

REFERENCE TITLE: ranked choice voting

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2287**

Introduced by  
Representatives Sinema, Lopes, Meza: Ableser, Campbell CH, Gallardo,  
Lujan, Tom

AN ACT

AMENDING SECTIONS 16-424, 16-446 AND 16-449, ARIZONA REVISED STATUTES;  
AMENDING TITLE 16, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 15;  
RELATING TO RANKED CHOICE VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 16-424, Arizona Revised Statutes, is amended to  
3 read:  
4 16-424. Specifications of voting machine  
5 A. A voting machine shall ~~be constructed to~~ provide ~~facilities~~ for  
6 voting for candidates at both primary and general elections.  
7 B. A voting machine shall:  
8 1. Permit a voter to vote for any person for any office whether or not  
9 nominated as a candidate.  
10 2. ~~Insure~~ ENSURE voting in absolute secrecy.  
11 3. Permit a voter to vote for any candidate or on any proposed  
12 constitutional amendment, question, proposition or measure for whom or on  
13 which ~~he~~ THE VOTER is entitled to vote, but none other.  
14 4. Permit a voter to vote for the lawful number of candidates for an  
15 office, but no more.  
16 5. Prevent the voter from voting for the same person twice.  
17 6. IMPLEMENT RANKED CHOICE VOTING WHEN RANKING FOR CONTESTS IS  
18 POSSIBLE.  
19 ~~6-~~ 7. Be provided with a lock by which immediately after the polls  
20 are closed any movement of the voting or registering mechanism is absolutely  
21 prevented.  
22 C. A voting machine may be equipped with a device or devices for  
23 printing, embossing or photographing the count as shown on the candidate and  
24 amendment counters. The device will furnish a sheet of machine counter  
25 readings prior to the opening of the polls and in addition will provide a  
26 sheet of machine counter readings immediately upon close of polls in a  
27 minimum of three copies.  
28 Sec. 2. Section 16-446, Arizona Revised Statutes, is amended to read:  
29 16-446. Specifications of electronic voting system  
30 A. An electronic voting system consisting of a voting or marking  
31 device in combination with vote tabulating equipment shall provide facilities  
32 for voting for candidates at both primary and general elections.  
33 B. An electronic voting system shall:  
34 1. Provide for voting in secrecy when used with voting booths.  
35 2. Permit each elector to vote at any election for any person for any  
36 office whether or not nominated as a candidate, to vote for as many persons  
37 for an office as ~~he~~ THE ELECTOR is entitled to vote for and to vote for or  
38 against any question on which ~~he~~ THE ELECTOR is entitled to vote, and the  
39 vote tabulating equipment shall reject choices recorded on ~~his~~ THE ELECTOR'S  
40 ballot card or paper ballot if the number of choices exceeds the number that  
41 ~~he~~ THE ELECTOR is entitled to vote for the office or on the measure.  
42 3. Prevent the elector from voting for the same person more than once  
43 for the same office.  
44 4. ACCOMMODATE RANKED CHOICE VOTING WHEN RANKING FOR CONTESTS IS  
45 POSSIBLE.

1           ~~4.~~ 5. Be suitably designed for the purpose used and be of durable  
2 construction, and may be used safely, efficiently and accurately in the  
3 conduct of elections and counting ballots.

4           ~~5.~~ 6. Be provided with means for sealing the voting or marking device  
5 against any further voting after the close of the polls and the last voter  
6 has voted.

7           ~~6.~~ 7. When properly operated, record correctly and count accurately  
8 every vote cast.

9           ~~7.~~ 8. Provide a durable paper document that visually indicates the  
10 voter's selections, that the voter may use to verify the voter's choices,  
11 that may be spoiled by the voter if it fails to reflect the voter's choices  
12 and that permits the voter to cast a new ballot. This paper document shall  
13 be used in manual audits and recounts.

