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HOUSE BILL NO. 2315

Offered January 12, 2017

A *BILL to amend and reenact § 24.2-673 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-673.1, relating to instant runoff voting.*

Patron—Freitas

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-673 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-673.1 as follows:

§ 24.2-673. Candidates having highest number of votes to receive certificate of election.

A. Except in the case of a recount pursuant to the provisions of Chapter 8 (§ 24.2-800 et seq.) of this title, in all elections for the choice of any officer, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been elected to such office and shall receive the certificate of election.

B. Notwithstanding the provisions of subsection A, in an election for statewide office, the United States Senate, the United States House of Representatives, or the General Assembly, the person having a majority of the votes for such office, as determined pursuant to § 24.2-673.1, shall be deemed to have been elected to such office and shall receive the certificate of election.

§ 24.2-673.1. Instant runoff voting.

A. Ballots in elections for statewide offices, the United States Senate, the United States House of Representatives, and the General Assembly shall allow voters to rank candidates for each office in order of choice. The ballots shall be simple and easy to understand. Instructions to voters shall conform substantially to the following specifications, although subject to modification based on ballot design and voting system:

"Vote for candidates by indicating your first-choice candidate, your second-choice candidate, and so on. Indicate your first choice by marking the number '1' beside a candidate's name, your second choice by marking the number '2' beside that candidate's name, and so on in order of your choice. Rank as many choices as you wish. You may choose to rank only one candidate. Marking a second or later choice will not count against your first choice. Do not skip numbers and do not mark the same number beside more than one candidate."

Sample ballots illustrating voting procedures shall be posted in or near the voting booth and shall be included in the instruction packet mailed with absentee ballots.

B. Each ballot shall be initially counted as one vote for the first-choice candidate on the ballot. If a candidate receives a majority of the first-choice votes, that candidate shall be declared to be elected. If no candidate receives a majority of the first-choice votes, an instant runoff shall be conducted, consisting of additional rounds of ballot counting.

In every round of counting, each ballot is counted as one vote for that ballot's highest-ranked advancing candidate. "Advancing candidate" means a candidate for an office who has not been eliminated.

A candidate receiving a majority of votes in a round is declared elected. If no candidate receives a majority of votes in a round, the candidate with the fewest votes shall be eliminated and there shall be another round of ballot counting. This process of eliminating the candidate with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.

C. If a ballot has no more available choices ranked on it, that ballot shall be declared "exhausted" and not counted in that round or any subsequent round. Ballots skipping one number shall be counted for that voter's next clearly indicated choice, but ballots skipping more than one number shall be declared exhausted when this skipping of numbers is reached. Ballots with two or more of the same number shall be declared exhausted when such duplicative rankings are reached, unless only one of the candidates with the duplicated ranking is an advancing candidate.

D. Any ties that could affect the outcome of the election shall be resolved in accordance with § 24.2-674.

E. For all statutory and constitutional provisions of the Commonwealth pertaining to the rights of political parties, the number of votes cast for a party's candidate for a particular office shall be defined as the number of votes credited to that candidate after the initial round of ballot counting.

INTRODUCED

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