

---

SENATE BILL 6562

---

State of Washington 57th Legislature

2002 Regular Session

By Senators Swecker, Carlson, Finkbeiner, Deccio, McCaslin, Costa and Kohl-Welles

Read first time 01/21/2002. Referred to Committee on State & Local Government.

1 AN ACT Relating to the process for election to Washington state and  
2 federal elective office; amending RCW 29.65.050; adding a new chapter  
3 to Title 29 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** FINDINGS AND PURPOSE. The legislature finds  
6 that it is in the public interest to adopt a voting system in which all  
7 successful candidates would win by a majority vote rather than a  
8 plurality of effective votes and that allows voters to rank candidates  
9 according to preference. A system known as instant runoff voting (or  
10 IRV) best achieves that purpose. The legislature further finds that  
11 voter interest and participation in elections will increase under IRV  
12 because voters have more choices and all votes will be more meaningful  
13 than under the present plurality system. It is in the interest of  
14 participatory democracy that voters be given the opportunity to vote  
15 their true beliefs with their first choice votes, yet still being able  
16 to make effective alternative choices among the remaining candidates in  
17 case their favorite candidate is not elected.

1        NEW SECTION.    **Sec. 2.**    DEFINITIONS.    The definitions in this  
2 section apply throughout this chapter.

3        (1) "Instant runoff voting" (or IRV) means a system of voting in  
4 which voters may rank candidates for the same office in order of  
5 preference, so that voters can rank candidates as follows: First  
6 choice, second choice, and so on for as many of the candidates for such  
7 office as they wish, up to the maximum choices allowed.

8        (2) "Choice" means an indication on a ballot of a voter's ranking  
9 of candidates for a particular office in order of preference.

10       (3) "Vote" means a ballot choice that is counted toward election of  
11 a candidate under rules and procedures of this chapter. All first  
12 choices are initially counted as votes. Lower ranked choices are  
13 potential votes that may, according to the procedures of this chapter,  
14 be credited to a candidate as votes for the election of that candidate.  
15 Choices made for a candidate who has been eliminated are no longer  
16 considered to be votes.

17       (4) "Stage" or "stage in the counting" means a given phase in the  
18 vote counting process where votes for all remaining candidates are  
19 counted to determine whether a candidate has achieved a majority and,  
20 if not, which candidate or candidates are eliminated.

21       (5) "Eliminate" or "eliminated candidate" refers to a situation  
22 where a candidate has not received sufficient votes under IRV rules and  
23 who is accordingly dropped from the field of candidates.

24       (6) "Remaining candidate" means a candidate who, at a particular  
25 stage, has not been eliminated. "Candidates who remain" are all those  
26 who have not been eliminated at the stage referred to.

27       (7) "Next choice" means the highest ranked choice for a remaining  
28 candidate that has not yet been credited to the candidate indicated in  
29 that choice.

30       (8) "Last-place candidate" means a candidate who has received the  
31 fewest choices among the candidates who remain at any stage. Two or  
32 more candidates simultaneously become last-place candidates where the  
33 combined choices for all such candidates add up to less than all  
34 choices for the candidate with the next fewest number of votes.

35       (9) "Exhausted ballot" means a ballot on which there are no choices  
36 for remaining candidates.

37       (10) "Continuing ballot" means a ballot that is not exhausted.

1        NEW SECTION.    **Sec. 3.**    INSTANT RUNOFF VOTING.    The instant runoff  
2 voting system is adopted in Washington in the manner specified in this  
3 chapter for all general elections.

4        NEW SECTION.        **Sec. 4.**    COUNTING OF BALLOTS.        (1) General  
5 description.    In general, instant runoff vote counting proceeds in the  
6 following manner:    In the first stage all first choice votes are  
7 counted.    If a candidate receives a majority of votes he or she is  
8 elected.    If no candidate receives a majority on the first or a  
9 subsequent stage then the last-place candidate at that stage is  
10 eliminated.    The next choices on ballots for an eliminated candidate  
11 become votes for the candidates indicated in those choices, and that  
12 process continues until all but one candidate has been eliminated.

