To: Colorado Department of State
From: Chris Hughes, Senior Director of Policy, Ranked Choice Voting Resource Center
Re: Proposed Rules included in October 31, 2025 Notice of Proposed Rulemaking
Date: 12/5/25

I am submitting these comments on behalf of the Ranked Choice Voting Resource Center (RCVRC). RCVRC is a nonpartisan, nonprofit organization whose mission is to help make ranked choice voting (RCV) elections successful. Ranked choice voting is referred to as ranked voting under Co. Rev. Stat. 1-7-1003 so we use that terminology in this comment. We have assisted efforts to implement ranked voting across the United States, from Alaska to Maine to New York City. We appreciate the opportunity to submit comments on proposed amendments to the Colorado Department of State Election Rules. RCVRC staff are available to discuss any of these comments and to provide support to the Department of State as it works on these regulations.

One ranked voting tool we produce is RCTab, open-source counting software that provides round-by-round results for ranked voting contests. RCTab can process elections according to ranked voting counting rules from across the country and serves as a reference implementation for most ranked voting counting rules. RCTab is also the only software that can handle the round-by-round count of ranked voting contests from multiple different voting system vendors. Where relevant, this comment will reference RCTab's current capabilities and will discuss whether they do or do not meet any of the voting systems criteria mentioned.

This comment covers three primary subject areas: proposed rules relating to generating ranked voting results in multi-jurisdictional ranked voting contests and proposed rules relating to certifying/approving software for use in multi-jurisdictional ranked voting contests. Each section proceeds sequentially through the proposed rules.

In addition to our comments below, RCVRC encourages the Secretary of State to consider the comments from election officials tasked with their implementation. Larimer and Boulder County can provide firsthand experience in running ranked choice elections in Colorado and have identified ways to improve implementability of these rules. Jefferson County's comments also identify important points of clarity that could be provided.

Proposed revisions and comments on multi-jurisdictional ranked voting results rules

- **1.1.47** "~~Runoff tabulation~~ **Ranked voting count** entity" means the election jurisdiction that will conduct the ~~elimination sequences~~ **round-by-round count** for a ranked voting election. For an election that is wholly within a single county, the county clerk and recorder or designated election official appointed by the municipality holding the ranked voting election is the ~~runoff tabulation~~ **ranked voting count** entity. For an election that is

shared by more than a single county, the controlling county, as defined by Rule 4.2.2, is the ~~runoff tabulation~~ **ranked voting count** entity.

We suggest renaming this term to "ranked voting count entity." This revision will make clearer what contests this definition applies to and will incorporate existing Colorado terminology into the term itself. It also removes the term tabulation in line with the Jefferson County Clerk's comment submitted on Dec. 2. In addition, we suggest replacing "elimination sequences" with "round-by-round count." Round-by-round count is a standard term used to describe the ranked voting counting process and uses plain language that will be clearer to most readers. In addition, "elimination sequences" might erroneously suggest that the definition refers only to instant-runoff voting contests, not single-transferable vote contests. Replacing the phrase with "round-by-round count" means this definition need not be revised again when multi-jurisdictional rules for single-transferable vote contests are promulgated.

If this revision is incorporated, the term runoff tabulation entity will need to be revised in:

- 10.9.1
- 10.9.2
- 11.3.3(b)
- 11.3.3(c) (appears twice)
- 11.3.3(d) (appears twice)
- 11.3.3(e)
- 26.5.1
- 26.5.2
- 26.5.2(b)
- 26.5.3(b)
- 26.5.5(b)
- 26.6.2
- 26.6.3
- 26.6.3(b)
- 26.6.4
- 26.6.5
- 26.7
- 26.8.1
- 26.8.2 (appears twice)
- 26.8.3
- 26.8.3(a)
- 26.8.3(b)
- 26.8.3(c)
- 26.9.2
- 26.9.3 (appears twice)
- 26.9.4

- **10.6.1(f)** For instant runoff voting contests conducted by a county clerk which are contained in more than one county, ~~a report detailing the ranking each candidate received in the county~~ **the total number of first-choice ranks received in the county by each candidate in the contest and, for controlling counties, the round-by-round results generated by the ranked voting count entity under rule 26.8**.

