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SENATE BILL NO. 1731

Offered January 16, 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.

Patron—Ebbin

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 on which 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 down 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 down the quotient to four decimal places.

B. Elections of members of a county board of supervisors or a city council 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 board of supervisors or city council that the office being elected serves.

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. Tabulation proceeds in rounds beginning with subdivision 2.

2. If there are two or fewer continuing candidates, the continuing candidate with the most votes is elected and the tabulation is complete. Otherwise, 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 ballot's highest continuing ranking. Exhausted ballots shall not count as votes for any continuing candidate. A new round shall begin according to the provisions of subdivision 2.

4. Any tie that could affect the outcome of the election shall be resolved in accordance with §

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24.2-674.

E. The following procedures shall be used to determine the winners in an election conducted by ranked choice voting for an office to which more than 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 the number of continuing candidates whose vote totals have exceeded the election threshold in any round is equal to the number of officers being elected, those candidates are elected and the tabulation is complete. If the number of continuing candidates is equal to or less than the number of officers being elected, then all continuing candidates are elected and the tabulation is complete. If neither condition is met, tabulation shall continue according to the provisions of subdivision 3.

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

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

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

2. That any costs incurred by the Department of Elections related to changes to technology that are necessary for the implementation of this act, including changes to technology for receiving the results of elections conducted pursuant to this act, shall be charged to the localities exercising the option to proceed with ranked choice voting.

3. That the provisions of this act shall become effective on July 1, 2020.