13        (2) Specific rules and procedures.    The following specific rules  
14 and procedures, subject to the conditions of section 5 of this act,  
15 govern how votes are counted for each office that is subject to instant  
16 runoff voting:

17        (a) All first choices are counted in the first stage, and if a  
18 candidate has obtained a majority of those votes that candidate is  
19 elected and counting ends.

20        (b) If no candidate receives a majority of votes at the first  
21 stage, then second stage counting begins by eliminating the last-place  
22 candidate, and the second choices made on ballots for the eliminated  
23 candidate become votes for the second choice candidate indicated on  
24 each of those ballots.    A candidate who has a majority of votes at that  
25 stage is elected.

26        (c) If no candidate receives a majority at a previous stage, then  
27 the last-place candidate among the remaining candidates is eliminated,  
28 and the next choices made on ballots for an eliminated candidate become  
29 votes for the candidate indicated by that choice.    A candidate who has  
30 a majority of votes at that stage is elected.

31        (d) The counting process continues in this manner with successive  
32 last-place candidates being eliminated.    The next choices made on  
33 continuing ballots on which votes were cast for eliminated candidates  
34 are counted for the remaining candidate or candidates indicated by  
35 those choices until all but one candidate has been eliminated.    That  
36 candidate is then elected.

1        NEW SECTION.    **Sec. 5.**    VOTING CONDITIONS AND LIMITATIONS.    (1)

2 Exhausted ballots.    (a) Once a ballot is exhausted it is disregarded  
3 and no longer counted.

4        (b) A ballot indicating duplicate choices, i.e. giving the same  
5 ranking to more than one candidate for the same office, is exhausted  
6 when the duplicate choice is reached, and in that case no vote is  
7 recorded for any candidate who received a duplicate choice.

8        (2) Skipped ranking.    If a ballot choice skips a ranking, then the  
9 next ranking below the skipped choice is moved up and counted as though  
10 it were the rank of the skipped choice.

11        (3) Tie votes.    Ties between candidates occurring at any stage are  
12 resolved according to the general election laws of the state of  
13 Washington.

14        (4) Maximum effective choices.    Only the first five choices for any  
15 one office on a ballot are counted.

16        (5) Write-in votes.    Voters may write in one candidate for each  
17 office and assign a ranking to the write-in candidate along with  
18 candidates whose names are already on the ballot.

19        (6) Insufficient choice votes made.    If all the ballots cast do not  
20 contain sufficient effective second and lower choices for a particular  
21 office so that at the last stage of counting no candidate has achieved  
22 a majority, then the candidate with the most votes credited to him or  
23 her is elected.

24        (7) Votes for eliminated candidates.    No votes may be counted for  
25 a candidate who has been eliminated no matter how many second and lower  
26 ranked choices might otherwise have become votes for such candidate in  
27 a later stage.

28        NEW SECTION.    **Sec. 6.**    APPLICABILITY.    (1) Offices covered.    This  
29 chapter applies to elections for the following offices:

30        (a) The governor and all other statewide elected officials of the  
31 state of Washington;

32        (b) Members of the Washington legislature;

33        (c) Judges of the supreme court, court of appeals, the superior  
34 courts, and district courts of this state;

35        (d) President and vice president of the United States; and

36        (e) Members of the United States senate and United States house of  
37 representatives.

1 (2) Types of elections covered. This chapter applies to and  
2 governs voting in all general elections where three or more candidates  
3 are running for the same office.

4 (3) Application to local government. All general elections for  
5 offices of county, city, town, special purpose district, school  
6 district, port district, or any other local governmental unit or  
7 subdivision having elected officers are governed by IRV under this  
8 chapter unless the local governmental unit opts out of this system by  
9 appropriate action of its governing body.