14           Sec. 3. Section 16-449, Arizona Revised Statutes, is amended to read:

15           16-449. Required test of equipment and programs; notice;  
16           procedures manual

17           A. Within the period of time before the election day prescribed by the  
18 secretary of state in the instructions and procedures manual adopted pursuant  
19 to section 16-452, the board of supervisors or other election officer in  
20 charge, or for an election involving state or federal candidates, the  
21 secretary of state, shall have the automatic tabulating equipment and  
22 programs tested to ascertain that the equipment and programs will correctly  
23 count the votes cast for all offices and on all measures, **INCLUDING THOSE**  
24 **USING THE RANKED CHOICE VOTING METHOD**. Public notice of the time and place  
25 of the test shall be given at least forty-eight hours prior thereto by  
26 publication once in one or more daily or weekly newspapers published in the  
27 town, city or village using such equipment, if a newspaper is published  
28 therein, otherwise in a newspaper of general circulation therein. The test  
29 shall be observed by at least two election inspectors, who shall not be of  
30 the same political party, and shall be open to representatives of the  
31 political parties, candidates, the press and the public. The test shall be  
32 conducted by processing a preaudited group of ballots so punched or marked as  
33 to record a predetermined number of valid votes for each candidate and on  
34 each measure and shall include for each office one or more ballots which have  
35 votes in excess of the number allowed by law in order to test the ability of  
36 the automatic tabulating equipment and programs to reject such votes. If any  
37 error is detected, the cause therefor shall be ascertained and corrected and  
38 an errorless count shall be made before the automatic tabulating equipment  
39 and programs are approved. A copy of a revised program shall be filed with  
40 the secretary of state within forty-eight hours after the revision is made.  
41 If the error was created by automatic tabulating equipment malfunction, a  
42 report shall be filed with the secretary of state within forty-eight hours  
43 after the correction is made, stating the cause and the corrective action  
44 taken. The test shall be repeated immediately before the start of the  
45 official count of the ballots in the same manner as set forth above. After

1 the completion of the count, the programs used and the ballots shall be  
2 sealed, retained and disposed of as provided for paper ballots.

3 B. Electronic ballot tabulating systems shall be tested for logic and  
4 accuracy within seven days before their use for early balloting pursuant to  
5 the instructions and procedures manual for electronic voting systems that is  
6 adopted by the secretary of state as prescribed by section 16-452. The  
7 instructions and procedures manual shall include procedures for the handling  
8 of ballots, the electronic scanning of ballots and any other matters  
9 necessary to ensure the maximum degree of correctness, impartiality and  
10 uniformity in the administration of an electronic ballot tabulating system.

11 Sec. 4. Title 16, chapter 4, Arizona Revised Statutes, is amended by  
12 adding article 15, to read:

13 ARTICLE 15. RANKED CHOICE VOTING

14 16-731. Ranked choice voting; threshold

15 A. IN ANY ELECTION IN WHICH RANKED CHOICE VOTING IS USED, THE  
16 FOLLOWING APPLY:

17 1. FOR AN ELECTION TO FILL TWO OR MORE SEATS FOR THE SAME OFFICE AND  
18 TERM, AN ELECTOR MAY VOTE FOR THE CANDIDATES FOR THAT OFFICE BY INDICATING  
19 THE ELECTOR'S ORDER OF PREFERENCE AMONG THE CANDIDATES. AN ELECTOR MAY VOTE  
20 FOR AND RANK AS FEW OF THE CANDIDATES AS THE ELECTOR WISHES OR THE ELECTOR  
21 MAY VOTE FOR AND RANK AS MANY OF THE CANDIDATES AS PERMITTED FOR THAT BALLOT  
22 AS OTHERWISE PROVIDED BY LAW.

23 2. FOR AN ELECTION TO FILL A SINGLE SEAT FOR AN OFFICE AND TERM, AN  
24 ELECTOR MAY VOTE FOR AND RANK AS FEW OF THE CANDIDATES AS THE ELECTOR WISHES  
25 OR THE ELECTOR MAY VOTE FOR AND RANK AS MANY OF THE CANDIDATES AS PERMITTED  
26 FOR THAT BALLOT AS OTHERWISE PROVIDED BY LAW. THE THRESHOLD FORMULA FOR A  
27 SINGLE SEAT CONTEST SHALL RESULT IN A MAJORITY.

28 B. FOR ANY ELECTION WITH RANKED CHOICE VOTING, THE THRESHOLD NUMBER OF  
29 VOTES NECESSARY FOR A CANDIDATE TO BE ELECTED IS:

30 1. THE FEWEST VOTES THAT CAN BE OBTAINED BY NO MORE THAN THE NUMBER OF  
31 CANDIDATES TO BE ELECTED.

