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HOUSE BILL NO. 2097

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend the Code of Virginia by adding a section numbered 24.2-673.1, relating to elections for certain offices; ranked choice voting pilot program.

Patrons—Freitas and Hope

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

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

§ 24.2-673.1. Ranked choice voting.

A. For purposes of this section:

"Continuing candidate" means a candidate who has not been defeated.

"Election threshold" means the number of votes sufficient for a candidate to be elected in a multiwinner election. The election threshold is calculated by dividing the total number of votes for candidates in the first round by the sum of one plus the number of offices to be filled and rounding up the quotient to four decimal places.

"Exhausted ballot" means a ballot that does not rank any continuing candidate, that contains votes for more than one candidate at the highest continuing ranking, or where two or more consecutive ordinal rankings are skipped before its highest continuing ranking.

"Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate who has not been elected.

"Last-place candidate" means the candidate with the fewest votes in a round of tabulation.

"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 in each of which either a candidate or candidates are elected or the last-place candidate is defeated, and (iii) tabulation ends when the number of candidates elected equals the number of offices to be filled.

"Ranking" means the ordinal number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

"Surplus" means a positive difference between a candidate's vote total and the election threshold.

"Surplus fraction" means the number calculated by dividing an elected candidate's surplus by that candidate's vote total and rounding up the quotient to four decimal places.

"Transfer value" means the proportion of a vote that a ballot will contribute to its highest continuing ranking. Each ballot begins with a transfer value of one. If a ballot transfers from an elected candidate with a surplus, it receives a new transfer value, which is calculated by multiplying the surplus fraction of the elected candidate by the ballot's current transfer value and rounding up the quotient to four decimal places.

B. Elections for local and constitutional offices may be conducted by ranked choice voting pursuant to subsections D and E. The decision to conduct an election by ranked choice voting shall be made by a majority vote of the local governing body that the office being elected serves. Where an office is shared between multiple local governing bodies, the decision to conduct an election by ranked choice voting shall be made by a majority vote of each affected local governing body.

C. The State Board shall prescribe standards for ballots conducted by ranked choice voting pursuant to § 24.2-613, notwithstanding the provisions of subsection D of that section.

D. The following procedures shall be used to determine the winner in an election conducted by ranked choice voting for an office to which only one candidate is being elected:

1. Each validly cast ballot shall be initially counted as one vote for the candidate at its highest continuing ranking or as an exhausted ballot. The initial vote total shall be used to calculate the election threshold, and tabulation proceeds in rounds beginning with subdivision 2.

2. If a continuing candidate's vote total exceeds the election threshold, that candidate is elected and the tabulation is complete. If there are two or fewer continuing candidates, the continuing candidate with the most votes is elected and the tabulation is complete. If neither condition is met, tabulation shall continue according to the provisions of subdivision 3.

3. The candidate with the fewest votes is defeated. Votes for the defeated candidate shall cease counting for the defeated candidate and shall be added to the totals of the continuing candidate at each

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59 ballot's highest continuing ranking. Exhausted ballots shall not count as votes for any continuing
60 candidate. A new round shall begin according to the provisions of subdivision 2.

61 4. Any tie that could affect the outcome of the election shall be resolved in accordance with §
62 24.2-674.

63 E. The following procedures shall be used to determine the winners in an election conducted by
64 ranked choice voting for an office to which more than one candidate is being elected:

65 1. Each validly cast ballot shall be initially counted as one vote for the candidate at its highest
66 continuing ranking or as an exhausted ballot. The initial vote total shall be used to calculate the
67 election threshold, and tabulation proceeds in rounds beginning with subdivision 2.

68 2. If the number of continuing candidates whose vote totals have exceeded the election threshold in
69 any round is equal to the number of officers being elected, those candidates are elected and the
70 tabulation is complete. If the number of continuing candidates is equal to or less than the number of
71 officers being elected, then all continuing candidates are elected and the tabulation is complete. If
72 neither condition is met, tabulation shall continue according to the provisions of subdivision 3.

73 3. If no candidate has a vote total that exceeds the election threshold, tabulation shall continue
74 according to the provisions of subdivision 4. If at least one continuing candidate has a vote total that
75 exceeds the election threshold, then any such candidate is elected. The number of surplus votes for each
76 elected candidate shall be calculated, and the surplus fraction for any such candidate shall be
77 calculated. The new transfer value of each vote cast for an elected candidate shall be calculated, and
78 votes for such elected candidate shall be added, at their new transfer values, to the totals of the
79 continuing candidate at each ballot's highest continuing ranking or counted as exhausted ballots.
80 Exhausted ballots shall not count as votes for any continuing candidate. A new round shall begin
81 according to the provisions of subdivision 2, with all candidates elected during prior rounds having a
82 vote total equal to the election threshold.

83 4. The candidate with the fewest votes is defeated. If the number of continuing candidates is equal to
84 the number of officers being elected, all continuing candidates are elected and the tabulation is
85 complete. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate
86 and shall be reallocated, at their current transfer values, to the totals of the continuing candidate at
87 each ballot's highest continuing ranking. Exhausted ballots shall not count as votes for any continuing
88 candidate. A new round shall begin according to the provisions of subdivision 2.

89 5. Any tie that could affect the outcome of the election shall be resolved in accordance with §
90 24.2-674.

91 **2. That the provisions of this act shall expire on July 1, 2024.**