

**Rule 26. Ranked Voting Method**

26.1 Definitions. As used in this Rule, unless stated otherwise:

- 26.1.1 “Active Ballot” means a ballot properly marked and counted for either a winning candidate or a continuing candidate.
- 26.1.2 “Continuing candidate” means a candidate who has not been eliminated but is not a winning candidate.
- 26.1.3 “Duplicate ranking” means a voter marked more than one ranking for a candidate.
- 26.1.4 “Instant Run-off Election” means a type of ranked voting election where only one candidate will be elected to office.
- 26.1.5 “Overvote” means a voter marked more than one candidate with the same ranking.
- 26.1.6 “Ranking” means the voter’s assigned number or the numeric position for a candidate to express the voter’s preference for that candidate. Ranking number one is the highest rank, ranking number two is the next-highest rank, and so on.
- 26.1.7 “Single Transferable Vote Election” means a type of ranked voting election where more than one candidate will be elected to the same office.
- 26.1.8 “Skipped ranking” means a voter did not rank candidates in numerical order (e.g., voter ranks top candidate with a “1” and second candidate with a “3”, or leaves a ranking blank).
- 26.1.9 “Surplus votes” means the votes cast for a winning candidate in excess of the winning threshold that may be transferred to a continuing candidate.
- 26.1.10 “Surplus fraction” means a fraction calculated by dividing the surplus votes by the total votes cast for the winning candidate, calculated to four decimal places, ignoring any remainder. Surplus fraction = (surplus votes of a winning candidate)/(total votes cast for winning candidate), calculated to four decimal places, ignoring any remainder.
- 26.1.11 “Transfer” means assigning the vote of an eliminated candidate or the surplus vote of a winning candidate to the next-highest-ranked continuing candidate.
- 26.1.12 “Transfer value” means the fraction of a vote that a transferred ballot will contribute to the next ranked continuing candidate on that ballot. The transfer value of a vote cast for a winning candidate is limited to four decimal places, ignoring any remainder.
- 26.1.13 “Winning candidate” means a candidate who is elected after receiving at least 50 percent plus one vote in an instant-run-off election, or after reaching the winning threshold required in a single transferrable vote election, or because the number of continuing candidates and other winning candidates is less than or equal to the number of seats to be filled.
- 26.1.14 “Winning threshold” means the number of votes sufficient for a candidate to be elected. In any given election, the winning threshold equals the total votes counted in the first round of tabulation, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Winning threshold = ((Total votes cast)/(Seats to be elected + 1)) + 1, with any fraction disregarded.

- 26.2 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.
- 26.3 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.
- 26.4 The designated election official of a jurisdiction that will conduct an election using a ranked voting method must provide voter instructions.
- 26.4.1 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.
- 26.4.2 In a coordinated election, the county clerk must include the instructions in the county's mail ballot plan.
- 26.5 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.
- 26.6 Tabulation of instant-run-off elections
- 26.6.1 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.
- 26.6.2 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 on each ballot 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 on each ballot, the designated election official must continue to the next round of tabulation.
- 26.6.3 During the second round of tabulation, the candidate with the fewest first-choice ranks in the first round is eliminated and the eliminated candidate's votes are transferred to each ballot's next-ranked continuing candidate.

- (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.
- 26.6.4 In any round, two or more candidates may be eliminated simultaneously if those candidates' combined votes in that round plus the combined votes of all candidates with fewer votes, if any, are less than the number of votes for the candidate with the next-highest number of votes.
- 26.6.5 In any round, 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 26.6.4.
- 26.6.6 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.
- 26.6.7 The designated election official need not report election night results under Rule 11.10.4, unless directed by the Secretary of State.
- 26.7 Tabulation of ranked voting elections using the single transferable vote method
- 26.7.1 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.
- 26.7.2 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.
- 26.7.3 During the second round of tabulation, the designated election official must calculate each winning candidate's surplus votes, as described in Rule 26.7.4, 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.

26.7.4 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 26.7.3(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.

26.7.5 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.

26.7.6 The designated election official need not report election night results under Rule 11.10.4, unless directed by the Secretary of State.

26.8 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:

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

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

26.8.3 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.

26.9 Reporting results of a ranked voting election

- 26.9.1 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.
- 26.9.2 The comprehensive report required by section 1-7-1003 (7)(a)(III), C.R.S., must include results in the summary report by precinct.
- 26.9.3 The designated election official must submit the final reports required by section 1-7-1003 (7)(a), C.R.S., to the Secretary of State no later than the twenty-second day after the election.
- 26.10 Auditing a ranked voting election or race. The designated election official must audit each ranked voting race in accordance with this Rule before the canvass board certifies official election results.
- 26.10.1 In a coordinated election, if all winning candidates are determined in the first round of tabulation, the county clerk must conduct a risk-limiting audit under Rule 25.2. In all other cases, the audit board must verify the accuracy of the voting system's tabulation of the ranked voting contest by hand counting the votes in at least one precinct, or in one percent of all precincts in which the ranked voting contest appeared on the ballot, whichever is greater.
- 26.10.2 No later than 15 days before election day, the designated election official must appoint an audit board.
- (a) In a coordinated election, the audit board must consist of electors nominated by the major political party county chairpersons, except as otherwise provided by an intergovernmental agreement.
  - (b) In any other election, the members of the audit board must be nominated and appointed as provided by applicable law or ordinance.
  - (c) At least two members of the canvass board must observe the audit, and members of the canvass board may serve as members of the audit board.
  - (d) The designated election official, members of their staff, and other duly appointed election judges may assist the audit board in conducting the audit.
- 26.10.3 The designated election official must convene a public meeting on the tenth day after election day to randomly select by lot the precinct or precincts to be audited. The designated election official must post notice of the public meeting at least seven calendar days in advance. The notice must include a description of the random selection lot method. The designated election official must give notice of and submit to the Secretary of State a list of the precincts randomly selected for audit by 5:00 p.m. on the tenth day after election day.
- 26.10.4 Conducting the audit.
- (a) The audit board must locate and retrieve all ballot cards containing the ranked voting contest for the randomly selected precincts from their storage containers, and verify and maintain documented chain-of-custody of all voted ballots.
  - (b) The audit board must first confirm that the number of ballot cards located and retrieved for the audit equals the number of ballot cards with the ranked voting contest tabulated in each randomly selected precinct.

- (c) For each ranked voting contest, the audit board must hand count the ballots cast, following the counting method set forth in Rule 26.6 for instant-runoff-voting contests, and in Rule 26.7 for single transferable voting contests.

26.10.5 The designated election official must report the results of the audit to the Secretary of State by mail, fax, or email by 5:00 p.m. on the last day to canvass. The audit report must contain:

- (a) The number of ballots audited for each ranked voting contest;
- (b) The voting system's tabulation of the ranked voting contests for the randomly selected precincts;
- (c) The audit board's hand count of the ranked voting contests for the randomly selected precincts;
- (d) The audit board's statement that its hand count confirmed the voting system's tabulation or an explanation for any discrepancies identified; and
- (e) The signatures of the audit board, the canvass board members who observed the audit, and the designated election official.

26.10.6 The designated election official must segregate and seal and preserve as election records all materials used during the ranked voting audit, including all tabulation reports, the audited ballots, and the audit report.