32 2. CALCULATED BY DETERMINING THE TOTAL NUMBER OF VALID VOTES CAST AND  
33 DIVIDING THAT NUMBER BY THE SUM OF ONE PLUS THE NUMBER OF CANDIDATES TO BE  
34 ELECTED, THEN ADDING ONE VOTE TO THE AMOUNT CALCULATED AND IGNORING ANY  
35 FRACTIONS IN THE RESULTS, AS SHOWN IN THE FOLLOWING FORMULA:

36 
$$\frac{\text{(TOTAL NUMBER OF VOTES CAST)}}{\text{(1 + NUMBER OF CANDIDATES TO BE ELECTED FOR THAT OFFICE)}} + 1 = \text{THRESHOLD}$$

37 C. BALLOTS SHALL BE TALLIED AND ALLOCATED IN ROUNDS OF COUNTING AND  
38 EACH BALLOT SHALL BE COUNTED AS ONE VOTE FOR THAT BALLOT'S HIGHEST RANKED  
39 ADVANCING CANDIDATE. AN ADVANCING CANDIDATE IS A CANDIDATE THAT HAS NOT  
40 REACHED THE THRESHOLD NUMBER FOR ELECTION AND HAS NOT BEEN ELIMINATED FROM  
41 THE CONTEST AS PRESCRIBED BY SECTION 16-733.  
42

1 D. EACH CANDIDATE WHO REACHES THE THRESHOLD NUMBER OF VOTES IS  
2 ELECTED. IF MORE THAN ONE CANDIDATE REACHES THE THRESHOLD NUMBER IN A ROUND  
3 OF COUNTING, THE BALLOTS OF THE CANDIDATE WHO RECEIVES THE LARGEST NUMBER OF  
4 FIRST CHOICE VOTES SHALL BE THE FIRST VOTES REDISTRIBUTED AT THEIR TRANSFER  
5 VALUE TO THE SECOND CHOICE INDICATED ON THAT BALLOT OR THE NEXT AVAILABLE  
6 CHOICE IF THE SECOND CHOICE CANDIDATE HAS ALREADY BEEN ELECTED OR ELIMINATED.  
7 THE TRANSFER PROCEDURE SHALL BE REPEATED FOR THE BALLOTS OF THE REMAINING  
8 CANDIDATE WHO WAS ELECTED ON THE FIRST ROUND IF ALL SEATS HAVE NOT BEEN  
9 ELECTED BY THE FIRST REDISTRIBUTION.

10 16-732. Surplus votes; redistribution; transfer value

11 A. VOTES THAT ARE ACQUIRED BY AN ADVANCING CANDIDATE IN EXCESS OF THE  
12 THRESHOLD NUMBER REQUIRED FOR THAT ELECTION CONSTITUTE THE CANDIDATE'S  
13 SURPLUS VOTES. ANY SURPLUS VOTES THAT CANDIDATE HAS RECEIVED SHALL BE  
14 REDISTRIBUTED AMONG THE OTHER ADVANCING CANDIDATES AS FOLLOWS:

15 1. EACH VOTE THAT WAS RECEIVED BY THE ELECTED CANDIDATE SHALL BE  
16 REDISTRIBUTED TO THE NEXT AVAILABLE CHOICE ON THAT BALLOT ACCORDING TO A  
17 TRANSFER VALUE FOR EACH BALLOT. A BALLOT SHALL NOT BE TRANSFERRED IF IT DOES  
18 NOT CONTAIN A VALID CHOICE TO TRANSFER. VALID BALLOTS SHALL BE TRANSFERRED  
19 AND THE TRANSFER VALUE SHALL BE ESTABLISHED AFTER TRANSFER. THE TRANSFER  
20 VALUE SHALL BE DETERMINED BY DIVIDING THE NUMBER OF SURPLUS VOTES CAST FOR  
21 THE ELECTED CANDIDATE BY THE TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED  
22 CANDIDATE, CALCULATED TO FIVE DECIMAL PLACES AND THEN ROUNDED TO THE FOURTH  
23 DECIMAL PLACE.

24 2. THE TRANSFER VALUE IS DEPICTED IN THE FOLLOWING FORMULA:

25 (NUMBER OF SURPLUS VOTES FOR THE ELECTED CANDIDATE)

26 (TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE) = TRANSFER  
27 VALUE.

