

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** SB270

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Subramanyam

3. **Committee:** Finance and Appropriations

4. **Title:** Elections; presidential primaries; ranked choice voting.

5. **Summary:** Allows political parties to hold presidential primaries using ballots that allow a voter to rank such party's candidates in his order of choice.

6. **Budget Amendment Necessary:** See below.

7. **Fiscal Impact Estimates:** Preliminary; see below.

8. **Fiscal Implications:** The fiscal impact of this bill for the Department of Election is indeterminate. The bill would allow parties to utilize ranked choice voting (RCV) and choose winner-take-all or proportional awarding of delegates. For proportional, the party must indicate whether delegates are allocated based on primary results in individual congressional districts. As currently written, the bill could require 11 different RCV tabulations and a statewide tabulation to be completed.

Localities are currently allowed to use RCV for certain offices. Only one locality has chosen to use RCV for its local elections. For this bill, State Board regulations would likely need to be adapted. The Department would need to develop new policies and procedures, particularly around tabulation, which could incur new and additional state costs including transportation, additional staff, and secure locations for tabulation.

Virginia has unique implementation challenges compared to current states that permit statewide RCV races, like Alaska and Maine, in that Virginia has four different voting vendors across the 133 localities. To compile results for statewide or district wide contest, the RCV tabulator must be able to collect all of the cast vote records (CVR) created by each vendor in each locality. Each vendor has its own software that produces a CVR in a different file format. Currently, no voting system vendor or third-party tabulator has developed their product to accommodate multiple vendors voting equipment files to tabulate results. One vendor plans to have this functionality in a future version, but it currently is not available, and the cost is unknown.

This bill would also require a potentially complex process involving the creation of the record by the locality with the voting system vendor, the transfer of the data to ELECT, and

the posting and storing of the information by ELECT. Other potential costs to utilizing RCV for Presidential Primaries include the need for risk-limiting audits and recount provisions.

This bill also comes with a fiscal impact to localities, as all localities would need the ability to produce a CVR. While all voting systems in the Commonwealth have this function, not all localities have acquired the software necessary.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, and localities (General Registrars and Electoral Boards).

10. Technical Amendment Necessary: No.

11. Other Comments: None.

February 12, 2024