

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 2052

March 23, 2009

Authored by Simon, Eken, Reinert, Masin, Hayden and others

The bill was read for the first time and referred to the Committee on State and Local Government 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 2008, sections
1.4 205.13, subdivision 2; 206.83; 206.89, subdivisions 2, 3; proposing coding for
1.5 new law in Minnesota Statutes, chapter 206; proposing coding for new law as
1.6 Minnesota Statutes, 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 (c) Ranked-choice voting shall only be used to elect offices at a general or special
1.16 election. A primary election must not be held for any nonpartisan offices which are
1.17 elected using ranked-choice voting.

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

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

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

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

2.1 Subd. 4. **Duplicate ranking.** "Duplicate ranking" occurs when a voter ranks the
2.2 same candidate at multiple rankings.

2.3 Subd. 5. **Exhausted ballot.** "Exhausted ballot" means a ballot that cannot be
2.4 transferred to a lower ranked candidate because the next ranking is blank or there is more
2.5 than one candidate given the next ranking.

2.6 Subd. 6. **Highest continuing ranking.** "Highest continuing ranking" means the
2.7 ranking on a voter's ballot with the lowest numerical value for a continuing candidate.

2.8 Subd. 7. **Overvote.** An "overvote" occurs when a voter ranks more than one
2.9 candidate at the same ranking.

2.10 Subd. 8. **Partially defective ballot.** "Partially defective ballot" means a ballot that
2.11 is defective to the extent that the election judges are unable to determine the voter's intent
2.12 with respect to the office being counted.

2.13 Subd. 9. **Ranked-choice voting.** "Ranked-choice voting" means an election method
2.14 in which voters rank candidates for an office in order of their preference and the ballots are
2.15 counted in rounds that, in the case of a single-seat election, simulate a series of runoffs
2.16 until one candidate meets the threshold, or until two candidates remain and the candidate
2.17 with the greatest number of votes is declared elected. In the case of multiple-seat
2.18 elections, a winning threshold is calculated, and votes, or fractions thereof, are distributed
2.19 to candidates according to preferences marked on each ballot as described in section
2.20 204E.07. The series of runoffs are simulated until all seats to be elected have been filled.

2.21 Subd. 10. **Ranked-choice voting tabulation center.** "Ranked-choice voting
2.22 tabulation center" means the place selected for the automatic or manual processing and
2.23 tabulation of ballots.

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

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

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

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

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

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

3.6 Subd. 17. **Transfer value.** "Transfer value" means the fraction of a vote that a
 3.7 transferred ballot will contribute to the next ranked continuing candidate on that ballot.
 3.8 The transfer value of a vote cast for an elected candidate is calculated by multiplying the
 3.9 surplus fraction of each vote by its current value. The transfer value of a vote cast for a
 3.10 defeated candidate is the same as its current value.

3.11 Subd. 18. **Transferable vote.** "Transferable vote" means a vote or a fraction of a
 3.12 vote for a candidate who has been either elected or defeated.

3.13 Subd. 19. **Totally defective ballot.** "Totally defective ballot" means a ballot that is
 3.14 defective to the extent that election judges are unable to determine the voter's intent for
 3.15 any office on the ballot.

3.16 Subd. 20. **Undervote.** An "undervote" occurs when a voter does not rank any
 3.17 candidates for an office.

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

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

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

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

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

3.30 Subdivision 1. **Ballot format.** (a) When there are three or more qualified candidates,
 3.31 a ballot must allow a voter to rank at least three candidates for each office in order of
 3.32 preference and must also allow the voter to add write-in candidates.

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

4.1 Subd. 2. **Mixed-election method ballots.** If elections are held in which
 4.2 ranked-choice voting is used in addition to other methods of voting, the ranked-choice
 4.3 voting and non-ranked-choice voting elections must be on the same ballot card if possible,
 4.4 with ranked-choice voting and non-ranked-choice voting portions clearly separated on the
 4.5 ballot card. A separate ballot card may be used if necessary. A jurisdiction may deviate
 4.6 from the standard ballot order of offices to allow separation of ranked-choice voting
 4.7 and non-ranked-choice voting elections.

