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HOUSE BILL NO. 553
Offered January 10, 2018
Prefiled January 8, 2018

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4 *A BILL to amend and reenact § 24.2-673 of the Code of Virginia and to amend the Code of Virginia by*
5 *adding a section numbered 24.2-673.1, relating to elections for certain offices; ranked choice voting.*
6 ————————
Patron—Freitas
7 ————————
8 Referred to Committee on Privileges and Elections
9 ————————
10   **Be it enacted by the General Assembly of Virginia:**
11 **1. That § 24.2-673 of the Code of Virginia is amended and reenacted and that the Code of Virginia**
12 **is amended by adding a section numbered 24.2-673.1 as follows:**
13   **§ 24.2-673. Candidates having highest number of votes to receive certificate of election.**
14   *A.* Except in the case of a recount pursuant to the provisions of Chapter 8 (§ 24.2-800 et seq.) ~~of this~~
15 ~~title,~~ in all elections for the choice of any officer, unless it is otherwise expressly provided, the person
16 having the highest number of votes for any office shall be deemed to have been elected to such office
17 and shall receive the certificate of election.
18   *B. Notwithstanding the provisions of subsection A, in an election for statewide office, the United*
19 *States Senate, the United States House of Representatives, or the General Assembly, the person having a*
20 *majority of the votes for such office, as determined pursuant to § 24.2-673.1, shall be deemed to have*
21 *been elected to such office and shall receive the certificate of election.*
22   *§ 24.2-673.1. Ranked choice voting.*
23   *A. For purposes of this section, unless the context requires a different meaning:*
24   *"Continuing candidate" means a candidate who has not been defeated.*
25   *"Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote*
26 *at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest*
27 *continuing ranking.*
28   *"Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing*
29 *candidate.*
30   *"Last-place candidate" means the candidate with the fewest votes in a round of tabulation.*
31   *B. Members of the United States Senate, the United States House of Representatives, and the General*
32 *Assembly, and the Governor, Lieutenant Governor, and Attorney General shall be elected by ranked*
33 *choice voting. Ranked choice voting is the method of casting and tabulating votes in which (i) voters*
34 *rank candidates in order of preference, (ii) tabulation proceeds in sequential rounds in which last-place*
35 *candidates are defeated, and (iii) the candidate with the most votes in the final round is elected.*
36   *C. Except as provided in subsection D, the following procedures shall be used to determine the*
37 *winner in an election conducted by ranked choice voting:*
38   *1. Each validly cast ballot shall be initially counted as one vote for the candidate at its highest*
39 *continuing ranking or as an exhausted ballot. If a candidate has more than half of the total votes*
40 *counting for candidates, that candidate is elected and the tabulation is complete.*
41   *2. If no candidate has more than half of the total votes at the initial tabulation, tabulation proceeds*
42 *in rounds. In each round, the number of votes for each continuing candidate shall be counted. Each*
43 *ballot that is not an exhausted ballot shall be counted as one vote for its highest-ranked continuing*
44 *candidate for that round. Exhausted ballots shall not be counted for any continuing candidate.*
45   *3. At the end of a round, if there are two or fewer continuing candidates, the candidate with the*
46 *most votes is declared the winner of the election. If there are more than two continuing candidates, the*
47 *last-place candidate is defeated and a new round begins.*
48   *D. Any tie that could affect the outcome of the election shall be resolved in accordance with §*
49 *24.2-674, except that a tie in the election of the Governor, Lieutenant Governor, or Attorney General*
50 *shall be resolved in accordance with the Constitution of Virginia.*
51   *E. For all statutory and constitutional provisions of the Commonwealth pertaining to the rights of*
52 *political parties, the number of votes cast for a party's candidate for a particular office shall be defined*
53 *as the number of votes credited to that candidate after the initial round of ballot counting.*