Ranked Choice Voting Resource Center Comments on Colorado's Proposed RCV Regulations

The Ranked Choice Voting Resource Center appreciates this opportunity to provide comments on the Colorado Secretary of State's proposed Rules Concerning Elections (8 CCR 1505-1). With a focus on effective administration of ranked voting methods, the Ranked Choice Voting Resource Center applauds the Secretary's efforts to create a uniform, statewide regulatory scheme to ensure local governments can implement RCV effectively and efficiently.

R. 26.1.11. Rule states "WINNING THRESHOLD = ((TOTAL VOTES CAST)/(SEATS TO BE ELECTED + 1)) +1, WITH ANY FRACTION DISREGARDED."

Comment: Recommend substituting "X" for "+1". This would accommodate both single-winner and multi-winner RCV. For instance:

> A formula for the threshold can be expressed as:
>
> $$T = B / (S + 1) + X$$
>
> where T is the threshold, B is the threshold base, S is the number of seats to be filled, and X is some small extra amount between zero and one.
>
> There are two approaches for matching the threshold comparison to the allowed values of X in order to ensure that it is mathematically impossible to elect too many candidates:
>
> - X must be greater than zero, but reaching the threshold (≥) is sufficient to be elected
> - X can be zero, but the threshold must be exceeded (>) in order to be elected

R 26.5: The Ranked Choice Voting Resource Center is concerned about multiple ballot cards potentially confusing voters. Multiple ballot cards can create more opportunities for voters to commit errors that can void their ballot. Requiring separate RCV ballot cards could also create confusion arising from the ordering of contests on the ballot cards. Contests voters expect to see in one place on a ballot card may be missing due to their placement on the separate, RCV, ballot card.

We suggest running a pilot election using a multi-card system and mixed RCV/non-RCV ballots to see how voters handle them, in case there are challenges for voters in properly casting the multi-card ballots.

R. 26.6.3. Avoid language tied to specific rounds of counting, like "first round" and "second round." Replace with "previous round" and "next round."

R. 26.7.3:

Suggest this revision of the rule, as follows:

26.7.3 After the initial tabulation, votes are transferred either through surplus transfers or from eliminated candidates in individual rounds of tabulation, as follows:

(A) If one or more candidates have a vote total equal to or greater than the threshold, the Designated Election Official must calculate and transfer each winning candidate's surplus votes, with the transfer of each candidate's surplus an individual round, as described in Rule 26.7.4.
    i. After each winning candidate's surplus 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) If the number of winning candidates is less than the number of seats to be filled, and no candidates have a remaining surplus, the continuing candidate receiving the fewest votes at the end of the previous round is eliminated and that candidate's votes are transferred to each ballot's next-highest-ranked continuing candidate.
    i. After the 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 until all seats are filled.

Notes on this revision: If any candidates cross the threshold for election, you should transfer surplus before elimination. In other words, the elimination/transfer step should be the last step in this rule. Minneapolis has batch elimination in their multi-winner process, which they have before surplus transfer, but we don't recommend batch elimination in multi-winner RCV.

Additionally, a "round" in any ranked choice voting tabulation is either 1) The initial first choice tabulation, 2) a surplus transfer, or 3) an elimination + transfer. This re-written rule attempts to bring that process/structure to the surface.

R. 26.7.4(C). Change final line to "As described in Rule 26.7.3(A)" in accordance with above-suggested revision to 26.7.3.

R.26.7.4(D). Add "after the surplus transfer described in rule 26.7.4(C)."

R 26.8.2. This rule is unusual. No other current RCV jurisdictions invalidate after only one skipped ranking or have their machines anticipate later ranks by a voter. Jurisdictions either exhaust after two consecutive skips, or don't exhaust due to skips.

R. 26.10.4(C) Consider adding provision about running the hand count by eliminating/electing candidates round-by-round according to the global results.

Thank you.

Sincerely,

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