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SENATE BILL NO. 1009

Offered January 8, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 24.2-673.1 of the Code of Virginia, relating to elections; conduct of election; ranked choice voting; locally elected offices; report.

Patrons—Salim, Boysko, Ebbin and VanValkenburg; Delegates: Simonds, Cole, Convirs-Fowler, Glass, Hernandez and Shin

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-673.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-673.1. (Expires July 1, 2031) Ranked choice voting.

A. For purposes of this section:

"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 such that in each of 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. "Ranked choice voting" is known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.

"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, the second ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

B. Elections of members of a county board of supervisors or a city council for any local office may be conducted by ranked choice voting pursuant to this section. The decision to conduct an election by ranked choice voting shall be made, in consultation with the local electoral board and general registrar, by a majority vote of the board of supervisors or city council local governing body that the office being elected serves. Any decision to conduct an election by ranked choice voting made by a local governing body shall be transmitted to the State Board, which shall provide a determination of technical feasibility within 10 days of receipt of the decision.

If a majority of the members of a town council vote to conduct an election for town council or mayor by ranked choice voting, the board of supervisors may require the town to reimburse the county for costs associated with conducting the election by ranked choice voting that would not have been incurred by the county absent the town council's decision to conduct the election by ranked choice voting.

C. The State Board shall provide standards for vote tabulating software for use with existing voting systems in elections conducted by ranked choice voting. Any person, firm, or corporation manufacturing, owning, or offering for sale any vote tabulation software designed to be used with existing voting systems may apply to the State Board, in the manner prescribed by the State Board, to have examined a production version of such software. A local governing body that makes the decision to conduct elections by ranked choice voting shall provide for the use of vote tabulating software approved by the State Board in any such elections.

D. The State Board may shall promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting, including (i) procedures for tabulating and reporting votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and 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.

E. The State Board may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting ranked choice voting pursuant to this section. The State Board shall produce generalized voter education materials on ranked choice voting that shall be published on its website and shall assist any locality that has made the decision to conduct elections by ranked choice voting in developing voter education materials specific to that locality upon request.

F. A local electoral board may request a risk-limiting audit of an election conducted by rank choice voting pursuant to subsection D of § 24.2-671.2. An election conducted by ranked choice voting shall not be included in any random drawing required by subsection C of § 24.2-671.2, nor shall any risk limiting audit of such election satisfy any requirement of subdivision C 4 of § 24.2-671.2.

G. For the purposes of conducting a recount pursuant to Article 1 (§ 24.2-800 et seq.) of Chapter 8, the State Board shall have the authority to create and modify recount procedures to the extent necessary to

58 *accommodate a recount of an election conducted by ranked choice voting.*

59 **2. That the Department of Elections (the Department) shall review the testing and approval framework**
60 **for voting equipment in the Commonwealth. In conducting its review, the Department shall (i) review**
61 **the types of voting equipment covered by state law; (ii) review emerging forms of voting equipment,**
62 **such as electronic pollbooks, risk-limiting audit tools, and tabulation software, including such audit**
63 **tools and software that can be purchased and operated separate from existing voting systems; (iii)**
64 **review the roles and responsibilities of state and local election officials in the testing and approval of**
65 **voting equipment; (iv) review any existing testing and approval frameworks for emerging forms of**
66 **voting equipment; (v) develop recommendations for objective methods of evaluating the performance**
67 **of emerging forms of voting equipment to determine if they are appropriately executing the elections**
68 **tasks for which they are intended; and (vi) make other recommendations as necessary and review other**
69 **issues as warranted. The Department shall submit to the Division of Legislative Automated Systems an**
70 **executive summary and report of its review no later than the first day of the 2026 Regular Session of**
71 **the General Assembly. The executive summary and report shall be submitted for publication as a**
72 **report document as provided in the procedures of the Division of Legislative Automated Systems for**
73 **the processing of legislative documents and reports and shall be posted on the General Assembly's**
74 **website.**