

Rule 26. Ranked Voting Method

- 26.1 A local government may only conduct a ranked voting election if there are three or more candidates who have qualified for the ballot for that contest, or when there is a combination of at least two candidates who have qualified for the ballot for that contest plus at least one qualified write-in candidate.
- 26.2 A local government conducting a ranked voting election that is coordinating with the county clerk must give notice to the county clerk no later than 100 days before the election. If the county's voting system is not capable of conducting a ranked voting election, the county clerk is not required to coordinate.
- 26.3 The designated election official of a jurisdiction that will conduct an election using a ranked voting method must provide voter instructions.
- 26.3.1 The voter instructions must include, at a minimum:
- (a) A brief explanation of ranked voting;
 - (b) Instructions on how to properly mark a ballot;
 - (c) A description of how ballots will be counted;
 - (d) An example of a properly marked paper ballot;
 - (e) For instructions that will be posted at a polling location, an example of how to properly vote an in-person ballot; and
 - (f) Contact information for the designated election official of the election.
- 26.3.2 In a coordinated election, the county clerk must include the instructions in the county's election plan.
- 26.4 The designated election official of a jurisdiction conducting a ranked voting election must include instructions on the ballot showing how to properly mark the ballot. For elections in which ranked voting is not the only voting method used, the designated election official must format the ballot in a way that will allow the county to conduct all audits and reporting required by law and rule, including

reporting results of ranked voting races by precinct, and may place the ranked voting races on a separate ballot card.

26.5 Tabulation of instant-run-off elections

26.5.1 In any ranked voting election in which only one candidate will be elected to office, the designated election official must follow the tabulation procedures described in this rule.

26.5.2 During the first round of tabulation, the designated election official must tabulate the first-choice ranks on each ballot.

- (a) A candidate who receives over 50 percent of the first-choice ranks for a contest across all ballots tabulated is the winning candidate and no further rounds of tabulation will take place.
- (b) If no candidate receives over 50 percent of the first-choice ranks for a contest across all ballots tabulated, the designated election official must continue to the next round of tabulation.

26.5.3 At the beginning of the next round of tabulation, the candidate with the fewest first-choice ranks in the prior round is eliminated and the eliminated candidate's votes are transferred to each ballot's next-ranked continuing candidate and tabulated.

- (a) If, after receiving the transferred votes, a continuing candidate receives over 50 percent of the votes cast on active ballots, that candidate is the winning candidate and no further rounds will take place.
- (b) If no candidate has over 50 percent of the votes cast on active ballots after the second round, the designated election official must repeat additional rounds of tabulation as described in this Rule, until there is a winning candidate.

26.5.4 At the end of Round one and in any subsequent rounds, if the combined votes of two or more candidates with the lowest vote totals in the current round are less than the number of votes for the continuing candidate with the next-highest number of votes, then the candidates in the lowest-vote group may all be eliminated.

26.5.5 At the end of Round one and in any subsequent rounds, if two or more candidates tie for the lowest number of votes, the eliminated candidate must be chosen by lot, unless the candidates may be eliminated simultaneously under Rule 26.5.4.

26.5.6 If only two continuing candidates remain after a round and they have the same number of votes, the winning candidate must be chosen by lot.

26.5.7 The designated election official need not report election night results under Rule 11.9.4, unless directed by the Secretary of State

26.6 Tabulation of ranked voting elections using the single transferable vote method

26.6.1 In any ranked voting election where more than one candidate will be elected to an office, the designated election official must follow the tabulation procedures described in this rule.

26.6.2 During the first round of tabulation, the designated election official must tabulate the first-choice ranks on each ballot.

- (a) If the number of winning candidates is equal to the number of seats to be filled, then no further rounds will take place.
- (b) If the number of winning candidates is less than the number of seats to be filled, the designated election official continues to the next round.

26.6.3 During the second round of tabulation, the designated election official must calculate each winning candidate's surplus votes, as described in Rule 26.6.4, and transfer those votes proportionately to any continuing candidate.

- (a) After the votes are transferred, if the number of winning candidates is equal to the number of seats to be filled, no further rounds will take place.
- (b) After the votes are transferred, if the number of winning candidates is less than the number of seats to be filled, the designated election official must eliminate the continuing candidate with the fewest first-choice votes, surplus votes from winning candidates, and, when

applicable, votes transferred from eliminated candidates. The eliminated candidate's votes must then be transferred to each active ballot's next-highest-ranked continuing candidate.

- (c) After each eliminated candidate's votes are transferred, if the number of winning candidates is equal to the number of seats to be filled, no further rounds will take place.
- (d) After each eliminated candidate's votes are transferred, if the number of winning candidates is less than the number of seats to be filled, the designated election official must conduct additional rounds of tabulation as described in this rule until all seats are filled.

26.6.4 To calculate a winning candidate's surplus votes in any round, the designated election official must:

- (a) Determine which winning candidate received the most votes in any round.
 - (1) In the first round, this will only include first-choice votes cast for the winning candidate.
 - (2) In subsequent rounds, this will include first-choice votes cast for the winning candidate, votes transferred from eliminated candidates, and surplus votes from other winning candidates.
 - (3) If two or more winning candidates tie for the most votes in any round, the designated election official must first count the surplus votes of the candidate chosen by lot.
- (b) After determining which winning candidate received the most votes in any round, calculate that candidate's surplus fraction.
- (c) After calculating a winning candidate's surplus fraction, tabulate the number of votes cast for the next-highest-ranked continuing candidate on every ballot cast for the winning candidate. Then multiply each of those votes cast by the winning candidate's surplus fraction and add the resulting transfer value to any continuing candidate's total as described in Rule 26.6.3(b).

- (d) In any round with more than one winning candidate, repeat this process for each winning candidate in the order of highest votes received.

26.6.5 In any round, if two or more candidates tie for the lowest number of votes, the designated election official must determine the eliminated candidate by lot.

26.6.6 The designated election official need not report election night results under Rule 11.9.4, unless directed by the Secretary of State.

26.7 After determining voter intent in accordance with the Secretary of State's Voter Intent Guide, the designated election official must count improperly marked ballots as follows:

26.7.1 An overvote invalidates the overvoted rankings and all lower rankings marked for that contest on the ballot.

26.7.2 A skipped ranking and any lower ranking must be ignored.

26.7.3 A candidate who receives a duplicate ranking on a single ballot is credited with the highest ranking marked by the voter. All other rankings for that candidate must be ignored.

26.7.4 If a voter marked their ballot in a way that creates more than one type of improper mark as listed in Rules 26.7.1 to 26.7.3, the designated election official must first resolve skipped rankings, followed by duplicate rankings, and lastly resolve any remaining overvotes.

26.8 Reporting results of a ranked voting election

26.8.1 The designated election official must ensure anonymity of a voter's rankings in the ballot image report required by section 1-7-1003(7)(a)(II), C.R.S. In precincts with ten or fewer voters, the ballot image reports must be combined with another precinct.

26.8.2 For any ranked voting election coordinated with a county clerk, the coordinated election official must publish preliminary and final result reports of a ranked voting election on a website. The reports must comply with section 1-7-1003(7)(a)(I) – (III), C.R.S. The coordinated election

official must provide to the Secretary of State the website where results will be posted no later than a week before election day.

- 26.9 Auditing a ranked voting election or race. The designated election official must audit each ranked voting race before the canvass board certifies official election results in a manner which will not interfere with the audit required by section 1-7-515, C.R.S.