

**ORDINANCE NO. 2023-9**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CITY CODE RELATED TO  
RULES OF CONDUCT FOR MUNICIPAL ELECTIONS AND THE RANKED-CHOICE  
VOTING METHOD**

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 3 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

**CHAPTER 3: Elections**

**Article III: Rules of Conduct for Municipal Elections; Ranked-Choice Voting Method**

\*\*\*

**§ 3.08 DEFINITIONS.**

\*\*\*

DECLARED WRITE-IN CANDIDATE(S). One or more candidates who have filed a written request with the chief election official to have write-in votes for the candidate counted, provided that such request is filed no later than seven days before the general or special election.

\*\*\*

UNDECLARED WRITE-IN CANDIDATE. A write-in candidate who is not a declared write-in candidate.

\*\*\*

~~[WRITE-IN CANDIDATE. A vote cast for a person whose name is not printed on the ballot by writing the name of the person on the blank line provided on the ballot. A write-in candidate must meet the qualifications of the office in order to be declared elected to the office.]~~

\*\*\*

**§ 3.10 BALLOTS AND WRITE-IN VOTES.**

- (a) Ballots.

(1) A ballot must allow a voter to rank a number of candidates equal to the total number of candidates who filed for office, up to a maximum of [~~six~~] three rankings. A ballot must allow a voter to add write-in candidates as one or more of the ranked candidates.

(2) A ballot must include instructions to voters that clearly indicate how to mark the ballot and how to rank candidates in order of the voter's preference so that an election judge or voting machine can tabulate the results.

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

\*\*\*

### **§ 3.12 TABULATION OF VOTES.**

(a) Election day tabulation. For each office on the ballot, the number of first-choice votes cast for each candidate shall be tabulated by compiling the results from each precinct ballot counter plus accepted absentee ballots. If the vote total for a candidate, other than an undeclared or declared write-in candidate, is equal to or greater than the maximum possible threshold, the tabulation for that office is complete.

(b) For any office which does not have a candidate reaching or exceeding the maximum possible threshold, the process shall proceed to Tabulation Rounds as described in clause (c) below. At any time after tabulation begins, the chief election official may declare a recess in the tabulation process. Notice 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, shall be posted on the door(s) of the ranked-choice voting tabulation center.

(c) Tabulation round(s).

(1) Tabulation of votes shall proceed in rounds for each office to be counted. The total number of first choice votes for each candidate, including declared write-in candidates, shall be tallied. The number of votes received by undeclared write-in candidates will be recorded as a group, by office.

(2) During any round of tabulation, when a skipped ranking, overvote, or repeat candidate ranking is encountered on a ballot, that ballot shall count towards the highest continuing ranking candidate that is not a skipped ranking, 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 become an inactive ballot. Inactive ballots shall not count towards any candidate in that round or in subsequent rounds for the office being counted.

(3) During each tabulation round, the chief election official shall establish the threshold to be declared the winner at the conclusion of that round. Inactive ballots are not included when establishing the threshold.

(4) At the end of each tabulation round, if a candidate has a vote total that is equal to or greater than the threshold determined in (3) above, the tabulation is complete. If no candidate meets the threshold, the candidate with the least number of votes, and all candidates for whom it is mathematically impossible to be elected, are eliminated. At the end of the first round of tabulation, all undeclared write-ins are eliminated.

(5) The chief election official must resolve ties between candidates with the fewest votes by lot. The candidate chosen by lot proceeds to the next round or wins. The result of the tie resolution must be recorded and reused in the event of a recount.

(6) ~~[Prior to starting]~~ During subsequent rounds of tabulation, the chief election official must transfer all votes counted for the eliminated candidate(s) in the previous round to the next ranked continuing candidate. The total number of transferred votes shall be added to the total number of votes for each candidate from the previous round.

(7) Tabulation rounds continue until one candidate reaches the threshold, or until only one continuing candidate remains.

\*\*\*

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 17<sup>th</sup> day of April, 2023.

/s/ Tim Busse  
Mayor

ATTEST:

/s/ Matt Brillhart  
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied  
City Attorney