It is not clear what information is required by rule 10.6.1(f). For clarity and to harmonize 10.6.1(f) with 26.9.1, we suggest revising the last clause to require county clerks to include the total number of first choices each candidate received in the county. We also suggest revising 26.9.1 to use the phrase "first-choice ranks" instead of "first rankings", as first-choice ranks is used throughout Rule 26.

- **10.6.2(c)** For instant runoff voting contests conducted by a county clerk which are contained in more than one county, final, tabulated results of that race to be used by the combined canvass board appointed in Rule 10.9.
- **10.9.3** The combined canvass board's only duty is to review the final, tabulated results submitted by each county canvass board to certify a winner of the instant runoff voting contest. To certify a winner, the combined canvass board must also review the combined tabulated results generated in accordance with Rule 26.8. The combined canvass board must make its determinations by a majority vote, with the Secretary of State, or their designee, casting a vote only in the event of a tie.

It is not clear what the final, tabulated results required by 10.6.2(c) and 10.9.3 would be. The most probative information when canvassing and certifying a ranked voting election are the round-by-round results of the election, which rule 26.8 requires the ranked voting count entity to generate and which are referenced in rule 10.9.3.

Based upon reviewing the 2024 Biennial Abstract of Votes Cast, final tabulated results for non-ranked-voting contests in Colorado look like this:

County	Registered Voters	Ballots Cast	Candidate A	Candidate B	Candidate C	Total	Turnout %
El Paso	128,553	80,180	35,866	36,963	2,755	75,584	62.37%
Teller	23	14	6	8	0	14	60.87%
Total	128,576	80,194	35,872	36,971	2,755	75,598	62.37%

The simplest change to incorporate ranked voting results here would be to have counties report first-choice ranks in this table then also include the full round-by-round count generated under rule 26.8. If this is the intent of this rule, then we would suggest revising the phrase "final, tabulated results" to say something like "final, tabulated results including first-choice ranks by county." In addition, we recommend having each county canvassing board certify the ranked voting cast vote record data as part of the canvassing and certification process. This will add an additional level of review and verification to the canvass process before the combined canvassing board generates final round-by-round results.

County	Registered Voters	Ballots Cast	Candidate A (First choices)	Candidate B (First choices)	Candidate C (First choices)	Total	Turnout %
El Paso	128,553	80,180	35,866	36,963	2,755	75,584	62.37%

Teller	23	14	6	8	0	14	60.87%
Total	128,576	80,194	35,872	36,971	2,755	75,598	62.37%

Included for completeness, here is a mockup of a potential round-by-round result. More information about RCTab results reports is [available in our documentation at this link](#).

Candidates	Round 1	% of vote	Transfer	Round 2	% of vote
Candidate A	35,872	47.45%	+700	36,572	49.19%
Candidate B	36,971	48.90%	+800	37,771	50.80%
Candidate C	2,755	3.64%	-2,755	0	0%
Active ballots	75,598		-1,255	74,343	
Inactive by overvote	0		+120	120	
Inactive by skipped ranking	0		+55	55	
Inactive by exhausted choices	0		+1080	1080	
Inactive by repeat rankings	0		0	0	
Inactive ballots	0		+1,255	1,255	

- 11.3.3 (e) Following the **logic and accuracy** tabulation, the ~~runoff tabulation~~ **ranked voting count** entity must maintain the round-by-round results report as an election record.

All other subparts of 11.3.3 specify "logic and accuracy." For consistency, we suggest doing so in 11.3.3(e) as well.

- 26.8 (throughout)

Throughout 26.8, the rule refers to a "results file." For clarity's sake, we suggest revising "results file" to "ranking data file," as that is what will be necessary for the ranked voting count entity to generate round-by-round results.

- 26.8.3 (c) The ~~runoff tabulation~~ **ranked voting count** entity must only use results files that have been verified by the method in Rule 26.8.3(b) to conduct ~~elimination stages of tabulation~~ **the round-by-round count.**

In 26.8.3(b) uses the phrase "elimination stages of tabulation." We suggest revising this to "round-by-round count." See our discussion of this same change in 1.1.47 for more detail.

With these changes, RCVRC also wants to recognize the Colorado Department of State's use of best practices to produce round-by-round RCV results on election night and at least once each day where ballots are being tabulated as described in 26.8.1. Providing voters with a more complete set of information enhances transparency and trust in the process.

In addition, Colorado has been a pioneer in election audits. Rule 26.10 provides needed clarifications about the applicability of the audit process to ranked voting contests.

