

REFERENCE TITLE: ranked choice voting

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2268

Introduced by
Representative Mendez

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~~ BEFORE the opening of the polls and in addition will
26 provide a sheet of machine counter readings immediately ~~upon~~ ON close of
27 polls in a 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 that 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 C. Notwithstanding subsections A and B of this section, if a county
12 uses accessible voting equipment to mark ballots and that accessible voting
13 equipment does not independently tabulate or tally votes, the secretary of
14 state in cooperation with the county officer in charge of elections may
15 designate a single date to test the logic and accuracy of both the accessible
16 voting equipment and electronic ballot tabulating systems.

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

19 ARTICLE 15. RANKED CHOICE VOTING

20 16-731. Ranked choice voting; threshold

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

23 1. FOR AN ELECTION TO FILL TWO OR MORE SEATS FOR THE SAME OFFICE AND
24 TERM, AN ELECTOR MAY VOTE FOR THE CANDIDATES FOR THAT OFFICE BY INDICATING
25 THE ELECTOR'S ORDER OF PREFERENCE AMONG THE CANDIDATES. AN ELECTOR MAY VOTE
26 FOR AND RANK AS FEW OF THE CANDIDATES AS THE ELECTOR WISHES OR THE ELECTOR
27 MAY VOTE FOR AND RANK AS MANY OF THE CANDIDATES AS PERMITTED FOR THAT BALLOT
28 AS OTHERWISE PROVIDED BY LAW.

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

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

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

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

42 (TOTAL NUMBER OF VOTES CAST)
43 (1 + NUMBER OF CANDIDATES TO BE ELECTED FOR THAT OFFICE) + 1 =
44 THRESHOLD

1 C. BALLOTS SHALL BE TALLIED AND ALLOCATED IN ROUNDS OF COUNTING AND
2 EACH BALLOT SHALL BE COUNTED AS ONE VOTE FOR THAT BALLOT'S HIGHEST RANKED
3 ADVANCING CANDIDATE. AN ADVANCING CANDIDATE IS A CANDIDATE WHO HAS NOT
4 REACHED THE THRESHOLD NUMBER FOR ELECTION AND WHO HAS NOT BEEN ELIMINATED
5 FROM THE CONTEST AS PRESCRIBED BY SECTION 16-733.

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

15 16-732. Surplus votes; redistribution; transfer value

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

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

29 2. THE TRANSFER VALUE IS DEPICTED IN THE FOLLOWING FORMULA:
30 (NUMBER OF SURPLUS VOTES FOR THE ELECTED CANDIDATE)
31 (TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE) =
32 TRANSFER VALUE.

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

44 1. THE SURPLUS VOTES CAST FOR THE ELECTED CANDIDATE SHALL BE DIVIDED
45 BY THE TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE AND MULTIPLIED

1 BY THE PREVIOUS TRANSFER VALUE OF THAT BALLOT. THE AMOUNT SHALL BE
2 CALCULATED TO FIVE DECIMAL PLACES AND THEN ROUNDED TO THE FOURTH DECIMAL
3 PLACE.

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

8 16-733. Elimination rounds; transfer of votes; limitation

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

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

28 16-734. Sequence of tabulation; candidates declared elected

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

31 1. THE SURPLUS VOTES OF ELECTED CANDIDATES ARE REDISTRIBUTED UNTIL
32 THERE ARE NO MORE CANDIDATES TO RECEIVE THE MINIMUM THRESHOLD OF VOTES
33 NECESSARY TO BE ELECTED.

34 2. THE VOTES OF ELIMINATED CANDIDATES ARE REDISTRIBUTED UNTIL ANOTHER
35 CANDIDATE RECEIVES THE MINIMUM THRESHOLD NUMBER OF VOTES NECESSARY TO BE
36 ELECTED.

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

42 16-735. Tally report for ranked choice voting

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

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

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

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

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

9 16-736. Ranked choice voting; applicability; ballot format;
10 rules

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

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

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

29 D. THE SECRETARY OF STATE BY RULE MAY:

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

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

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

37 16-737. Sample ballots; instructions to voters; voter intent

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

39 1. RANK CANDIDATES IN ORDER OF YOUR PREFERENCE.

40 2. YOU MAY RANK AS FEW CANDIDATES AS YOU WISH OR AS MANY AS IS
41 ALLOWED.

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

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

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

4 B. THE OFFICER IN CHARGE OF ELECTIONS SHALL POST SAMPLE BALLOTS THAT
5 USE FICTITIOUS NAMES TO ILLUSTRATE VOTING PROCEDURES. THE SAMPLE BALLOTS
6 SHALL BE POSTED IN OR NEAR THE VOTING BOOTH AND SHALL BE INCLUDED IN THE
7 INSTRUCTION MATERIALS FOR ABSENTEE BALLOTS OR EARLY VOTERS, IN MAILED VOTER
8 PAMPHLETS AND IN INTERNET VOTER EDUCATION. BEFORE EACH ELECTION, THE
9 SECRETARY OF STATE SHALL CONDUCT A VOTER EDUCATION CAMPAIGN TO EDUCATE VOTERS
10 ON THE USE AND PURPOSE OF THE RANKED CHOICE VOTING METHOD. THE SECRETARY OF
11 STATE SHALL USE PUBLIC SERVICE ANNOUNCEMENTS AS WELL AS SEEK OTHER MEDIA
12 COOPERATION TO THE MAXIMUM EXTENT PRACTICABLE.

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

25 16-738. Method of tabulating votes; instructions to voters

26 THE FOLLOWING SHALL APPLY WHENEVER RANKED CHOICE VOTING BALLOTS ARE
27 TABULATED:

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

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

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

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

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

43 6. FOR ANY TIED VOTES THAT MUST BE BROKEN AND THAT OCCUR AT ANY STAGE
44 IN THE TABULATION, THE ADVANTAGE GOES TO THE CANDIDATE WHO WAS CREDITED WITH
45 THE MOST VOTES IN THE IMMEDIATELY PRECEDING ROUND OF TABULATION. FOR TIED

1 VOTES FOR WHICH THERE IS NO PREVIOUS ROUND OF TABULATING, THE FOLLOWING
2 APPLY:

3 (a) A TIE FOR THE FEWEST VOTES BETWEEN CANDIDATES WHO WILL NOT BE
4 ADVANCING AND WHO HAVE BEEN ELIMINATED FROM THE CONTEST SHALL BE RESOLVED BY
5 SIMULTANEOUSLY ELIMINATING BOTH CANDIDATES AND TABULATING AND TRANSFERRING
6 THE REMAINING VALID CHOICES FOR ADVANCING CANDIDATES. THE ROUND OF COUNTING
7 IS NOT COMPLETE UNTIL THE BALLOTS OF BOTH ELIMINATED CANDIDATES ARE
8 TABULATED.

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