

HOUSE BILL NO. 658

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections

on _____)

(Patron Prior to Substitute--Delegate Cole)

A BILL to amend and reenact § 24.2-673.1 of the Code of Virginia, relating to elections; conduct of election; ranked choice voting; locally elected offices; report.

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-673.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-673.1. (Expires July 1, 2031) Ranked choice voting.

A. For purposes of this section:

"Ranked choice voting" means a method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each of round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. "Ranked choice voting" is known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.

"Ranking" means the ~~ordinal~~ number available to be assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. ~~Ranking number one~~ The number "1" is the highest ranking, ~~ranking number two is the next highest ranking followed by "2" and then "3",~~ and so on, consecutively, up to the number of candidates indicated on the ballot.

B. Elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting pursuant to this section. The decision to conduct an election by ranked choice voting shall be made, in consultation with the local electoral board and general registrar, by a majority vote of the board of supervisors or city council that the office being elected serves.

26 C. Primary elections for federal or statewide office or any office in the General Assembly may be
27 conducted by ranked choice voting pursuant to this section. The decision to conduct a primary by ranked
28 choice voting shall be made by the party for which the primary is being held. The party shall indicate this
29 decision in its notice to the State Board of the adoption of a direct primary pursuant to § 24.2-516. The
30 notice shall specify for each federal or statewide office or any office in the General Assembly for which
31 a direct primary has been adopted whether or not such primary shall be conducted by ranked choice voting.

32 D. In any election using ranked choice voting, the ballot shall allow voters to rank at least five
33 qualified candidates, including qualified write-in candidates. If the election involves fewer than five
34 qualified candidates, the ballot shall allow voters to rank as many preferences as there are qualified
35 candidates and write-in lines. If a locality's voting system does not support up to five rankings, the locality
36 shall allow voters to rank the maximum number of preferences permitted by its voting system for that
37 election. If an election for an office is conducted using multiple voting systems that support a different
38 number of maximum rankings, then that election shall be conducted using the maximum number of
39 rankings permitted by the voting system with the lower maximum number of preferences permitted. In
40 any event, the number of rankings allowed in any given election shall be uniform for all voters voting on
41 that election within the state.

42 E. The State Board may promulgate regulations for the proper and efficient administration of
43 elections determined by ranked choice voting, including (i) procedures for tabulating votes in rounds, (ii)
44 procedures for determining winners in elections for offices to which only one candidate is being elected
45 and to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-
46 613, notwithstanding the provisions of subsection E of that section.

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

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

