

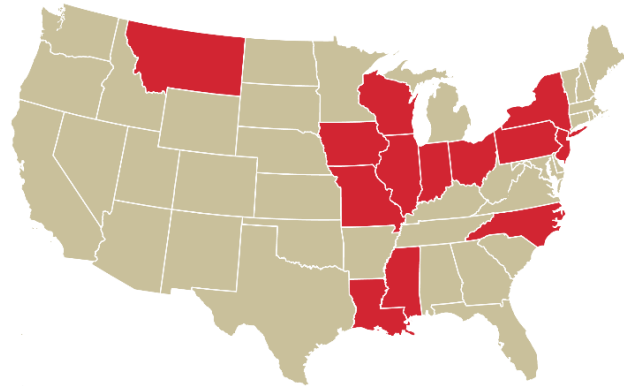


TIED ELECTIONS: 26 AMERICAN ELECTIONS DEADLOCKED IN 2023

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

MARCH 2024 – In 2023, the Public Interest Legal Foundation’s tally of tied and close vote elections continued to grow. Since PILF’s November 2022 report, the Tied Elections Database has been revamped to be fully interactive on the PILF website.

One vote matters. Sometimes, that one vote arrives (or is found) moments before the deadline to break a tie. In 2023, some were tainted by illegal votes, according to local reports.



States with Tied & Close Elections, 2023

Overview

PILF’s [current tally](#) of tied elections stands at 602, while the number of close results is 146. PILF considers a “close result” to mean a 1-vote difference between winner(s) and loser(s) at the final count.

Quick 2023 Facts from the PILF Tied Vote Database

- ✓ A Louisiana Sheriff’s race decided by a 1-vote margin was tossed by a court due to voter fraud.
- ✓ 22 elections ended in ties in 2023.
- ✓ Pennsylvania led the country with seven tied elections.
- ✓ Ties in at least five elections were the results of recounts.



Tie Database

Notable 2023 Cases

Some of these tied elections and 1-vote difference contests were made even more complicated with procedural errors during vote counting and recounting in 2023.

- **Louisiana – Caddo Parish Sheriff Race Squeaker Gets Mulligan After Fraud:** The race for top lawman in Shreveport ended with a 1-vote margin favoring Democrat Henry Whitehorn over Republican John Nickelson. A recount was performed, but it did not settle nerves. The parish still utilized voting machines circa 2005 which do not produce auditable paper trails – making an exhaustive hand recount impossible. This left only absentee ballots (17% of the vote) available for manual review.¹ Nickelson then filed an election challenge in state court. The judge’s findings were astounding: at least 11 “beyond a doubt” illegal votes were cast and counted, but “it is legally impossible to know what the true vote should have

been,” Judge Joe Bleich found. “Just one vote could have affected the outcome, and here, multiple illegal votes were cast and counted,” Bleich wrote. The court voided the election result and called for a new contest in March 2024. The court itemized examples of illegal votes: two individuals voted twice; five absentee ballots should not have been accepted; and four felons voted.ⁱⁱ

- **Wisconsin – County Election Official’s 1-Vote Victory Tossed for Fraud:** When Presque Isle Town Clerk, Lorine Walters, wanted to move over to Town Chair (mayor) after 32 years of running elections, she initially won the contest against incumbent John MacLean by a vote of 242 to 241 with higher-than-average turnout. The vote total then survived a recount, unchanged. MacLean challenged the election in county court. The judge ruled in favor of MacLean and demanded a new election after finding at least two mail ballots were illegal. The court found that **one ballot came from a person living in Illinois who was not even registered in Wisconsin**. A second ballot came from someone who did not request a mail ballot. The judge also cited three other mail ballot return envelopes accepted for counting without required witness signatures. The judge was also upset that the recount board missed the three signature failures. In the November redo election, MacLean bested Walters by a vote of 294 to 265.ⁱⁱⁱ
- **Iowa – Secretary of State Calls Foul on Tie Caused by Recount:** A race for a seat on the Pleasant Valley School Board ended with a 6-vote difference between incumbent Tracey Rivera and Jameson Smith, favoring the challenger. After a recount performed at the request of the incumbent, the vote total shifted to 255 apiece and set the stage for a coin toss to settle the election if the recount results were first certified. The Scott County Board of Supervisors refused to certify the tie election results, referencing allegations of errors occurring within the recount. Incumbent Rivera filed a lawsuit demanding certification. Secretary of State Paul Pate wrote in an investigative findings letter that he agreed that counting errors had occurred. Even though Rivera was an incumbent, she had to stand as a write-in candidate because of prior ballot access problems. Secretary Pate found that ballots without ovals filled for corresponding write-in choices were counted when they should have been rejected. The ultimate result: the original 6-vote difference canvass favoring challenger Smith stands.^{iv}
- **North Carolina – Uncle Sam’s Hat Breaks Town Council Tie:** A Brookford Alderman Board race in Catawba County featuring two incumbents now pitted against each other ended in a 43-vote tie. North Carolina law requires that tied elections with fewer than 5,000 votes cast be handled by a game of chance. Catawba County election officials opted for slips of paper to be drawn from Uncle Sam’s top hat. Five Sue Noblitt and five Bill McGregor slips were loaded before some “bipartisan



