

HOUSE BILL REPORT

HB 1390

As Reported by House Committee On:
Local Government

Title: An act relating to the process for election to local nonpartisan offices.

Brief Description: Authorizing instant runoff voting.

Sponsors: Representatives Moeller, Jarrett, Lovick, Fromhold, Veloria, Kessler, Pettigrew, Miloscia, McDermott, Dunshee, Upthegrove, DeBolt, Wallace, Wood, Sullivan, Schual-Berke, Kagi and Nixon.

Brief History:

Committee Activity:

Local Government: 2/5/03, 3/3/03 [DPS].

Brief Summary of Substitute Bill

- Creates a five-year pilot project conducted by the Secretary of State to study the use of instant runoff voting (IRV) as a local option for nonpartisan offices in charter cities.
- Requires a city charter amendment authorizing the use of IRV prior to adoption of the method by the legislative body of a city.
- Includes amendatory provisions related to the IRV pilot project.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Berkey, Clibborn, Ericksen, Mielke and Moeller.

Minority Report: Do not pass. Signed by 1 member: Representative Ahern.

Staff: Ethan Moreno (786-7386).

Background:

Cities and towns in Washington are classified according to population at the time of organization (usually incorporation) or reorganization. A first class city is a city with a population of at least 10,000 inhabitants at the time of incorporation or reorganization that has adopted a charter.

Instant runoff voting– is an election method requiring candidates to receive a majority, rather than a plurality, of the votes cast in a particular race. While requirements vary under IRV, voters may select more than one candidate for a single race and rank candidates in a preferential order. A candidate receiving a majority of first choice– votes is elected. If no candidate receives a majority of the votes cast in the race after the first counting stage, the second choice– votes indicated on the ballots cast for the candidate receiving the fewest votes become additional votes for the candidates indicated in those ballot choices. This process generally continues until a candidate receives a majority of the votes cast for the position or until all but one candidate has been eliminated.

Provisions for IRV do not exist in Washington law.

Present statute provides that city and town primary elections are nonpartisan and are held when more than two candidates file for the same position. Generally, if a primary was held for a nonpartisan office, the general election ballot must contain the names of the two candidates receiving the highest vote totals, listed in that order. A candidate must receive at least 1 percent of the votes cast for the office being sought in the primary in order to advance to the general election ballot. If no primary was held, the order of the candidate names for the general election ballot is determined by a lot drawing by the county filing officer. The candidate receiving the highest vote total in the general election is elected to the office.

Summary of Substitute Bill:

The Secretary of State is required to select at least one city and county auditor to participate in a pilot project studying the use of IRV as a local option for nonpartisan offices in charter cities. The pilot project must begin by August 1, 2003, and conclude no later than June 30, 2008.

The Secretary of State must:

- Develop and adopt applicable rules governing the conduct of IRV elections;
- develop a pilot project timeline;
- certify all election equipment and related processes before conduct of an IRV election; and
- submit a report of findings to the Legislature no later than July 1, 2008.

Following a charter amendment authorizing a city to adopt IRV, and selection by the Secretary of State to participate in the pilot project, the legislative body of a charter city may adopt IRV as the method for electing candidates for all nonpartisan city offices.

If the county auditor notifies the city that existing county election equipment is insufficient for the conduct of an IRV election, the city and county must reach an agreement for the purchase of any new equipment required for the election.

To the extent that they are not inconsistent with the provisions of the legislation authorizing the IRV pilot project, the laws governing the conduct of elections apply to the IRV pilot project. Primary elections may not be held for nonpartisan city offices selected to participate in the pilot project, and IRV elections may only be held on the dates specified in law for general elections. Cities participating in the pilot project and conducting an IRV election must certify the IRV results on or before the 30th day after the election.

The pilot project authorized by the bill and amendatory provisions to existing law expire on June 30, 2008.

Substitute Bill Compared to Original Bill:

The substitute bill replaces the original bill provisions establishing IRV with new provisions: (1) Requiring the Secretary of State to conduct a five-year pilot project to study the use of IRV as a local option for nonpartisan offices in charter cities; (2) specifying selection criteria for participating in the pilot project; (3) requiring IRV dates to coincide with general election dates; (4) requiring the Secretary of State to adopt IRV rules, a pilot project timeline, and certify election equipment and related processes prior to an IRV election; (5) requiring that the Secretary of State submit a report of IRV findings to the Legislature by July 1, 2008; and (6) limiting the number of candidates a voter can select under the IRV method to three.

The substitute bill also replaces a section adopting IRV for the state for all applicable elections with a proviso specifying that, unless inconsistent with the provisions of the bill, laws governing the conduct of elections apply to IRV elections authorized by the pilot project. Further, it deletes a provision referencing partisan primary elections, deletes provisions for skipped rankings and tie votes, and establishes new minimum criteria for the tabulation of write-in IRV votes.

The bill includes new provisions requiring: (1) A city charter amendment approving the use of IRV prior to adoption of the method by the legislative body of a city; (2) a city to be selected by the Secretary of State prior to participating in the pilot project and conducting an IRV election; (3) the county auditor and Secretary of State to be notified prior to a city conducting an IRV election; and (4) a city adopting IRV and the county auditor to agree upon provisions for purchasing equipment required for an IRV election.

The bill also provides that nothing precludes the county auditor from canvassing IRV ballots by hand, and specifies that no primary shall be held for nonpartisan offices in charter cities conducting an IRV election for the pilot project.

In addition, the substitute provides for ballot order for nonpartisan candidates of elections conducted under IRV and requires the canvassing of IRV ballots to be completed on or before the 30 days after the election.

Finally, the substitute provides a June 30, 2008, expiration date for the IRV pilot project and amendatory provisions.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Instant runoff voting (IRV) is used throughout the world, but Washington law prohibits adoption of the method. This bill provides an IRV option to first class cities, encourages clean political campaigns, and will decrease election costs. A citizen initiative in Vancouver has demonstrated support for IRV. Voting is ground zero– for civil rights and this bill would be an effective tool for reinvigorating the voting process. This bill is needed, as fundamental reforms are necessary to support and strengthen democracy.

(In support with concerns) A policy discussion about how officials are elected would be an appropriate first step, as this bill represents a fundamental shift in elections law. Elections officials are presently implementing the federal Help America Vote– Act; implementing IRV at this time could be problematic. IRV requires all ballots to be in hand– prior to beginning the counting process. County auditors will have to pay for new equipment, and the bill does not provide auditors with a sufficient voice in the process. None of the current voting systems in Washington can support IRV elections. Federal approval of a voting system requires six to 12 months. Officials conducting IRV elections would have to run two separate elections. Support exists for a pilot project to study the issue.

Testimony Against: None.

Testified: (In support) Representative Moeller, prime sponsor; Mark Brown, City of Vancouver; Cherie Davidson, League of Women Voters; David Elliot, Office of the Secretary of State; Zena Hartung, Thurston County Democrats; Brent White, Coalition for Instant Runoff Voting; Kris Novoselic; and Jim Dees, Green Party.

(In support with concerns) Kim Lyman, Thurston County Auditor and Washington Association of County Auditors; and Bob Terwilliger, Snohomish County Auditor.