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

4.11 "INSTRUCTIONS: Mark your first choice in the first column by completely filling
 4.12 in the oval next to your choice, as shown in the picture. To indicate a second choice, select
 4.13 a different candidate in the second column. To indicate a third choice, select a different
 4.14 candidate in the third column. To indicate additional choices, select different candidates in
 4.15 the appropriate columns.

- 4.16 1. Rank candidates in order of your preference.
- 4.17 2. You may rank as few candidates as you wish or as many as is allowed.
- 4.18 3. Do not skip rankings.
- 4.19 4. Do not give the same ranking to more than one candidate.
- 4.20 5. Do not rank the same candidate more than once."

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

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

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

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

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

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

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

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

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

5.16 (3) All candidates are defeated whose vote total, plus all potentially transferable
5.17 votes from candidates with fewer votes, is less than the vote total of the candidate with the
5.18 next higher number of votes, such that it is mathematically impossible for that candidate
5.19 to be elected. All candidates for whom it is mathematically impossible to be elected
5.20 must be considered defeated simultaneously. Votes for the defeated candidates must be
5.21 transferred to each ballot's next-ranked continuing candidate.

5.22 (4) If no candidates were defeated in clause (3), the candidate with the fewest
5.23 votes is defeated. Votes for the defeated candidate must be transferred to each ballot's
5.24 next-ranked continuing candidate. Ties between candidates with the fewest votes must
5.25 immediately and publicly be decided by lot by the chief election administrator at the
5.26 tabulation center. The candidate chosen by lot must be defeated. The result of the tie
5.27 resolution must be recorded and reused in the event of a recount.

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

5.33 (b) When a single skipped ranking is encountered on a ballot, that ballot shall count
5.34 toward the next non-skipped ranking. If any ballot cannot be advanced because no further
5.35 continuing candidates are ranked on that ballot, or because a voter has skipped more than
5.36 one ranking, ranked more than one candidate in the next ranking, or ranked the same

6.1 candidate in two or more rankings, that ballot must immediately be declared "exhausted."
6.2 Any ballot that has been declared an undervote, overvote, or exhausted must not count
6.3 towards any candidate in that round or in subsequent rounds.

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

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

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

6.15 Subd. 3. **Ranked-choice voting tabulation center.** (a) Tabulation of votes at the
6.16 ranked-choice voting tabulation center must proceed in rounds for each office to be
6.17 counted. First the threshold must be calculated and publicly declared. After calculation of
6.18 the threshold, each round must proceed sequentially as follows:

6.19 (1) The number of votes cast for each candidate, as indicated by the highest ranked
6.20 continuing candidate on each ballot, must be counted. If the number of candidates whose
6.21 vote totals equal or exceed the threshold is equal to the number of seats to be filled, the
6.22 tabulation is complete. If the number of candidates whose vote total is equal to or greater
6.23 than the threshold is not equal to the number of seats to be filled, the tabulation must
6.24 continue as provided in the remainder of this subdivision.

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

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

6.29 (4) After any surplus votes are calculated but not yet transferred, a candidate is
6.30 defeated whose vote total, plus all potentially transferable votes from elected candidates
6.31 and candidates with fewer votes, is less than the vote total of the candidate with the next
6.32 higher number of votes, such that it is mathematically impossible for that candidate to be
6.33 elected. All candidates for whom it is mathematically impossible to be elected must be
6.34 defeated simultaneously. Votes for the defeated candidates must be transferred to each
6.35 ballot's next-ranked continuing candidate.

