

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 contest in an election that is coordinated with the county clerk must give notice to the county clerk no later than 100 days before that election. If any county's voting system in which the local government is located is not capable of conducting a ranked voting election, then none of the counties in which that local government is located are 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 runoff contests

26.5.1 In any ranked voting contest in which only one candidate will be elected to office, the runoff tabulation entity must follow the tabulation procedures described in this Rule.

26.5.2 During the first round of tabulation, the runoff tabulation entity 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 runoff tabulation entity 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. 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, then the runoff tabulation entity 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 For any instant runoff voting contest, the designated election official certifying content to the county clerk conducting the election with that contest, or their designee, must randomly determine the tie-breaker elimination order for all candidates and include that tie-breaker elimination order as a part of the certification.

- (a) The tie-breaker elimination order must consist of a list of all candidates with each candidate assigned a unique ranking.
- (b) In any round of tabulation, if there is a tie that needs to be resolved to determine which candidate or candidates will be eliminated, including the round that determines the winner, the runoff tabulation entity must eliminate the candidate or candidates according to the tie-breaker elimination order.

26.6 Tabulation of ranked voting contests 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 runoff tabulation entity 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 runoff tabulation entity 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 runoff tabulation entity 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 runoff tabulation entity 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 runoff tabulation entity 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 runoff tabulation entity 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 Consolidating data in multi-jurisdictional ranked voting contests
- 26.8.1 For ranked voting contests contained in more than one county, at least once on election night and once each day where ballots are being tabulated thereafter, each county clerk must transmit ranking data in an approved format to the runoff tabulation entity using a secure data transfer method provided by the Department of State.
- 26.8.2 As part of the ranking data transfer process, the county clerk must hash the results file using a SHA-256 algorithm. The generated hash value must be emailed to the runoff tabulation entity. The county clerk must not send the hash value to the runoff tabulation entity using the same data transfer method used to send the ranking data file.
- 26.8.3 Upon receipt of the ranking data file and associated hash value, the runoff tabulation entity must transfer the ranking data file to a workstation that contains software for conducting the round-by-round stages of tabulation.
- (a) The media that the runoff tabulation entity uses to transfer the ranking data file must conform with Rule 20.5.3(c).

- (b) The runoff tabulation entity must verify that the hash value of the received ranking data file matches the hash value transmitted by the county clerk on the workstation that contains software for conducting the round-by-round stages of tabulation.
- (c) The runoff tabulation entity must only use ranking data files that have been verified by the method in Rule 26.8.3(b) to conduct round-by-round stages of tabulation.

26.9 Reporting results of a ranked voting contest

26.9.1 For a ranked voting contest contained in more than one county, the clerk and recorder of each participating county that is not the runoff tabulation entity may choose to only publicly report first-choice ranks, rather than all ranks.

26.9.2 The runoff tabulation entity 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.

26.9.3 For any ranked voting contest, if the state election night reporting website in Rule 11.9 lacks functionality to report the results of a ranked voting contest, the runoff tabulation entity is responsible for posting results to a public website. If the website used to report results is not the election night reporting website in Rule 11.9, the runoff tabulation entity must provide to the Secretary of State the website where results will be posted no later than a week before election day.

26.9.4 The schedule to post results on election night for a ranked voting contest is exempt from the requirements of Rule 11.9. Instead, the runoff tabulation entity must report results at least once on election night and at least once each day when ballots are tabulated thereafter. All counties conducting an instant runoff voting contest that are not the runoff tabulation entity must provide the runoff tabulation entity with an updated ranking data file at least once per day while ballot tabulation is still occurring.

26.10 Auditing a ranked voting contest

26.10.1 Instant runoff contests tabulated in accordance with Rule 26.5 are eligible to be targeted, as described in Rule 25.2.2(j), in the state-

administered risk-limiting audit, if the election that includes instant runoff contests is covered by section 1-7-515(2)(a), C.R.S.

- 26.10.2 Any jurisdiction that conducts an election that includes a ranked voting contest in a manner other than the instant runoff method in Rule 26.5 must conduct an independent audit of the contest that does not interfere with the state-administered audit before the canvass board certifies official election results, if the election is covered by section 1-7-515(2)(a), C.R.S.