10 NEW SECTION. **Sec. 7.** BALLOT SPECIFICATIONS AND DIRECTIONS TO  
11 VOTERS. Ballots should be simple and easy to understand. Sample  
12 ballots illustrating voting procedures must be posted in or near the  
13 voting booth, and included in the instruction packet of absentee  
14 ballots. Directions provided to voters must conform substantially to  
15 the following specifications:

16 "You may vote for candidates for each office in order of  
17 preference. Indicate your first choice by marking the number  
18 "1" beside a candidate's name (or by marking in the column  
19 labeled "First Choice"), your second choice by marking the  
20 number "2" (or by marking in the column labeled "Second  
21 Choice"), your third choice by the number "3" (or marking the  
22 "Third Choice" column) and so on, for as many or as few choices  
23 as you wish from one up to a total of five. You are under no  
24 obligation to rank more than one candidate for each office, but  
25 ranking additional candidates will not affect your first-choice  
26 candidate. Do not mark the same number beside more than one  
27 candidate (or put more than one mark in each column for the  
28 office you are voting on) per office. Do not skip numbers."

29 NEW SECTION. **Sec. 8.** CHANGES IN VOTING DEVICES AND COUNTING  
30 METHODS. Appropriate election officials of the state may provide for  
31 the use of electronic, computerized, or other devices for marking,  
32 sorting, and counting the ballots and tabulating the results, and may  
33 modify the design and form of the ballots, the directions to voters,  
34 and the details with respect to the method of marking, sorting,  
35 invalidating, and retaining of ballots, and the counting of votes. No  
36 change may be made inconsistent with provisions, purposes, or  
37 principles of this chapter. Election officials should provide voters

1 with a ballot that has a special design, format, or layout for offices  
2 to which IRV applies, but the parts of ballots for contests that have  
3 only one or two candidates for the same office may differ from the  
4 parts of a ballot to which IRV applies.

5 NEW SECTION. **Sec. 9.** CONSTRUCTION. (1) Construction of other  
6 election statutes. All statutes and parts of statutes relating to  
7 elections to which this chapter applies are to be construed consistent  
8 with this chapter and must be interpreted to the greatest reasonable  
9 extent to harmonize with this chapter.

10 (2) Interpretation of the term "votes." A statute that refers to  
11 "votes" in an election to which this chapter applies should be  
12 construed so that votes are counted and treated as set forth in this  
13 chapter, and the term "votes" or the phrase "greatest number of votes"  
14 or "highest number of votes" in any such statute must be interpreted to  
15 mean "votes" as defined in this chapter.

16 **Sec. 10.** RCW 29.65.050 and 1965 c 9 s 29.65.050 are each amended  
17 to read as follows:

18 The clerk shall issue subpoenas for witnesses in such contested  
19 election at the request of either party, which shall be served by the  
20 sheriff or constable, as other subpoenas, and the superior court shall  
21 have full power to issue attachments to compel the attendance of  
22 witnesses who shall have been duly subpoenaed to attend if they fail to  
23 do so.

24 The court shall meet at the time and place designated to determine  
25 such contested election by the rules of law and evidence governing the  
26 determination of questions of law and fact, so far as the same may be  
27 applicable, and may dismiss the proceedings if the statement of the  
28 cause or causes of contest is insufficient, or for want of prosecution.  
29 After hearing the proofs and allegations of the parties, the court  
30 shall pronounce judgment in the premises, either confirming or  
31 annulling and setting aside such election, according to the law and  
32 right of the case.

33 If in any such case it (~~shall~~) appears that another person than  
34 the one returned has the highest number of legal votes, (~~said~~) the  
35 court shall declare such person duly elected, consistent with the  
36 requirements of instant runoff voting contained in chapter 29.-- RCW  
37 (sections 1 through 9 of this act).

1        NEW SECTION.    **Sec. 11.**    SECTION CAPTIONS.    Captions used in this  
2 act are not part of the law.

3        NEW SECTION.    **Sec. 12.**    SEVERABILITY.    If any provision of this act  
4 or its application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7        NEW SECTION.    **Sec. 13.**    Sections 1 through 9 of this act constitute  
8 a new chapter in Title 29 RCW.

--- END ---