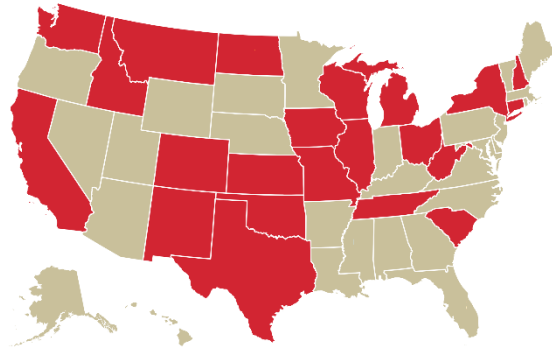




47 TIED, CLOSE ELECTIONS HAVE ALREADY HAPPENED IN 2024

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

OCTOBER 2024 – The Public Interest Legal Foundation’s tally of tied and close vote elections continued to grow in 2024. Throughout the nation, thousands of elections have already occurred this year and some are producing close results. Tied and close elections used to generally occur at the bottom of the ballot – but times are changing. These elections illustrate every vote and every mistake matter.



States Shaded Red with Tied & Close Elections, 2024

Overview

PILF’s [current tally](#) of tied elections stands at 635, while the number of close results is 173.

PILF considers a “close result” to mean a one-vote difference between winner(s) and loser(s) at the final count.

Quick 2024 Facts from the PILF Tied Vote Database

- ✓ More states have registered tied and close elections in 2024 than 2023.
- ✓ 29 elections ended in ties in 2024.
- ✓ 18 elections ended with one-vote margins in 2024.
- ✓ Missouri led the country with eight tied or close elections.



Tie Database

Notable 2024 Cases

Some of these tied elections and one-vote difference contests were made even more complicated with procedural errors during vote counting and recounting in 2024.

- **California – 16th Congressional District Primary Ends in Tie:** What are the odds that a primary election for Congressional District 16 would end in a tie with 30,249 votes apiece for Assemblyman Evan Low and Santa Clara County Supervisor Joe Simitian? This case gets wilder after the initial count. Remember: California utilizes a “Jungle Primary” system – meaning, the top two vote getters in each race regardless of party will advance to a general election. Low and Simitian tied for *second place*. Former San Jose Mayor Sam Liccardo clinched a general election berth with more than 38,000 votes.¹ Officials then announced that all three candidates would advance to the November contest. Reportedly unhappy with the prospect of a three-man race in the fall, allies of Mayor Liccardo via a super PAC demanded and financed a recount for \$24,000 a day. In San Mateo County, 16 ballots were

reviewed and nine were rejected. Another 45 uncounted ballots were reviewed in Santa Clara County and seven were found acceptable for counting. Another 19 ballots were found to not be completely tabulated across six precincts in the county. With the privately financed recount complete, Assemblyman Low secured the second-place finish with a margin of five votes. Mayor Liccardo now faces a Federal Election Commission complaint for allegedly collaborating with a super PAC to keep the recount going.ⁱⁱ

- Missouri – County Election Supervisor’s Wife’s Election Ends by One Vote:** Jen Bahr won a Cottleville Township Committee seat by one vote. This result, combined with the fact that Mrs. Bahr is married to St. Charles County Director of Elections Kurt Bahr, was unsettling for locals. Even worse, Supervisor Bahr was reportedly accused by several polling place judges for “illegally electioneer[ing] within a polling place on behalf of his wife.”ⁱⁱⁱ

Tied/Close Elections, 2024	
Missouri	8
Michigan	5
Colorado	3
New York	3
Oklahoma	3
Texas	3
Montana	2
New Hampshire	2
Tennessee	2
West Virginia	2
AS, CA, CT, ID, IL, IA, KS, LA, ND, NM, OH, SC, WA, WI	1 each

- Michigan – Wise Township Supervisor Race Ties and is Broken by Lawsuit:** A GOP primary between challenger Richard Los and incumbent Robert Moore ended with a 100-vote tie. A game of chance broke the tie favoring Los. Unhappy with the result, Supervisor Moore had a look at his opponent’s candidate paperwork. Los reportedly declared himself an Independent on his documents to participate in the GOP primary – yet he scratched the entry and corrected it to Republican by hand. Los’ nominating petitions still listed him as an Independent. An Isabella County judge eventually agreed with Supervisor Moore that the affair was not a legitimate GOP contest and ruled the pair have a rematch in November since there will not be a Democrat in the race.^{iv}

- Tennessee – Scott County School Board Race Tie Broken with Provisional Ballot:** A general election for District 2 between Diane Chambers Smith and Carlene Terry (incumbent) tied in early August with 218 votes each. Less than two hours before the counting board was called to order to certify the tie and begin a tiebreaking process, the owner of a provisional ballot walked into the election office to present proper identification to let the vote count. That person cast the 219th vote for the challenger, Smith.^v