28 B. IF A CANDIDATE RECEIVES MORE THAN THE THRESHOLD NUMBER OF VOTES  
29 NECESSARY TO BE ELECTED AS A RESULT OF THE REDISTRIBUTION OF SURPLUS VOTES  
30 FROM A PREVIOUSLY ELECTED CANDIDATE, THE NUMBER OF VOTES IN EXCESS OF THE  
31 MINIMUM THRESHOLD OF VOTES NECESSARY TO BE ELECTED SHALL BE REDISTRIBUTED TO  
32 THE ADVANCING CANDIDATES. THIS REDISTRIBUTION SHALL BE TO THE NEXT AVAILABLE  
33 CHOICE SHOWN ON EACH OF THE ELECTED CANDIDATE'S BALLOTS. THE TRANSFER VALUE  
34 FOR THE BALLOTS ON WHICH THE CANDIDATE WAS THE FIRST CHOICE SHALL BE THE SAME  
35 AS THE TRANSFER VALUE PRESCRIBED IN SUBSECTION A. THE LESSER TRANSFER VALUE  
36 FOR EACH BALLOT THAT IS TRANSFERRED TO THE ADVANCING CANDIDATE FROM ONE OR  
37 MORE PREVIOUSLY ELECTED CANDIDATES SHALL BE DETERMINED AS FOLLOWS:

38 1. THE SURPLUS VOTES CAST FOR THE ELECTED CANDIDATE SHALL BE DIVIDED  
39 BY THE TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE AND MULTIPLIED  
40 BY THE PREVIOUS TRANSFER VALUE OF THAT BALLOT. THE AMOUNT SHALL BE  
41 CALCULATED TO FIVE DECIMAL PLACES AND THEN ROUNDED TO THE FOURTH DECIMAL  
42 PLACE.

1           2. THE SURPLUS VALUE IS DEPICTED IN THE FOLLOWING FORMULA:  
2           (NUMBER OF SURPLUS VOTES CAST FOR THE ELECTED CANDIDATE)  
3           (TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE) X PREVIOUS  
4 TRANSFER VALUE OF THAT BALLOT = LESSER TRANSFER VALUE.

5           16-733. Elimination rounds; transfer of votes; limitation

6           A. FOR ANY ROUND OF BALLOT COUNTING IN WHICH THERE ARE NO MORE  
7 SURPLUSES TO TRANSFER AND THE SEATS ARE NOT YET FILLED, THE CANDIDATE WITH  
8 THE LOWEST NUMBER OF VOTES SHALL BE ELIMINATED. IN ELIMINATION ROUNDS, ALL  
9 OF THAT ELIMINATED CANDIDATE'S VOTES INCLUDING FIRST CHOICE VOTES AND ANY  
10 VOTES THAT WERE RECEIVED FROM A PREVIOUSLY ELECTED CANDIDATE'S SURPLUS AT THE  
11 TRANSFER VALUE SHALL BE TRANSFERRED TO THE ADVANCING CANDIDATES ACCORDING TO  
12 THE NEXT AVAILABLE CHOICE SHOWN ON THE ELIMINATED CANDIDATE'S BALLOTS. THE  
13 ELIMINATED CANDIDATE'S FIRST CHOICE VOTES SHALL BE TRANSFERRED TO THE SECOND,  
14 OR NEXT AVAILABLE, CHOICE AT FULL VALUE. ANY VOTES THAT ARE RECEIVED FROM  
15 PREVIOUSLY ELECTED OR ELIMINATED CANDIDATES SHALL BE TRANSFERRED TO ADVANCING  
16 CANDIDATES AT THE TRANSFER VALUE AT WHICH EACH VOTE WAS RECEIVED.

17           B. VOTES MAY NOT BE TRANSFERRED TO CANDIDATES WHO HAVE ALREADY MET THE  
18 THRESHOLD NUMBER AND VOTES MAY NOT BE TRANSFERRED TO CANDIDATES WHO HAVE BEEN  
19 ELIMINATED. IF A VOTER'S NEXT CHOICE IS NOT ELIGIBLE FOR RECEIPT OF  
20 TRANSFERRED VOTES, THAT VOTE OR PORTION OF A VOTE SHALL BE TRANSFERRED TO THE  
21 VOTER'S NEXT INDICATED CHOICE UNTIL ALL CHOICES ON THAT BALLOT HAVE BEEN  
22 EXHAUSTED. A BALLOT IS EXHAUSTED IF AFTER THE PREFERRED CANDIDATES ARE  
23 ELIMINATED, THE BALLOT DOES NOT INDICATE ONE OF THE ADVANCING CANDIDATES AS  
24 AN ALTERNATE CHOICE.

