

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 713

An Act to amend and reenact § 15.2-705 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-705.1, relating to county manager plan; election of board members by instant runoff voting.

[H 506]

Approved April 6, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-705 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-705.1 as follows:

§ 15.2-705. Election of members of board; filling vacancies.

A. In any county operating as of December 1, 1993, under the county manager plan provided for in this chapter, the members of the board shall be elected and vacancies on the board shall be filled as provided in this section. The members of the board shall be elected from the county at large.

B. Two board members shall be elected at the November 1995 election to succeed the members whose terms are expiring, and one member each shall be elected at the 1994, 1996, and 1997 November elections to succeed the members whose terms respectively are expiring. Thereafter at each regular November election one or more board members shall be elected to succeed the members whose terms expire on or before January 1 next succeeding such election. The members so elected shall be elected for terms of four years each, shall take office on January 1 next succeeding their election, and shall hold office until their successors are elected and qualify. *The board may provide, by ordinance, for the nomination or election of candidates by instant runoff voting pursuant to § 15.2-705.1.*

C. Notwithstanding the provisions of § 24.2-226, when any vacancy occurs in the membership of the board, the judge of the circuit court of the county shall call a special election for the remainder of the unexpired term to be held not less than 60 days and not more than 80 days thereafter, and the local electoral board shall determine and announce within three business days after such call the candidate filing deadline for that special election. However, if any vacancy occurs within 180 days before the expiration of a term of office, the vacancy shall be filled by appointment by a majority vote of the remaining members of the board within 30 days of the occurrence of the vacancy after holding a public hearing on the appointment. The appointment shall be for the duration of the unexpired term.

§ 15.2-705.1. Instant runoff voting.

A. *For purposes of this section:*

"Instant runoff 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 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. "Instant runoff voting" is also known as "ranked choice voting."

"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.

B. *Elections to nominate candidates for and to elect members to the board of supervisors in a county operating under the county manager plan may be conducted by instant runoff voting pursuant to this section.*

C. *The State Board may promulgate regulations for the proper and efficient administration of elections determined by instant runoff 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 for offices 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.*

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

2. That any costs incurred by the Department of Elections related to changes in 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 instant runoff voting.