- Michigan – Vote Denial Incident Leads to Tied Township Treasurer Race:** A GOP primary for Penn Township Treasurer featuring an 80-year-old incumbent and a new challenger in Cass County finally resolved in September. Treasurer Paul Rutherford initially edged Jodi Bucher by one vote at 281 – 280. A local resident then came forward claiming they were turned away at the polling place for not living in the township. An investigation revealed the electronic pollbook system did indeed glitch, erroneously claiming they lived out of the jurisdiction. The individual was then allowed to vote and deadlocked the race at

281.^{vi} Local election officials determined the tie would be broken with a special mail-in election due to the vote denial irregularity. Michigan Secretary of State Jocelyn Benson's office intervened. Benson ruled that the resident whose vote was initially denied would be stricken from the count and no special election would occur because the amount of vote denial cases did not exceed the vote margin.^{vii} With the vote total back at 281 – 280, Bucher made multiple demands for a recount.^{viii} Be careful what you wish for. The hand recount managed to find one more vote for the incumbent, and the race closed at 282 – 280.^{ix}

- **Oklahoma – Sherriff's Race Decided by 'Archaic' Bucket Draw:** A GOP primary for Carter County Sherriff which would effectively decide the November contest ended in a tie of 2,569 votes between incumbent Sheriff Chris Bryant and challenger D.J. Long.^x Of the five provisional ballots cast, none were accepted. A recount featuring “a team of four counters and four talliers spent over nine hours” and still didn't change the outcome.^{xi} With the recount exhausted, Oklahoma law requires a game of chance to break the tie and Long won the day.^{xii} In the aftermath, at least one state lawmaker has promised to change Oklahoma's “archaic” tiebreaker process in the 2025 legislative session.^{xiii}



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. Most states (28) require that ties are broken by a game of chance. 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. Generally, when a ballot initiative/question ends in a tie, the matter fails.

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 use 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

“If people ever think their votes don't matter, I hope they remember these tied elections. Every single vote matters. Just one vote could determine who wins power. Everyone eligible should register and vote this November.”



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- ⁱ CBS News; Evan Low, Joe Simitian tied for 2nd place in in 16th District race (April 3, 2024), <https://www.cbsnews.com/sanfrancisco/news/16th-district-congress-evan-low-joe-simitian-tied-2nd-place-san-mateo-santa-clara-silicon-valley/>
- ⁱⁱ San Jose Spotlight; BREAKING: Joe Simitian concedes after Silicon Valley congressional recount (May 1, 2024), <https://sanjosespotlight.com/santa-clara-county-congressional-race-recount-is-over/>
- ⁱⁱⁱ KTVI via Yahoo! News; St. Charles County voters suspect voter fraud from election director (August 12, 2024), <https://www.yahoo.com/news/st-charles-county-voters-suspect-031219000.html>
- ^{iv} ABC 12 News; Isabella Co. judge makes ruling on Wise Township supervisor race (August 30, 2024), https://www.abc12.com/news/isabella-co-judge-makes-ruling-on-wise-township-supervisor-race/article_f3afaa96-6713-11ef-925e-f7adaa5a40d2.html
- ^v WBIR; Lone provisional ballot decides tied Scott County school board race, preliminary results show (August 2, 2024), <https://www.wbir.com/article/news/local/scott-campbell-morgan/provisional-ballot-scott-county-school-board/51-c65c4db3-7396-478b-88b1-015e01e38805>
- ^{vi} Leader Publications; Controversy surrounds Penn Township treasurer race (August 15, 2024), <https://www.leaderpub.com/2024/08/15/controversy-surrounds-penn-township-treasurer-race/>
- ^{vii} MCL 168.836(1)(b)
- ^{viii} WVPE; County to hear township treasurer candidates argue recount (August 22, 2024), <https://www.wvpe.org/wvpe-news/2024-08-22/county-to-hear-township-treasurer-candidates-argue-recount>
- ^{ix} Leader Publications; Rutherford wins township treasurer primary by two votes (September 7, 2024), <https://www.leaderpub.com/2024/09/07/rutherford-wins-penn-township-treasurer-primary-by-two-votes-following-recount/>
- ^x KTEN; Carter County Sherriff primary ends in dead heat (June 19, 2024), https://www.kten.com/news/carter-county-sheriff-primary-ends-in-dead-heat/article_6b2caee8-12fd-5969-ace4-e0dfc9ad2485.html
- ^{xi} KXII; DJ Long named Carter County Sherriff after drawing to break tie (June 28, 2024), <https://www.kxii.com/2024/06/28/dj-long-wins-carter-county-sheriff-race/> Image from KXII.
- ^{xii} Oklahoma Statute Title 26, Section 8-105
- ^{xiii} KOSU-NPR; Oklahoma lawmaker promises to address ‘archaic’ election practice (July 2, 2024), <https://www.kosu.org/politics/2024-07-02/oklahoma-lawmaker-promises-to-address-archaic-election-practice>