

REFERENCE TITLE: voting; ranking; ballot format

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 4058

Introduced by
Representative Blattman

AN ACT

AMENDING SECTIONS 16-446 AND 16-449, ARIZONA REVISED STATUTES; AMENDING
TITLE 16, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3;
RELATING TO VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-446, Arizona Revised Statutes, is amended to
3 read:

4 16-446. Specifications of electronic voting system

5 A. An electronic voting system consisting of a voting or marking
6 device in combination with vote tabulating equipment shall provide
7 facilities for voting for candidates at both primary and general
8 elections.

9 B. An electronic voting system shall:

10 1. Provide for voting in secrecy when used with voting booths.

11 2. ~~Permit~~ ALLOW each elector to vote at any election for any person
12 for any office whether or not nominated as a candidate, to vote for as
13 many persons for an office as the elector is entitled to vote for and to
14 vote for or against any question on which the elector is entitled to vote,
15 and the vote tabulating equipment shall reject choices recorded on the
16 elector's ballot if the number of choices exceeds the number that the
17 elector is entitled to vote for the office or on the measure.

18 3. Prevent the elector from voting for the same person more than
19 once for the same office.

20 4. ACCOMMODATE RANKED CHOICE VOTING WHEN RANKING FOR CONTESTS IS
21 POSSIBLE.

22 ~~4.~~ 5. Be suitably designed for the purpose used and be of durable
23 construction, and may be used safely, efficiently and accurately in the
24 conduct of elections and counting ballots.

25 ~~5.~~ 6. Be provided with means for sealing the voting or marking
26 device against any further voting after the close of the polls and the
27 last voter has voted.

28 ~~6.~~ 7. When properly operated, record correctly and count
29 accurately every vote cast.

30 ~~7.~~ 8. Provide a durable paper document that visually indicates the
31 voter's selections, that the voter may use to verify the voter's choices,
32 that may be spoiled by the voter if it fails to reflect the voter's
33 choices and that ~~permits~~ ALLOWS the voter to cast a new ballot. This
34 paper document shall be used in manual audits and recounts.

35 ~~8.~~ 9. To the extent practicable, provide for the ballot layout to
36 be in the same order of arrangement, including rotation, as provided for
37 paper ballots, except that information may be printed in vertical or
38 horizontal rows, or in a number of separate pages or screens that are
39 placed or displayed on the voting device. The titles of offices may be
40 arranged in vertical columns or in a series of separate pages or screens
41 and shall be printed above or at the side of the names of candidates so as
42 to indicate clearly the candidates for each office and the number to be
43 elected. If there are more candidates for an office than can be printed
44 in one column or on one ballot page or screen, the ballot shall be clearly
45 marked that the list of candidates is continued on the following column,

1 page or screen, and to the extent practicable, the same number of names
2 shall be printed on each column, page or screen.

3 ~~9.~~ 10. Provide for a color designation for use in the primary
4 election for each political party represented.

5 Sec. 2. Section 16-449, Arizona Revised Statutes, is amended to
6 read:

7 16-449. Required test of equipment and programs; notice;
8 procedures manual

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

43 B. Electronic ballot tabulating systems shall be tested for logic
44 and accuracy within seven days before their use for early balloting
45 pursuant to the instructions and procedures manual for electronic voting

1 systems that is adopted by the secretary of state as prescribed by section
2 16-452. The instructions and procedures manual shall include procedures
3 for the handling of ballots, the electronic scanning of ballots and any
4 other matters necessary to ensure the maximum degree of correctness,
5 impartiality and uniformity in the administration of an electronic ballot
6 tabulating system.

7 C. Notwithstanding subsections A and B of this section, if a county
8 uses accessible voting equipment to mark ballots and that accessible
9 voting equipment does not independently tabulate or tally votes, the
10 secretary of state in cooperation with the county officer in charge of
11 elections may designate a single date to test the logic and accuracy of
12 both the accessible voting equipment and electronic ballot tabulating
13 systems.

14 Sec. 3. Title 16, chapter 4, Arizona Revised Statutes, is amended
15 by adding article 3, to read:

16 ARTICLE 3. RANKED CHOICE VOTING

17 16-421. Ranked choice voting; threshold

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

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

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

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

33 1. THE FEWEST VOTES THAT CAN BE OBTAINED BY NOT MORE THAN THE
34 NUMBER OF CANDIDATES TO BE ELECTED.

