

**From:** [REDACTED]  
**To:** [Statewide Initiatives](#)  
**Subject:** RE: [EXTERNAL] Initiatives 2023-2024 #117 - #134 - "majority"  
**Date:** Tuesday, January 16, 2024 12:05:09 PM  
**Attachments:** [image001.png](#)

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Dear Cheryl,

Thank you for your question. Is there proposed ballot title language yet? I only see a short "name" for the initiatives and the draft initiative text.

I am concerned about the word "majority" in the "name" of initiatives #125-134. I don't believe that "majority" should be in the ballot title without stating the total from which the majority is calculated since initiatives #117-134 want to calculate "majority" in a non-standard way.

How can I notify the Title Board, the initiative proponents and the general public of the problematic "majority" language in initiatives #117-134? I want to ensure that the **"language in the question**

**adequately represents the changes to law** and ... **would be understandable to voters.**" At the

December 20<sup>th</sup> Title Board hearing, the "majority" language was not discussed even though it was a prominent feature of initiatives #98-100 and is a prominent feature of the current initiatives.

Thank you for your help. I do want to submit the comment if that is allowed. I may also want to speak at tomorrow's Title Board hearing, but I don't know the protocol. Would I have to wait until the Title Board is starting to set the title language before speaking?

I tried calling your phone number and left a message. Perhaps a phone call between us would be helpful.

Thank you!

Celeste  
[REDACTED]

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**From:** Statewide Initiatives <[Statewide.Initiatives@coloradosos.gov](mailto:Statewide.Initiatives@coloradosos.gov)>

**Sent:** Tuesday, January 16, 2024 10:40 AM

**To:** Celeste Landry <[\[REDACTED\]@coloradosos.gov](mailto:[REDACTED]@coloradosos.gov)>; Statewide Initiatives <[Statewide.Initiatives@coloradosos.gov](mailto:Statewide.Initiatives@coloradosos.gov)>

**Subject:** RE: [EXTERNAL] Initiatives 2023-2024 #117 - #134 - "majority"

Celeste,

Thank you for your email. Are you submitting this as a public comment in regards to whether a ballot title should be fixed for the proposed initiatives or are you expecting the Title Board to make changes to the text of the proposed measures? If it is the later, it is not within the jurisdiction of the Title Board to change the text of a proposed measure.

Sincerely,

Cheryl



**Cheryl Hammack**

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**From:** Celeste Landry <[\[REDACTED\]@coloradosos.gov](mailto:[REDACTED]@coloradosos.gov)>

**Sent:** Monday, January 15, 2024 12:12 AM

**To:** Statewide Initiatives <[Statewide.Initiatives@coloradosos.gov](mailto:Statewide.Initiatives@coloradosos.gov)>

**Subject:** [EXTERNAL] Initiatives 2023-2024 #117 - #134 - "majority"

Dear Title Board,

The [Title Board webpage](#) states, "When finalizing the language for an initiative, the Title Board considers whether the **language in the question adequately represents the changes to law** and **whether the language in the question would be understandable to voters.**"

Initiatives 2023-2024 #117 through #134 use the term "majority" or "majority support" in the submitted title and/or in the text. When specifically referring to instant-runoff voting, the initiatives

use “majority of the top-ranked votes.” Neither “majority” nor “top-ranked votes” appear in Colorado Revised Statutes Title 1. Article 7. Part 10. Ranked Voting Methods nor in [Election Rule 26](#). According to 1-7-1003 (5)(b) C.R.S, “A local government that conducts an election using a ranked voting method shall conduct a voter education and outreach campaign to familiarize electors with ranked voting ...” **Please change the initiative language so that it is understandable to voters, represents the changes to law and is consistent with current election law and rules.**

Majority

The phrases “elect candidates with majority support” and “the candidate receiving a majority of votes is elected” are frequently used in these initiatives. The most common understanding of “majority” in law and among voters is “**more than half the votes cast**” in a contested race on a ballot.

In a multi-candidate plurality-voting contest, the candidate receiving the most votes wins. That candidate may or may not receive more than half the votes cast. Similarly, in instant-runoff voting (IRV) contest, the winner may or may not receive more than half the votes cast.

Consider the Maine 2018 4-candidate IRV contest for the US House of Representatives Congressional District 2. Certified results can be found at <https://www.maine.gov/sos/cec/elec/results/results18.html#Nov6>. In the final round Jared Golden, the winner, received less than half the votes cast in the election.

Candidate Names	Round 1			Round 2	
	Votes	Percentage of Total Votes	Transfer	Votes	Percentage of Total Votes
Bond, Tiffany L.	16,552	5.71%	-16,552	0	0%
DEM Golden, Jared	132,013	45.58%	<b>10,427</b>	<b>142,440</b>	<b>49.18%</b>
Hoar, William R.S.	6,875	2.37%	-6,875	0	0%
REP Poliquin, Bruce	<b>134,184</b>	<b>46.33%</b>	<b>4,747</b>	138,931	47.97%
<b>Continuing Votes</b>	<b>289,624</b>	<b>100%</b>		<b>281,371</b>	<b>97.15%</b>
<b>Overvotes</b>	N/A		98	98	0.03%
<b>Undervotes</b>	N/A		7,820	7,820	2.70%
<b>Exhausted Choices</b>	N/A		335	335	0.12%
<b>Total Votes Cast</b>	<b>289,624</b>	<b>100%</b>		<b>289,624</b>	<b>100.00%</b>

Consider the final round in two other IRV contests where no candidate received a majority of votes cast:

June 2021 New York City Democratic Mayoral Primary with 13 declared candidates

Eric Adams 43%

Kathryn Garcia 42%

Exhausted 15%

Aug 2022 Alaska Special Congressional Election with 3 declared candidates

Mary Peltola 48%

Sarah Palin 46%

Exhausted 6%

In all three examples, a majority of voters did not support the winner in the final round!

“Majority of the top-ranked votes”

“Top-ranked votes” is an unusual term. A reasonable interpretation would be the votes in the first round of counting in an IRV contest, when everyone’s top ranking is counted as a vote. If a candidate gets a majority of the votes in the first round, that candidate wins.

The meaning of “top-ranked votes” gets murky in later rounds, however. If someone’s vote transfers to the #2 ranking, the vote is no longer for the ballot’s top ranking. If a ballot’s #1 ranking is eliminated and there are no lower ranked candidates, then does the top-ranked vote stay with the #1 ranking?

Typically, an IRV winner is accurately described as “the candidate who has a majority of active votes in the final round.” Colorado statute avoids the word “majority” altogether, describing the winner this way: “The ballots shall be counted in rounds simulating a series of runoffs until two candidates remain or until one candidate has more votes than the combined vote total of all other candidates. The candidate having the greatest number of votes shall be declared the winner.” [1-7-1003 (3)(a) C.R.S.]

Why are the initiatives using “majority of the top-ranked votes” instead of using more understandable or standard language?

I earlier submitted a comment about the “majority” term on Initiatives #98-100 by the same designated representatives. This comment elaborates upon my previous comment.

Thank you for your service.

Celeste Landry, representing myself only  
Boulder, CO