1	HOUSE BILL NO. 658
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the House Committee on Privileges and Elections
4	on)
5	(Patron Prior to SubstituteDelegate Cole)
6	A BILL to amend and reenact § 24.2-673.1 of the Code of Virginia, relating to elections; conduct of
7	election; ranked choice voting; locally elected offices; report.
8	Be it enacted by the General Assembly of Virginia:
9	1. That § 24.2-673.1 of the Code of Virginia is amended and reenacted as follows:
10	§ 24.2-673.1. (Expires July 1, 2031) Ranked choice voting.
11	A. For purposes of this section:
12	"Ranked choice voting" means a method of casting and tabulating votes in which (i) voters rank
13	candidates in order of preference, (ii) tabulation proceeds in rounds such that in each of round either a
14	candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked
15	candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number
16	of candidates elected equals the number of offices to be filled. "Ranked choice voting" is known as "instant
17	runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.
18	"Ranking" means the ordinal number available to be assigned on a ballot by a voter to a candidate
19	to express the voter's preference for that candidate. Ranking number one The number "1" is the highest
20	ranking, ranking number two is the next-highest ranking followed by "2" and then "3", and so on,
21	consecutively, up to the number of candidates indicated on the ballot.
22	B. Elections of members of a county board of supervisors or a city council may be conducted by
23	ranked choice voting pursuant to this section. The decision to conduct an election by ranked choice voting
24	shall be made, in consultation with the local electoral board and general registrar, by a majority vote of
25	the board of supervisors or city council that the office being elected serves.

C. Primary elections for federal or statewide office or any office in the General Assembly may be		
conducted by ranked choice voting pursuant to this section. The decision to conduct a primary by ranked		
choice voting shall be made by the party for which the primary is being held. The party shall indicate this		
decision in its notice to the State Board of the adoption of a direct primary pursuant to § 24.2-516. The		
notice shall specify for each federal or statewide office or any office in the General Assembly for which		
a direct primary has been adopted whether or not such primary shall be conducted by ranked choice voting.		
D. In any election using ranked choice voting, the ballot shall allow voters to rank at least five		
qualified candidates, including qualified write-in candidates. If the election involves fewer than five		
qualified candidates, the ballot shall allow voters to rank as many preferences as there are qualified		
candidates and write-in lines. If a locality's voting system does not support up to five rankings, the locality		
shall allow voters to rank the maximum number of preferences permitted by its voting system for that		
election. If an election for an office is conducted using multiple voting systems that support a different		
number of maximum rankings, then that election shall be conducted using the maximum number of		
rankings permitted by the voting system with the lower maximum number of preferences permitted. In		
any event, the number of rankings allowed in any given election shall be uniform for all voters voting on		
that election within the state.		

<u>E.</u> The State Board may promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section.

F. The State Board shall promulgate rules or guidance to ensure the release of unofficial preliminary results in ranked choice voting elections after the polls close, including:

1. Round-by-round results, which shall be first released as soon as a reasonable number of precincts have reported but in no event later than 11:59 p.m. on election night and then periodically released at regular intervals until the counting of ballots is complete and which shall be clearly labeled as preliminary and include the number of counted and uncounted ballots to date; and

2. Ballot-level ranking data on an election-by-election basis, which shall be (i) released no later
than when the counting of ballots is complete; (ii) published online in a machine-readable open format
that can be retrieved, downloaded, indexed, sorted, and searched by commonly used Internet search
applications and commonly used open-format software; (iii) identifiable by precinct to the extent such
identification is feasible and can be provided consistent with the need to maintain voter privacy; and (iv)
clearly labeled as preliminary.

In adopting rules or guidance under this subsection, the State Board official shall consult with and allow for input from county and city general registrars and other local election officials.

G. In addition to any other information required by law to be reported with official final results, the State Board shall make public (i) the number and percentage of votes that each candidate received in each round of the official tabulation; (ii) the number of ballots that became inactive in each round, reported as separate figures; and (iii) ballot-level ranking data on an election-by-election basis in a machine-readable open format that can be retrieved, downloaded, indexed, sorted, and searched by commonly used Internet search applications and commonly used open-format software and in a manner identifiable by precinct to the extent such identification is feasible and can be provided consistent with the need to maintain voter privacy. Final precinct-level final-round results need not be reported unless practicable.

D. H. The State Board may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting ranked choice voting pursuant to this section.

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