7.1 (5) The transfer value of each vote cast for an elected candidate must be transferred
7.2 to the next continuing candidate on that ballot. If two or more candidates have vote totals
7.3 that equal or exceed the threshold, the surplus fraction of the votes cast for the elected
7.4 candidate with the most votes must be transferred to the next continuing candidate on
7.5 each ballot. The surplus fraction of votes cast for the other elected candidates, in order
7.6 of vote totals, must then be transferred to the next continuing candidate on each ballot.
7.7 A tie between two or more candidates with the fewest votes must immediately and
7.8 publicly be resolved by lot by the chief election administrator at the tabulation center. The
7.9 candidate chosen by lot must be defeated and the surplus fraction of the vote for the
7.10 defeated candidate must be transferred before other transfers are made. The result of the
7.11 tie resolution must be recorded and reused in the event of a recount.

7.12 (6) If no candidates were defeated in clause (4) and if there are no transferable
7.13 surplus votes, the candidate with the fewest votes is defeated. Votes for the defeated
7.14 candidate must be transferred to each ballot's next-ranked continuing candidate. Ties
7.15 between candidates with the fewest votes must be decided by lot, and the candidate
7.16 chosen by lot must be defeated. The result of the tie resolution must be recorded and
7.17 reused in the event of a recount.

7.18 (7) The procedures in clauses (1) to (6) must be repeated until the number of
7.19 candidates whose vote totals equal or exceed the threshold is equal to the number of seats
7.20 to be filled, or until the number of continuing candidates is equal to the number of offices
7.21 yet to be elected. If the number of continuing candidates is equal to the number of offices
7.22 yet to be elected, the remaining continuing candidate must be declared elected. In the case
7.23 of a tie between two continuing candidates, the tie must be decided by lot as provided in
7.24 section 204C.34, and the candidate chosen by lot must be defeated. The result of the tie
7.25 resolution must be recorded and repeated in the event of a recount.

7.26 (b) When a single skipped ranking is encountered on a ballot, that ballot shall count
7.27 toward the next non-skipped ranking. If any ballot cannot be advanced because no further
7.28 candidates are ranked on that ballot, or because a voter has skipped more than one ranking,
7.29 ranked more than one candidate in the next ranking, or has ranked the same candidate in
7.30 two or more rankings, that ballot must immediately be declared "exhausted." Any ballot
7.31 that has been declared an undervote, overvote, or exhausted must remain so and shall not
7.32 count towards any candidate in that round or in subsequent rounds.

7.33 Subd. 4. **Alternate counting methods.** Notwithstanding subdivision 1, a
7.34 jurisdiction may use a different ranked-choice counting method for multiple-seat elections
7.35 upon application to and approval of the secretary of state. The secretary of state must
7.36 adopt rules governing the approval of alternate counting method applications.

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

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

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

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

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

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

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

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

8.22 (b) A candidate defeated in the final round of tabulation when the vote difference
8.23 is greater than that provided in section 204C.36 may request a recount at the candidate's
8.24 own expense. A candidate defeated in an earlier round of tabulation may request a recount
8.25 at the candidate's own expense. The candidate is responsible for all expenses associated
8.26 with the recount regardless of the vote difference between the candidates in the round in
8.27 which the requesting candidate was defeated. The requesting candidate shall file with the
8.28 filing officer a bond, cash, or surety in an amount set by the filing officer for the payment
8.29 of the recount expenses. Expenses shall be determined as provided in section 204C.36,
8.30 subdivision 4.

8.31 (c) Rules adopted by the secretary of state pursuant to section 204C.36 for recounts
8.32 apply to recounts conducted pursuant to this section.

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

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

9.3 Sec. 12. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

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

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

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

9.17 (1) capture and store ballot data;

9.18 (2) keep data anonymous;