Third-Party Ranked Voting Functionality Requirements

We suggest adding a provision to proposed rule 21.12 that reads as follows:

- **21.12(e)** A voting system vendor must collaborate with the Department of State to provide ranked voting data and to provide input on test plans.

Voting system vendor participation in the testing of third party components ensures that all parties involved in the testing will have the resources, tools, and information they need to thoroughly test the third party software. This thorough testing is required to establish trust in election equipment from election officials, candidates, and voters.

RCTab and Current Colorado Ranked Voting Requirements

The proposed rule also makes reference to existing ranked voting requirements in Colorado law. RCTab, RCVRC's round-by-round counting software compatible with ranked voting data from multiple voting system vendors, complies with most of those requirements. Below we note some implementation considerations required if the current version of RCTab is used under proposed rule 21.12.

- 21.11.1(a) Report inactive ballot totals broken out by ….
- (4) Ballots with fewer rankings than the maximum permitted in the race.

RCTab does not break out inactive ballot totals to this level of detail. RCTab results reports include a category for inactive ballots by exhausted choices, which is all ballots that ran out of rankings. RCTab does not break that category down into ballots where voters used all rankings but still had their ballot go inactive and ballots described by this requirement. No known voting system with ranked voting compatibility reports this sort of information.

- 21.11.1(c): The voting system must generate a comprehensive report listing the results in the summary report by precinct or ballot style as required or permitted by section 1-7.5-208(3)(a), C.R.S.

As-is RCTab can report round-by-round results by precinct and by batch. RCTab can produce round-by-round results in other categories depending upon the data format imported into RCTab.

- 21.11.2 (a) The voting system must accurately export complete round by round results data for use with an election night reporting system in .csv, .json, and .xml formats.
- 21.11.2 (b) The voting system must accurately export a cast vote record in .csv, .json, and .xml formats.

RCTab exports results in .csv and .json formats. It does not currently export in .xml. RCTab exports a CVR file in .csv. It does not currently export in .json or .xml.

- 21.11.4 (g): The voting system must allow the user to decide if a vote for a noncertified write-in will exhaust the ballot or be resolved as a skipped ranking.

RCTab does not have a built-in functionality that will cause a ballot ranking for an uncertified write-in to go inactive when that ranking is encountered. In order for RCTab to process such a ranking according to this rule, election officials would need to adjudicate any ranking for an uncertified write-in as a skipped ranking and use the no skips allowed setting on RCTab.

- 21.11.4(h): The voting system must allow the user to decide whether to pause the tabulation session after each round or to continue until a winner is determined or a manual tie break for elimination is required.

RCTab can conclude tabulation at a pre-specified round. It does not have the ability to pause tabulation after each round. RCTab has multiple tie-breaking functions, including the ability to pause tabulation if a tie is encountered.

- 21.11.4(i) The voting system must allow the user to decide whether or not to include as an overvote ranks for candidates for whom votes may not be counted, in accordance with section 1-4-1001, C.R.S.

RCTab cannot currently process overvotes in this way. Election officials would need to adjudicate any ballots with overvotes that include a candidate for whom votes may not be counted to remove the marks for those overvotes in order for RCtab to process those rankings according to this rule.

- 21.11.4(j): The voting system must allow the user to decide whether to count a ranking for a candidate for whom votes may not be counted, in accordance with section 1-4-1001, C.R.S., as a skipped ranking or to elevate lower rankings.

RCTab can pass over rankings for candidates for whom votes may not be counted, essentially elevating lower rankings. It cannot treat those rankings as skipped. If RCTab should treat those rankings as skipped, election officials will need to adjudicate ballots to turn these rankings into skips in order for RCTab to process data according to that portion of this rule.

In addition to our comments above, RCVRC encourages the Secretary of State to consider the comments from election officials tasked with their implementation. Larimer and Boulder County can provide firsthand experience in running ranked choice elections in Colorado. RCVRC stands ready to assist with any ranked choice voting implementation in Colorado.

Thank you for the opportunity to comment.

/s/ Rosemary Blizzard

Rosemary Blizzard   Chris Hughes
Executive Director   Senior Director of Policy
Ranked Choice Voting Resource Center   Ranked Choice Voting Resource Center
PO Box 5176   1100 13th St NW, Suite 800
Kinston, NC 28503   Washington, DC 20009