



City of Sunfish Lake
City Council Agenda Report

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DATE: November 7, 2023
TO: Mayor, City Council and Staff
FROM: Christy Wilcox, City Clerk/Administrator
SUBJECT: Counting Write-In Votes for Local Elective Office

BACKGROUND

Amendments to Minnesota Statutes §204B.09, subd. 3 provides that a city may adopt a resolution governing the counting of write-in votes for local office. Specifically, the resolution may:

- 1) Require the candidate to file a written request with the City Clerk if the candidate wants to have the candidate's write-in votes individually recorded; or
- 2) Require that write-in votes for an individual candidate only be individually recorded if the total number of write-in votes for that office is equal or greater than the fewest number of non-write-in votes for a ballot candidate.

The current write-in vote counting process can be time consuming and unnecessary in that there is no change in election results unless a single write-in candidate receives the most votes for an office. The legislature modified the statute to allow for a more efficient tracking of write-in votes. Staff is recommending option 2.

RECOMMENDED COUNCIL ACTION:

Motion to adopt Resolution No. 23-22, Counting Write-In Votes for Local Elective Office

ATTACHMENTS

- Resolution No. 23-22, Counting Write-In Votes for Local Elective Office
- 2023 Write In Legislation

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 23-22

**RESOLUTION FOR COUNTING WRITE-IN VOTES
FOR LOCAL ELECTIVE OFFICE**

WHEREAS, Minnesota Statute 204B.09, subdivision 3 allows for the governing body of a statutory or home rule charter city to adopt a resolution governing the counting of write-in votes for local elective office; and

WHEREAS, the current write-in vote counting process is overly time consuming and unnecessary. It does not result in a change in election results unless a single write-in candidate receives the most votes for an office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNFISH LAKE, AS FOLLOWS:

That the City of Sunfish Lake hereby requires that write-in votes for an individual candidate will only be individually recorded if the total number of write-in votes for that office is equal to or greater than the fewest number of non-write in votes for a ballot candidate.

Passed this 7th day of November, 2023.

Dan O'Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 23-23

**RESOLUTION APPROVING JOINT POWERS AGREEMENT WITH THE CITY OF
SUNFISH LAKE AND DAKOTA COUNTY FOR ABSENTEE VOTING SERVICES**

WHEREAS, The City of SFL and Dakota County and other cities, townships, school districts, have negotiated a Joint Powers Agreement relating to absentee voting administration services;

WHEREAS, the Agreement is authorized pursuant to Minn. Stat. §471.59; and

WHEREAS, the Agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Sunfish Lake, Minnesota as follows:

1. The attached Joint Powers Agreement for the provision of Absentee voting administration services is hereby approved.
2. That Dan O’Leary, the Mayor for the City of Sunfish Lake, and Christy Wilcox, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed this 7th day of November, 2023.

Dan O’Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk

Sec. 75. Minnesota Statutes 2022, section 204B.09, subdivision 3, is amended to read:
Subd. 3.

Write-in candidates.

(a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought not more than 84 days before the primary and no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request. The filing officer shall not accept a written request later than 5:00 p.m. on the last day for filing a written request.

(b) The governing body of a statutory or home rule charter city may adopt a resolution governing the counting of write-in votes for local elective office. The resolution may:

(1) require the candidate to file a written request with the chief election official no later than the seventh day before the city election if the candidate wants to have the candidate's write-in votes individually recorded; or

(2) require that write-in votes for an individual candidate only be individually recorded if the total number of write-in votes for that office is equal to or greater than the fewest number of non-write-in votes for a ballot candidate.

If the governing body of the statutory or home rule charter city adopts a resolution authorized by this paragraph, the resolution must be adopted before the first day of filing for office. A resolution adopted under this paragraph remains in effect until a subsequent resolution on the same subject is adopted by the governing body of the statutory or home rule charter city.

(c) The governing body of a township, school board, hospital district, park district, soil and water district, or other ancillary elected district may adopt a resolution governing the counting of write-in votes for local elective office. The resolution may require that write-in votes for an individual candidate only be individually recorded if the total number of write-in votes for that office is equal to or greater than the fewest number of non-write-in votes for a ballot candidate.

~~(b)~~ (d) A candidate for president of the United States who files a request under this subdivision must ~~file jointly with another individual seeking nomination as a candidate for vice president of the United States. A candidate for vice president of the United States who files a request under this subdivision must file jointly with another individual seeking nomination as~~ include the name of a candidate for vice president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

~~(e)~~ (e) A candidate for governor who files a request under this subdivision must file jointly with another individual seeking nomination as a candidate for lieutenant governor. A candidate for lieutenant governor who files a request under this subdivision must file jointly with another individual seeking nomination as a candidate for governor.