Hickory Daily Record image

stirring” was done to keep things fair. Noblitt won the draw.^v

- **Missouri – Bel-Nor Alderman Race Goes from Close Election to Tie After Recount:** Incumbent Charlee McBride finished his presumed re-election with a 1-vote margin over Rev. Jonell Calloway at 91 to 90 votes, respectively. After a recount demanded by Calloway, the result locked at 91 apiece. Calloway was able to pick up one vote after a previously rejected ballot showed a selection for Calloway *and* markings in the write-in section. Officials determined the voter’s intent was ultimately for Calloway. A new race was set for August 2023 to break the tie.^{vi} During the redo, the candidates again landed with a 1-vote difference, even with higher turnout. Another recount finally solidified the race favoring McBride.^{vii}
- **Ohio – Youngstown City Council Race Recount Leads to Tie:** A contest for the City’s 6th Ward between incumbent Anita Davis and Janet Tarpley ended in a 3-vote lead for the challenger. During a recount, three new votes were counted, and all favored the incumbent – creating a 223-vote tie. With the flip of a coin, incumbent Davis managed to eke out another term.^{viii}

- **Iowa – Winona County Commissioner Primary Batch Vote Deadlocks:** Three candidates stood for a primary election where the top-two vote winners move on to the general. For District 3 Commissioner, Joshua Elsing handily advanced with 456 votes. Pat Heim and Bill Spitzer tied with 184 each. After county election officials confirmed the totals were accurate, a game of chance was scheduled to break the tie.^{ix} A king-high poker card draw later determined that Spitzer would proceed to the general.^x



La Crosse Tribune photo

- **Montana – City Council Breaks Electoral Tie in Favor of Incumbent After Three Tied Council Votes:** Missoula City Councilwoman Sandra Vasecka (Ward 6) was down by five votes after the initial tabulation against challenger Sean Patrick McCoy. A recount then locked the race at 1,476 apiece.^{xi} After three rounds of council votes—each ending in ties—the elected officials chose Vasecka as their winner on the fourth try.^{xii}
- **Mississippi – County Board of Supervisors Race Tie Broken with Mail Ballots:** Rankin County District 1 Republican primary contest ended with a 1,243-vote tie. The tiebreaker: two mail ballots which remained unopened. Sid Scarbrough bested Mike

Windham after one ballot was counted and the other was rejected due to a failed signature verification. Windham did not challenge the outcome.^{xiii}

- **Pennsylvania – SIX Races Across Westmoreland County Decided on the ‘Stones’:** This western PA county is a regular contributor to the PILF Tied Elections Database in recent years. In November 2023, six local races were decided by lotteries with numbered “stones.”^{xiv} Ties were broken for Scottsdale City Council, Hyde Park Council, Sutersville Council, Cook Auditor, Fairfield Auditor, and the Upper Burrell Auditor.^{xv}

How Do States Break Ties?

Every state in the nation, except 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 *requires* a coin toss. Texas lets candidates choose between a lottery or a 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 is a runoff – otherwise a lottery occurs.

PILF President J. Christian Adams

“One vote makes a difference. Ties happen. Illegal votes, mistakes, and errors shouldn’t determine the winner of an election.”



