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**HOUSE BILL NO. 506**

House Amendments in [ ] - February 5, 2020

A *BILL 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.*

Patron Prior to Engrossment—Delegate Hope

Referred to Committee on Counties, Cities and Towns

**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, unless the context requires a different meaning:*

*"Continuing candidate" means any candidate who has not been defeated or elected.*

*"Election threshold" means the number of votes sufficient for a candidate to be elected in a multi-winner election. The election threshold is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one plus the number of offices to be filled, rounded up to four decimal places.*

*"Exhausted ballot" means a ballot that does not rank any continuing candidate, contains the same ranking for multiple candidates, or contains two or more sequential skipped rankings before its highest continuing ranking.*

*"Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.*

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

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

*"Surplus fraction" means the number equal to a candidate's surplus divided by that candidate's vote total, calculated 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, calculated to four decimal places.*

B. Elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff voting. Instant runoff voting is the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in sequential rounds in which last-place candidates are defeated, and (iii) the candidate or candidates with the most votes in the final round are elected.

C. Except as provided in subsection E, the following procedures shall be used to determine the

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59 winner in an election for exactly one office conducted by instant runoff voting:

60 1. Each validly cast ballot shall be initially counted as one vote for the candidate at its highest  
61 continuing ranking or as an exhausted ballot. If a candidate has more than half of the total votes  
62 counting for candidates, that candidate is elected and the tabulation is complete.

63 2. If no candidate has more than half of the total votes at the initial tabulation, tabulation proceeds  
64 in rounds. In each round, the number of votes for each continuing candidate shall be counted. Each  
65 ballot that is not an exhausted ballot shall be counted as one vote for its highest-ranked continuing  
66 candidate for that round. Exhausted ballots shall not be counted for any continuing candidate.

67 3. At the end of a round, if there are two or fewer continuing candidates, the candidate with the  
68 most votes is declared the winner of the election. If there are more than two continuing candidates, the  
69 last-place candidate is defeated and a new round begins.

70 D. Except as provided in subsection E, the following procedures shall be used to determine the  
71 winner in an election for more than one office conducted by instant runoff voting:

72 1. Each validly cast ballot shall be initially counted as one vote for the candidate at its highest  
73 continuing ranking or as an exhausted ballot. The election threshold shall then be calculated and  
74 tabulation proceeds in rounds.

75 2. If the number of continuing candidates whose vote totals exceed the election threshold is equal to  
76 the number of seats remaining to be filled, those candidates are elected and the tabulation is complete.  
77 If the number of continuing candidates is equal to or less than the number of seats remaining to be  
78 filled, then all continuing candidates are elected and the tabulation is complete. Otherwise, the  
79 tabulation continues to subdivision 3.

80 3. If no candidate has a vote total that exceeds the election threshold, then the tabulation continues  
81 to subdivision 4. If at least one continuing candidate has a vote total that exceeds the election threshold,  
82 then the continuing candidate with the highest vote total is elected. The number of surplus votes for  
83 such candidate shall be calculated and the surplus fraction for such candidate shall be calculated. The  
84 new transfer value of each vote cast for such candidate shall be calculated and votes for such candidate  
85 shall be added, at their new transfer values, to the totals of each ballot's highest-ranked continuing  
86 candidate or counted as exhausted ballots, and a new round begins with subdivision 2. In all subsequent  
87 rounds, any candidates elected under this subdivision shall have vote totals equal to the election  
88 threshold.

89 4. The candidate with the fewest votes is defeated. Then, if the number of continuing candidates is  
90 equal to the number of seats remaining to be filled, all continuing candidates are elected, and the  
91 tabulation is complete. Otherwise, votes for the defeated candidate shall cease counting for the defeated  
92 candidate and shall be added, at their current transfer values, to the totals of each ballot's next-ranked  
93 continuing candidate or counted as exhausted ballots, and a new round begins with subdivision 2.

94 E. Any tie that could affect the outcome of the election shall be resolved in accordance with  
95 § 24.2-674.

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

99 [ 2. That any costs incurred by the Department of Elections related to changes in technology that  
100 are necessary for the implementation of this act, including changes to technology for receiving the  
101 results of elections conducted pursuant to this act, shall be charged to the locality exercising the  
102 option to proceed with instant runoff voting. ]