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

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

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

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

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

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

9.30 Sec. 14. Minnesota Statutes 2008, section 206.83, is amended to read:

9.31 **206.83 TESTING OF VOTING SYSTEMS.**

10.1 (a) Within 14 days before election day, the official in charge of elections shall
10.2 have the voting system tested to ascertain that the system will correctly mark ballots
10.3 using all methods supported by the system, including ranked-choice voting if applicable,
10.4 and through assistive technology, and count the votes cast for all candidates and on all
10.5 questions. Public notice of the time and place of the test must be given at least two days
10.6 in advance by publication once in official newspapers. The test must be observed by at
10.7 least two election judges, who are not of the same major political party, and must be open
10.8 to representatives of the political parties, candidates, the press, and the public. The test
10.9 must be conducted by (1) processing a preaudited group of ballots punched or marked to
10.10 record a predetermined number of valid votes for each candidate and on each question,
10.11 and must include for each office one or more ballot cards which have votes in excess of
10.12 the number allowed by law in order to test the ability of the voting system tabulator and
10.13 electronic ballot marker to reject those votes; and (2) processing an additional test deck
10.14 of ballots marked using the electronic ballot marker for the precinct, including ballots
10.15 marked using the electronic ballot display, audio ballot reader, and any assistive voting
10.16 technology used with the electronic ballot marker. If an election is to be conducted using
10.17 ranked-choice voting, the equipment must also be tested to ensure that each ranking
10.18 for each candidate is recorded properly.

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

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

10.23 Sec. 15. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

10.24 Subd. 2. **Selection for review; notice.** At the canvass of the state primary,
10.25 the county canvassing board in each county must set the date, time, and place for
10.26 the postelection review of the state general election to be held under this section. In
10.27 jurisdictions where ranked-choice voting is used, the date, time, and place for postelection
10.28 review must be set by the county auditor at least 30 days before the election.

10.29 At the canvass of the state general election, the county canvassing boards must
10.30 select the precincts to be reviewed by lot. The county canvassing board of a county with
10.31 fewer than 50,000 registered voters must conduct a postelection review of a total of at
10.32 least two precincts. The county canvassing board of a county with between 50,000 and
10.33 100,000 registered voters must conduct a review of a total of at least three precincts. The
10.34 county canvassing board of a county with over 100,000 registered voters must conduct a
10.35 review of a total of at least four precincts, or three percent of the total number of precincts

11.1 in the county, whichever is greater. At least one precinct selected in each county must
11.2 have had more than 150 votes cast at the general election.

11.3 The county auditor must notify the secretary of state of the precincts that have been
11.4 chosen for review and the time and place the postelection review for that county will be
11.5 conducted, as soon as the decisions are made. If the selection of precincts has not resulted
11.6 in the selection of at least four precincts in each congressional district, the secretary of state
11.7 may require counties to select by lot additional precincts to meet the congressional district
11.8 requirement. The secretary of state must post this information on the office Web site.

11.9 Sec. 16. Minnesota Statutes 2008, section 206.89, subdivision 3, is amended to read:

11.10 Subd. 3. **Scope and conduct of review.** The county canvassing board shall appoint
11.11 the postelection review official as defined in subdivision 1. The postelection review must
11.12 be conducted of the votes cast for president or governor; United States senator; and United
11.13 States representative. In jurisdictions where ranked-choice voting is used, the review
11.14 must also include at least one single-seat ranked-choice voting election and at least one
11.15 multiple-seat ranked-choice voting election, if such an election occurred. A postelection
11.16 review of a ranked-choice voting election must be conducted for elections decided most
11.17 closely in the final round, by percentage. The postelection review official may conduct
11.18 postelection review of the votes cast for additional offices.

11.19 The postelection review must be conducted in public at the location where the
11.20 voted ballots have been securely stored after the state general election or at another
11.21 location chosen by the county canvassing board. The postelection review official for
11.22 each precinct selected must conduct the postelection review and may be assisted by
11.23 election judges designated by the postelection review official for this purpose. The party
11.24 balance requirement of section 204B.19 applies to election judges designated for the
11.25 review. The postelection review must consist of a manual count of the ballots used in the
11.26 precincts selected and must be performed in the manner provided by section 204C.21.
11.27 The postelection review must be conducted in the manner provided for recounts under
11.28 section 204C.361 to the extent practicable, and where ranked-choice voting is used,
11.29 must include testing of the accumulation software, using stored electronic data for those
11.30 precincts that are not reviewed by manual count. The review must be completed no later
11.31 than two days before the meeting of the state canvassing board to certify the results of
11.32 the state general election.