25           16-734. Sequence of tabulation; candidates declared elected

26           THE TABULATION OF VOTES TO BE REDISTRIBUTED AFTER THE FIRST ROUND OF  
27 COUNTING SHALL CONTINUE IN THE FOLLOWING SEQUENCE:

28           1. THE SURPLUS VOTES OF ELECTED CANDIDATES ARE REDISTRIBUTED UNTIL  
29 THERE ARE NO MORE CANDIDATES TO RECEIVE THE MINIMUM THRESHOLD OF VOTES  
30 NECESSARY TO BE ELECTED.

31           2. THE VOTES OF ELIMINATED CANDIDATES ARE REDISTRIBUTED UNTIL ANOTHER  
32 CANDIDATE RECEIVES THE MINIMUM THRESHOLD NUMBER OF VOTES NECESSARY TO BE  
33 ELECTED.

34           3. WHEN THE NUMBER OF ADVANCING CANDIDATES PLUS THE NUMBER OF ELECTED  
35 CANDIDATES WHO HAVE REACHED THE THRESHOLD IN PREVIOUS ROUNDS IS EQUAL TO THE  
36 NUMBER OF CANDIDATES TO BE ELECTED, ALL OF THE ADVANCING CANDIDATES SHALL BE  
37 DECLARED ELECTED, WHETHER OR NOT THOSE CANDIDATES HAVE RECEIVED THE MINIMUM  
38 THRESHOLD NUMBER OF VOTES NECESSARY TO BE ELECTED.

39           16-735. Tally report for ranked choice voting

40           NOTWITHSTANDING ANY OTHER LAW, FOR EACH OFFICE ELECTED BY RANKED CHOICE  
41 VOTING, THE STATEMENT OF THE RESULT SHALL INCLUDE ALL OF THE FOLLOWING:

42           1. THE NUMBER OF VOTES CAST IN EACH ELECTION DISTRICT FOR EACH  
43 ADVANCING CANDIDATE IN EACH OFFICIAL ROUND OF COUNTING, WHERE POSSIBLE.

44           2. THE NUMBER OF EXHAUSTED BALLOTS IN EACH DISTRICT IN EACH OFFICIAL  
45 ROUND OF COUNTING, WHERE POSSIBLE.

1           3. THE TOTAL NUMBER OF VOTES CAST THAT ARE COUNTED FOR EACH ADVANCING  
2 CANDIDATE IN EACH OFFICIAL ROUND OF COUNTING.

3           4. THE TOTAL NUMBER OF EXHAUSTED BALLOTS IN EACH OFFICIAL ROUND OF  
4 COUNTING.

5           16-736. Ranked choice voting; applicability; ballot format;  
6 rules

7           A. NOTWITHSTANDING ANY OTHER LAW, THE SINGLE-SEAT RANKED CHOICE METHOD  
8 MAY BE USED IN ANY CITY, TOWN OR COUNTY ELECTION CONTEST IN WHICH A VOTER HAS  
9 THREE OR MORE VOTING OPTIONS FOR A PARTICULAR OFFICE OR ISSUE.

10           B. NOTWITHSTANDING ANY OTHER LAW, THE MULTISEAT RANKED CHOICE VOTING  
11 METHOD MAY BE USED IN ANY CITY, TOWN OR COUNTY ELECTION CONTEST IN WHICH A  
12 VOTER HAS THREE OR MORE VOTING OPTIONS FOR THAT GROUP OF OFFICES.

