



788 American Elections (and Counting) Ended in Ties, Close Results

“Please, God, please – let it be a landslide.” – Election Administrator’s Prayer

November 2022 – The Public Interest Legal Foundation’s running tally of tied and close vote elections continues to grow.

One vote matters. Sometimes, that one vote arrives (or is found) moments before the deadline to break a tie before candidates draw lots to determine their fates.



Overview

PILF’s [current tally](#) of tied elections stands at 516, while the number of close results is 131.

Another 141 races ending in ties or 1-vote differences in Ohio from 2012 to 2017 are still under review by PILF to distinguish ties from close results.¹

Quick Facts

- ✓ 403 tied elections occurred within the 2022 election cycle alone.
- ✓ Wisconsin officials had to break 6 ties using coin tosses, card draws, and lotteries in local 2022 races.
- ✓ In Ohio, 17 municipal/local race ties were broken with lotteries in 2021.
- ✓ Presidential hopeful **Bernie Sanders** (D-VT) has twice lost tiebreakers using poker cards.
- ✓ In multiple cases, first-tabulation ties were broken with a combination of recounts and late arriving/found ballots.
- ✓ Provisional and overseas ballots have broken ties before tie-breaker statutes were followed.



Notable Cases

Some of these tied elections and 1-vote difference contests were made even more complicated with procedural errors during counting and recounting.

- **Arkansas – House District 34 Primary Gets Swedish Tiebreaker (2020):** A Little Rock area seat sought by candidates Joy Springer and Ryan Davis in a Democratic Party primary runoff contest initially ended in a **tie with 372 votes** apiece. For 10 days after

the tie, Pulaski County election officials sorted through absentee and provisional ballots and ran a recount, temporarily giving Springer a one-vote edge. The tie returned after a Springer **ballot was temporarily misplaced** and then recovered. The tie was finally broken with an **overseas ballot posted from Sweden** for Springer. Prosecutors were alerted to two potential **election law violations**: the aforementioned missing ballot and a case of a provisional ballot force-fed into the ballot box before it could be properly reviewed.ⁱⁱ

- **Maryland – Frederick County Council Primary Ends by One Vote (2022):** To say that Democrat Jazmin Di Cola won a District 3 primary contest with a one-vote margin would be an oversimplification. The initial primary result had to be **decertified** after official canvassers found **more votes counted than legitimate ballots** in custody. Officials determined that dozens of paper ballots were accidentally **double-scanned**. Another four uncounted provisional ballots were found in a folder. Three of those polling place provisionals ultimately blended with the count. The fourth was rejected because it was cast at the polls by a person who had **already voted via mail ballot**.ⁱⁱⁱ

- **Nevada – Democratic Presidential Caucus for Reno (2020):** Presidential hopefuls **Pete Buttigieg** and **Bernie Sanders** tied for a single precinct, setting a tiebreaker with a high-card draw. After the contested precinct captains agreed to make the ace the lowest card, Mayor Pete pulled a 3 to Bernie's 2.^{iv}



- **Nevada – Democratic Presidential Caucus for Pahrump (2016):** Presidential hopefuls **Hillary Clinton** and **Bernie Sanders** deadlocked in a precinct contest with 51 votes apiece. Hillary won the contest in an ace-high card draw between ace of clubs and six of hearts.^v



- **Wisconsin – 7 Local Elections End in Ties, 1-Vote Difference (2022):** Varying games of chance determined outcomes in races for Kenosha County Supervisor, Sheboygan Common Council, Onieda County Board of Supervisors, Village of Port Edwards Council, Delafield Town Council, and the Village of Kronenwetter Board of Trustees. The Wauwatosa Common Council Seat 5 race ended in a one-vote difference with more than 10,000 ballots cast in the contest – the **deciding vote came from a provisional ballot**.^{vi}

- **North Carolina – 26 Local Elections End in Ties, Close Finishes (2015):** Voting methods, plus multiple candidate selections led to a spate of tied local contests throughout the Tar Heel State. **In one day, nine municipal council races ended in dead ties** due to local candidate selection processes. For at-large seats, voters are typically instructed to vote for as many candidates in relation to the number of available seats. So, if five candidates stand for three available seats, the top-3 vote getters win the seats. This proved to be a recipe for tied results throughout the result tables.^{vii}



- **Arkansas – City Council Race Ends in Tie Because Candidate Didn't Vote (2018):** A Hoxie city council candidate in a runoff election missed his opportunity to vote for himself due to travel complications, resulting in a 223-223 split. Unfortunately for Cliff Farmer, he would lose his race after a game of chance.^{viii}

How Do States Break Ties?

Every state in the nation, save for New Jersey, has a statutory framework for how to handle deadlocks after mandatory recounts and canvassing are exhausted. A majority of states (28) require that ties are broken by some form of lottery. Another 13 states require that a special runoff election occur between the deadlocked candidates. Idaho stands alone in using a coin toss. Texas lets candidates choose between a lottery or runoff.

A small collection of states prefers a tie-breaking vote be cast apart from the general electorate. Montana, Tennessee, and West Virginia leave the vote to an executive officer to make the final selection. Nevada and New Hampshire leave the matter for legislative floor votes. North Carolina chooses its tiebreaker based on initial voter turnout: if 5,000 or more voted, it's a runoff – otherwise a lottery occurs. [The PILF tally page](#) details each state's rules.



PILF President J. Christian Adams

“Small things matter in close elections. Ties happen. Illegal votes, mistakes, and errors shouldn't determine the winner.”

ⁱ Ohio Secretary of State; [Archived] Sec. Husted: A Single Vote Makes All the Difference (January 3, 2018), <https://web.archive.org/web/20180203055247/https://www.sos.state.oh.us/media-center/press-releases/2018/2018-01-03/>

ⁱⁱ *Arkansas Democrat Gazette*; Ballot from Sweden breaks House-race tie in Arkansas (February 22, 2020), <https://www.arkansasonline.com/news/2020/feb/22/ballot-from-sweden-breaks-house-race-ti/>

ⁱⁱⁱ *The Frederick News-Post*; New results show Di Cola winning County Council race by one vote August 10, 2022), https://www.fredericknewspost.com/news/politics_and_government/elections/new-results-show-di-cola-winning-county-council-race-by-one-vote/article_08e9f269-b529-5236-bd5b-f0916414710b.html

^{iv} MSNBC; Tie in Reno decided by a deck of cards (February 22, 2020), <https://www.msnbc.com/msnbc/watch/watch-tie-in-reno-nevada-caucus-decided-by-a-deck-of-cards-79228997835>

^v Yahoo! Finance; Luck of the draw: Cards give tie to Clinton in one Nevada contest (February 20, 2016), <https://sg.finance.yahoo.com/news/luck-draw-cards-tie-clinton-one-nevada-contest-024326813.html>

^{vi} Wisconsin Public Radio (April 19, 2022), <https://www.wpr.org/aces-high-wisconsin-municipalities-break-tied-election-results-games-chance>

^{vii} <https://democracync.org/wp-content/uploads/2017/10/CloseLocalElections2015PR-4.pdf>

^{viii} Reuters; Tied election to be broken for Arkansas candidate twice too late to vote (December 13, 2018), <https://www.reuters.com/article/arkansas-election-idINKBN1OC1S2>