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

39 (TOTAL NUMBER OF VOTES CAST)

40 (1 + NUMBER OF CANDIDATES TO BE ELECTED FOR THAT OFFICE) + 1 =

41 THRESHOLD

42 C. BALLOTS SHALL BE TALLIED AND ALLOCATED IN ROUNDS OF COUNTING AND
43 EACH BALLOT SHALL BE COUNTED AS ONE VOTE FOR THAT BALLOT'S HIGHEST RANKED
44 ADVANCING CANDIDATE. AN ADVANCING CANDIDATE IS A CANDIDATE WHO HAS NOT

1 REACHED THE THRESHOLD NUMBER FOR ELECTION AND WHO HAS NOT BEEN ELIMINATED
2 FROM THE CONTEST AS PRESCRIBED BY SECTION 16-423.

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

12 16-422. Surplus votes; redistribution; transfer value

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

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

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

27
$$\frac{\text{(NUMBER OF SURPLUS VOTES FOR THE ELECTED CANDIDATE)}}{\text{(TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE)}} =$$

28
29 TRANSFER VALUE.

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

41 1. THE SURPLUS VOTES CAST FOR THE ELECTED CANDIDATE SHALL BE
42 DIVIDED BY THE TOTAL NUMBER OF VOTES RECEIVED BY THE ELECTED CANDIDATE AND
43 MULTIPLIED BY THE PREVIOUS TRANSFER VALUE OF THAT BALLOT. THE AMOUNT
44 SHALL BE CALCULATED TO FIVE DECIMAL PLACES AND THEN ROUNDED TO THE FOURTH
45 DECIMAL 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
4 PREVIOUS TRANSFER VALUE OF THAT BALLOT = LESSER TRANSFER
5 VALUE.