ⁱ Associated Press; More than 43,000 people went to the polls for a Louisiana election. A candidate won by 1 vote (November 22, 2023), <https://apnews.com/article/louisiana-election-vote-parish-sheriff-recount-b95748fd61fd84c38b89a21655aa3e2f>

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- ⁱⁱ KTBS; Judge orders new Caddo Sheriff's Election; Whitehorn Appeals (December 5, 2023), https://www.ktbs.com/news/judge-orders-new-caddo-sheriffs-election/article_673d6fb2-938d-11ee-815b-77dfd7b11232.html
- ⁱⁱⁱ Wisconsin Watch; A Wisconsin redo election signals growing ballot scrutiny in US (January 26, 2024), <https://wisconsinwatch.org/2024/01/wisconsin-election-presque-isle-ballot-voting-vilas-county/>
- ^{iv} WVIK; Judge dismisses case challenging Pleasant Valley school board elections (March 15, 2024), <https://www.wvik.org/wvik-top-stories/2024-03-15/judge-dismisses-case-challenging-pleasant-valley-school-board-election-results>
- ^v *Hickory Daily Record*; Tied Brookford election decided with name drawn from hat (November 20, 2023), https://hickoryrecord.com/news/local/government-politics/catawba-county-brookford-election/article_ec499220-856f-11ee-b1a0-3b17d0051cd7.html
- ^{vi} *St. Louis Post-Dispatch*; Recount ends in tie, prompting run-off in Bel-Nor Alderman race (May 25, 2023), https://www.stltoday.com/news/local/government-politics/recount-ends-in-tie-prompting-run-off-in-bel-nor-alderman-race/article_b0d4f33c-fb1e-11ed-9ffd-1f7adfc7ed67.html
- ^{vii} *St. Louis Post-Dispatch*; Recount affirms win for incumbent alderwoman after tie vote in April (August 11, 2023), https://www.stltoday.com/news/local/government-politics/recount-affirms-win-for-incumbent-alderwoman-in-bel-nor-runoff-after-tie-vote-in-april/article_c2e900f4-3890-11ee-afed-2b1dd8ee2cb5.html
- ^{viii} WFMJ; Davis beats Tarpley in coin toss decision for Youngstown City Council 6th Ward seat (May 18, 2023), <https://www.wfmj.com/story/48934382/davis-beats-tarpley-in-coin-toss-decision-for-youngstown-city-council-6th-ward-seat>
- ^{ix} *La Crosse Tribune*; Primary election for Winona County commissioner ends in tie, will head to board of canvass (May 9, 2023), https://lacrossetribune.com/winona/news/local/govt-and-politics/elections/primary-election-for-winona-county-commissioner-ends-in-tie-will-head-to-board-of-canvass/article_13423eee-eea4-11ed-9fb2-1362856e276d.html
- ^x *La Crosse Tribune*; Spitzer's king-high draw advances him to general election (May 12, 2023), https://lacrossetribune.com/winona/news/local/govt-and-politics/elections/spitzers-king-high-draw-advances-him-to-augusts-general-election-breaking-tie-for-winona-county/article_ba804cf2-f0d2-11ed-b67e-a7742e33059d.html#tracking-source=article-related-bottom
- ^{xi} NBC Montana; Missoula Ward 6 recount ends in tie, City Council to fill seat (November 29, 2023), <https://nbcmontana.com/news/local/missoula-ward-6-recount-ends-in-a-tie>
- ^{xii} KPAX; Sandra Vasecka Wins City Council Appointment to Keep Ward 6 Seat (December 5, 2023), <https://www.kpax.com/news/montana-politics/missoula-elections/sandra-vasecka-wins-city-council-appointment-to-keep-ward-6-seat>
- ^{xiii} WJTV; Tie broken in Rankin County District 1 Supervisor race (August 30, 2023), <https://www.wjtv.com/news/election/tie-broken-in-rankin-county-district-1-supervisor-race/>
- ^{xiv} WPXI; Election results in Scottdale Borough determined by stone (November 22, 2023), <https://www.wpxi.com/news/local/election-results-scottdale-borough-determined-by-stone/7LLZ45TVE5GRVENMJVMVCPLB34/>
- ^{xv} *Pittsburgh Tribune-Review*; Casting of lots will break tie votes in 6 Westmoreland races (November 20, 2023), <https://triblive.com/local/westmoreland/casting-of-lots-will-break-tie-votes-in-6-westmoreland-races/>