13           C. BALLOTS APPROVED UNDER THIS SECTION SHALL BE AS SIMPLE AND EASY TO  
14 USE AS PRACTICABLE AND SHALL ALLOW A VOTER TO RANK CANDIDATES FOR AN OFFICE  
15 OR GROUP OF OFFICES IN THE ORDER OF THAT VOTER'S CHOICE. IF PRACTICABLE,  
16 BALLOTS SHALL BE DESIGNED IN A WAY THAT VOTERS MAY MARK THEIR FIRST CHOICES  
17 IN THE SAME MANNER AS THAT FOR OFFICES THAT ARE NOT ELECTED BY THE RANKED  
18 CHOICE METHOD. IF THE SECRETARY OF STATE DETERMINES THAT THE NUMBER OF  
19 CANDIDATES FOR A PARTICULAR OFFICE EXCEEDS THE PRACTICABLE SPACE REQUIREMENTS  
20 FOR RANKING ALL CANDIDATES ON THE BALLOT, THE SECRETARY OF STATE MAY LIMIT  
21 THE NUMBER OF RANKED CHOICES THAT THE VOTER MAY MAKE, EXCEPT THAT IF THERE  
22 ARE FIVE OR MORE CANDIDATES FOR AN OFFICE, THE SECRETARY OF STATE SHALL  
23 PROVIDE FOR RANKING AT LEAST TWO MORE CANDIDATES THAN THE NUMBER OF SEATS TO  
24 BE FILLED IN THAT CONTEST.

25           D. THE SECRETARY OF STATE BY RULE MAY:

26           1. PROVIDE FOR THE USE OF MECHANICAL, ELECTRONIC OR OTHER DEVICES FOR  
27 MARKING, SORTING AND COUNTING THE BALLOTS AND TABULATING THE RESULTS.

28           2. MODIFY THE FORM OF THE BALLOTS AND THE INSTRUCTIONS TO VOTERS TO  
29 COMPLY WITH THE SYSTEM OF RANKED CHOICE VOTING.

30           3. PRESCRIBE THE METHOD OF MARKING, SORTING, COUNTING, INVALIDATING  
31 AND TABULATING VOTES, EXCEPT THAT RULES OR PROCEDURES ADOPTED SHALL NOT  
32 CONFLICT WITH THE SUBSTANCE OR INTENT OF THIS ARTICLE.

33           16-737. Sample ballots; instructions to voters; voter intent

34           A. INSTRUCTIONS ON THE BALLOT SHALL INCLUDE THE FOLLOWING STATEMENT:

35           1. RANK CANDIDATES IN ORDER OF YOUR PREFERENCE.

36           2. YOU MAY RANK AS FEW CANDIDATES AS YOU WISH OR AS MANY AS IS  
37 ALLOWED.

38           3. RANKING ADDITIONAL CANDIDATES WILL NOT HURT YOUR HIGHER RANKED  
39 FAVORITE CANDIDATES, BUT WILL INCREASE YOUR CHANCES OF HAVING YOUR BALLOT  
40 COUNT FOR A CANDIDATE IF NO CANDIDATE INITIALLY GETS ENOUGH VOTES TO WIN.

41           4. DO NOT SKIP RANKINGS OR GIVE THE SAME RANKING TO MORE THAN ONE  
42 CANDIDATE.

43           5. DO NOT RANK THE SAME CANDIDATE MORE THAN ONCE.

44           B. THE OFFICER IN CHARGE OF ELECTIONS SHALL POST SAMPLE BALLOTS THAT  
45 USE FICTITIOUS NAMES TO ILLUSTRATE VOTING PROCEDURES. THE SAMPLE BALLOTS

1 SHALL BE POSTED IN OR NEAR THE VOTING BOOTH AND SHALL BE INCLUDED IN THE  
2 INSTRUCTION MATERIALS FOR ABSENTEE BALLOTS OR EARLY VOTERS, IN MAILED VOTER  
3 PAMPHLETS AND IN INTERNET VOTER EDUCATION. BEFORE EACH ELECTION, THE  
4 SECRETARY OF STATE SHALL CONDUCT A VOTER EDUCATION CAMPAIGN TO EDUCATE VOTERS  
5 ON THE USE AND PURPOSE OF THE RANKED CHOICE VOTING METHOD. THE SECRETARY OF  
6 STATE SHALL USE PUBLIC SERVICE ANNOUNCEMENTS AS WELL AS SEEK OTHER MEDIA  
7 COOPERATION TO THE MAXIMUM EXTENT PRACTICABLE.