6 16-423. Elimination rounds; transfer of votes; limitation

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

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

27 16-424. Sequence of tabulation; candidates declared elected

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

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

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

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

41 16-425. Tally report for ranked choice voting

42 NOTWITHSTANDING ANY OTHER LAW, FOR EACH OFFICE ELECTED BY RANKED
43 CHOICE VOTING, THE STATEMENT OF THE RESULT SHALL INCLUDE ALL OF THE
44 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
4 OFFICIAL ROUND OF COUNTING, WHERE POSSIBLE.
5 3. THE TOTAL NUMBER OF VOTES CAST THAT ARE COUNTED FOR EACH
6 ADVANCING CANDIDATE IN EACH OFFICIAL ROUND OF COUNTING.
7 4. THE TOTAL NUMBER OF EXHAUSTED BALLOTS IN EACH OFFICIAL ROUND OF
8 COUNTING.
9 16-426. Ranked choice voting; applicability; ballot format;
10 rules
11 A. NOTWITHSTANDING ANY OTHER LAW, THE SINGLE-SEAT RANKED CHOICE
12 VOTING METHOD MAY BE USED IN ANY CITY, TOWN OR COUNTY ELECTION CONTEST IN
13 WHICH A VOTER HAS THREE OR MORE VOTING OPTIONS FOR A PARTICULAR OFFICE OR
14 ISSUE.
15 B. NOTWITHSTANDING ANY OTHER LAW, THE MULTISEAT RANKED CHOICE
16 VOTING METHOD MAY BE USED IN ANY CITY, TOWN OR COUNTY ELECTION CONTEST IN
17 WHICH A VOTER HAS THREE OR MORE VOTING OPTIONS FOR THAT GROUP OF OFFICES.
18 C. BALLOTS APPROVED UNDER THIS SECTION SHALL BE AS SIMPLE AND EASY
19 TO USE AS PRACTICABLE AND SHALL ALLOW A VOTER TO RANK CANDIDATES FOR AN
20 OFFICE OR GROUP OF OFFICES IN THE ORDER OF THAT VOTER'S CHOICE. IF
21 PRACTICABLE, BALLOTS SHALL BE DESIGNED IN A WAY THAT VOTERS MAY MARK THEIR
22 FIRST CHOICES IN THE SAME MANNER AS THAT FOR OFFICES THAT ARE NOT ELECTED
23 BY THE RANKED CHOICE VOTING METHOD. IF THE SECRETARY OF STATE DETERMINES
24 THAT THE NUMBER OF CANDIDATES FOR A PARTICULAR OFFICE EXCEEDS THE
25 PRACTICABLE SPACE REQUIREMENTS FOR RANKING ALL CANDIDATES ON THE BALLOT,
26 THE SECRETARY OF STATE MAY LIMIT THE NUMBER OF RANKED CHOICES THAT THE
27 VOTER MAY MAKE, EXCEPT THAT IF THERE ARE FIVE OR MORE CANDIDATES FOR AN
28 OFFICE, THE SECRETARY OF STATE SHALL PROVIDE FOR RANKING AT LEAST TWO MORE
29 CANDIDATES THAN THE NUMBER OF SEATS TO BE FILLED IN THAT CONTEST.
30 D. THE SECRETARY OF STATE BY RULE MAY:
31 1. PROVIDE FOR THE USE OF MECHANICAL, ELECTRONIC OR OTHER DEVICES
32 FOR MARKING, SORTING AND COUNTING THE BALLOTS AND TABULATING THE RESULTS.
33 2. MODIFY THE FORM OF THE BALLOTS AND THE INSTRUCTIONS TO VOTERS TO
34 COMPLY WITH THE SYSTEM OF RANKED CHOICE VOTING.
35 3. PRESCRIBE THE METHOD OF MARKING, SORTING, COUNTING, INVALIDATING
36 AND TABULATING VOTES, EXCEPT THAT RULES OR PROCEDURES ADOPTED SHALL NOT
37 CONFLICT WITH THE SUBSTANCE OR INTENT OF THIS ARTICLE.
38 16-427. Sample ballots; instructions to voters; voter intent
39 A. INSTRUCTIONS ON THE BALLOT SHALL INCLUDE THE FOLLOWING
40 STATEMENT:
41 1. RANK CANDIDATES IN ORDER OF YOUR PREFERENCE.
42 2. YOU MAY RANK AS FEW CANDIDATES AS YOU WISH OR AS MANY AS IS
43 ALLOWED.

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

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

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

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

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

28 16-428. Method of tabulating votes; instructions to voters

29 THE FOLLOWING APPLY WHENEVER RANKED CHOICE VOTING BALLOTS ARE
30 TABULATED:

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

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

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

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

- 1 5. IF A VOTER RANKS THE SAME CANDIDATE MORE THAN ONCE, THE HIGHEST
2 RANKING FOR THAT CANDIDATE IS VALID AND ANY LOWER RANKINGS OF THAT
3 CANDIDATE ARE IGNORED.
- 4 6. FOR ANY TIED VOTES THAT MUST BE BROKEN AND THAT OCCUR AT ANY
5 STAGE IN THE TABULATION, THE ADVANTAGE GOES TO THE CANDIDATE WHO WAS
6 CREDITED WITH THE MOST VOTES IN THE IMMEDIATELY PRECEDING ROUND OF
7 TABULATION. FOR TIED VOTES FOR WHICH THERE IS NO PREVIOUS ROUND OF
8 TABULATING, THE FOLLOWING APPLY:
- 9 (a) A TIE FOR THE FEWEST VOTES BETWEEN CANDIDATES WHO WILL NOT BE
10 ADVANCING AND WHO HAVE BEEN ELIMINATED FROM THE CONTEST SHALL BE RESOLVED
11 BY SIMULTANEOUSLY ELIMINATING BOTH CANDIDATES AND TABULATING AND
12 TRANSFERRING THE REMAINING VALID CHOICES FOR ADVANCING CANDIDATES. THE
13 ROUND OF COUNTING IS NOT COMPLETE UNTIL THE BALLOTS OF BOTH ELIMINATED
14 CANDIDATES ARE TABULATED.
- 15 (b) A TIE BETWEEN CANDIDATES IN WHICH TWO OR MORE CANDIDATES HAVE
16 AN EQUAL NUMBER OF FIRST CHOICE VOTES AND MORE THAN TWO CANDIDATES WOULD
17 ADVANCE TO THE FINAL ROUND SHALL BE RESOLVED AS PRESCRIBED BY SECTION
18 16-649.