 within two days, conduct an additional audit of the races indicated in subdivision 3 in at
11.5 least three precincts in the same jurisdiction where the discrepancy was discovered. The
11.6 postelection audit official must immediately publicly select by lot the additional precincts
11.7 to be audited. The postelection audit official must complete the additional audit within
11.8 two days after the precincts are selected and report the results immediately to the county
11.9 auditor. If the second audit in any of the reviewed precincts also indicates a difference in
11.10 the vote totals compiled by the voting system that is greater than one-half of one percent
11.11 from the result indicated by the postelection audit or greater than two votes in a precinct
11.12 where 400 or fewer voters cast ballots, the postelection audit official must conduct an audit
11.13 of the ballots from all the remaining precincts in the jurisdiction for the races indicated
11.14 in subdivision 3. This audit must be completed and the results must be reported to the
11.15 secretary of state within one week of completing the second audit.

11.16 (b) If the results from the jurisdictionwide audits clearly indicate that an error in vote
11.17 counting has occurred, the secretary of state must notify the postelection audit official that
11.18 they must conduct a manual recount of all the ballots in the jurisdiction for the affected
11.19 office using the procedure established in section 204C.35. The recount must be completed
11.20 and the results reported to the appropriate canvassing board within two weeks of receiving
11.21 notice from the secretary of state.

11.22 Subd. 6. **Report of results.** Upon completion of the postelection audit, the
11.23 postelection audit official must immediately report the results to the county auditor. The
11.24 postelection audit official must then immediately submit the results of the postelection
11.25 audit electronically or in writing to the secretary of state not later than two days before the
11.26 canvassing board meets to canvass the election.

11.27 Subd. 7. **Update of vote totals.** If the postelection audit under this section results in
11.28 a change in the number of votes counted for any candidate, the revised vote totals must
11.29 be incorporated in the official result from those precincts.

11.30 Subd. 8. **Effect on voting systems.** If a voting system is found to have failed
11.31 to record votes accurately and in the manner provided by the Minnesota election law,
11.32 the voting system may not be used at another election until it has been examined and
11.33 recertified by the secretary of state. If the voting system failure is attributable to either its
11.34 design or to actions of the vendor, the vendor must forfeit the vendor bond required by
11.35 section 206.57 and the performance bond required by section 206.66.

12.1 Subd. 9. **Costs of audit.** The costs of the postelection audit required by this section
12.2 must be allocated as follows:

12.3 (1) the governing body responsible for each precinct selected for an audit must pay
12.4 the costs incurred for the audit conducted under subdivision 2 or 5, paragraph (a);

12.5 (2) the vendor of the voting system must pay any costs incurred by the secretary
12.6 of state to examine and recertify the voting system; and

12.7 (3) the secretary of state must reimburse local units of government for the costs of
12.8 any recount required under subdivision 5, paragraph (b).

12.9 Subd. 10. **Time for filing election contest.** The appropriate canvass is not
12.10 completed and the time for notice of a contest of election does not begin to run until all
12.11 audits under this section have been completed.