8 C. IN COUNTING BALLOTS, ELECTION OFFICIALS SHALL ATTEMPT TO ASCERTAIN  
9 THE INTENT OF THE VOTER AS EXPRESSED BY THE VOTER'S MARKINGS ON THE BALLOT AS  
10 PROVIDED BY LAW AND AS PRESCRIBED IN THE INSTRUCTIONS AND PROCEDURES MANUAL  
11 ADOPTED BY THE SECRETARY OF STATE. IF IT IS IMPOSSIBLE TO DETERMINE THE  
12 INTENT OF THE VOTER FOR ANY OFFICE OR PUBLIC QUESTION, THAT BALLOT SHALL BE  
13 COUNTED AS BLANK OR SPOILED FOR THAT OFFICE OR QUESTION ONLY AND THAT  
14 DETERMINATION DOES NOT APPLY FOR ANY OTHER OFFICE OR QUESTION ON THE BALLOT  
15 FOR WHICH THE VOTER'S INTENT CAN BE DETERMINED. THE SECRETARY OF STATE SHALL  
16 INCLUDE IN THE INSTRUCTIONS AND PROCEDURES MANUAL PROVISIONS ON DETERMINING  
17 WHETHER A BALLOT IS SPOILED AND WHETHER A VOTER'S INTENT CAN BE DETERMINED.  
18 THE INSTRUCTIONS AND PROCEDURES MANUAL SHALL CONFORM TO THE INTENT AND  
19 SUBSTANCE OF THIS ARTICLE.

20 16-738. Method of tabulating votes; instructions to voters

21 THE FOLLOWING SHALL APPLY WHENEVER RANKED CHOICE VOTING BALLOTS ARE  
22 TABULATED:

23 1. IF AFTER A BALLOT'S FIRST CHOICE CANDIDATE IS ELIMINATED, A BALLOT  
24 DOES NOT INDICATE ONE OF THE ADVANCING CANDIDATES AS AN ALTERNATE CHOICE, THE  
25 BALLOT IS EXHAUSTED AND SHALL NOT BE TABULATED FURTHER.

26 2. IF A VOTER SKIPS EXACTLY ONE NUMERICAL RANKING ON THAT VOTER'S  
27 BALLOT, THE SKIPPED RANKING WILL BE IGNORED AND THAT BALLOT WILL BE VALID AND  
28 TABULATED.

29 3. IF A VOTER SKIPS TWO OR MORE NUMERICAL RANKINGS ON THE VOTER'S  
30 BALLOT, ONLY THOSE RANKINGS THAT WERE LOWER THAN THE TWO SKIPPED RANKINGS  
31 WILL BE COUNTED AS VALID.

32 4. IF A VOTER GIVES THE SAME RANKING TO MORE THAN ONE CANDIDATE, THE  
33 VOTER'S RANKINGS SHALL BE COUNTED IN ORDER OF PREFERENCE, STOPPING AT THE  
34 POINT WHERE THE BALLOT CONTAINS THE SAME RANKING FOR MORE THAN ONE CANDIDATE.

35 5. IF A VOTER RANKS THE SAME CANDIDATE MORE THAN ONCE, THE HIGHEST  
36 RANKING FOR THAT CANDIDATE IS VALID AND ANY LOWER RANKINGS OF THAT CANDIDATE  
37 ARE IGNORED.

38 6. FOR ANY TIED VOTES THAT MUST BE BROKEN AND THAT OCCUR AT ANY STAGE  
39 IN THE TABULATION, THE ADVANTAGE GOES TO THE CANDIDATE WHO WAS CREDITED WITH  
40 THE MOST VOTES IN THE IMMEDIATELY PRECEDING ROUND OF TABULATION. FOR TIED  
41 VOTES FOR WHICH THERE IS NO PREVIOUS ROUND OF TABULATING, THE FOLLOWING  
42 APPLY:

43 (a) A TIE FOR THE FEWEST VOTES BETWEEN CANDIDATES WHO WILL NOT BE  
44 ADVANCING AND WHO HAVE BEEN ELIMINATED FROM THE CONTEST SHALL BE RESOLVED BY  
45 SIMULTANEOUSLY ELIMINATING BOTH CANDIDATES AND TABULATING AND TRANSFERRING



1 THE REMAINING VALID CHOICES FOR ADVANCING CANDIDATES. THE ROUND OF COUNTING  
2 IS NOT COMPLETE UNTIL THE BALLOTS OF BOTH ELIMINATED CANDIDATES ARE  
3 TABULATED.

4 (b) A TIE BETWEEN CANDIDATES IN WHICH TWO OR MORE CANDIDATES HAVE AN  
5 EQUAL NUMBER OF FIRST CHOICE VOTES AND MORE THAN TWO CANDIDATES WOULD ADVANCE  
6 TO THE FINAL ROUND SHALL BE RESOLVED AS PRESCRIBED BY SECTION 16-649.