
HOUSE BILL 1390

State of Washington 58th Legislature 2003 Regular Session

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

Read first time 01/24/2003. Referred to Committee on Local Government.

1 AN ACT Relating to the process for election to local nonpartisan
2 offices; amending RCW 29.65.050; adding a new chapter to Title 29 RCW;
3 creating a new section; and repealing RCW 29.30.085.

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 must win by a majority vote rather than a
8 plurality of effective votes and that allows voters to vote secondary
9 and other preferences in case their favorite candidate is not elected.
10 A system known as instant runoff voting achieves that purpose. The
11 legislature further finds that voter interest and participation in
12 elections will increase because a voter has more choices and all votes
13 will be more meaningful than under the present system. It is in the
14 interest of participatory democracy that voters be given the
15 opportunity to vote their true beliefs with their first choice votes,
16 while still making effective secondary choices among the remaining
17 acceptable candidates. It is the intent of the legislature to
18 authorize instant runoff voting as a local option for nonpartisan
19 offices in first class cities.

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

3 (1) "Instant runoff voting" means a system of voting whereby voters
4 may rank three or more candidates for the same office in order of
5 preference, so that voters may indicate a first choice, a second
6 choice, and so on for as many of the candidates for the office as they
7 wish, up to the maximum number of choices allowed.

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

11 (3) "Vote" means a ballot choice that is counted toward election of
12 a candidate. All first choices are votes, and lower ranked choices are
13 potential votes that may be credited to a candidate, and thus become
14 votes for the candidate, according to the rules stated in this chapter.

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

19 (5) "Next choice" means the highest ranked choice for a remaining
20 candidate that has not become a vote at the stage referred to.

21 (6) "Last place candidate" means a candidate who has received the
22 fewest votes among the candidates who remain at any stage. Two or more
23 candidates simultaneously become last place candidates where their
24 combined votes add up to less than all votes for the candidate with the
25 next highest number of votes.

26 (7) "Exhausted ballot" means a ballot on which all available
27 choices have been used; for example, all choices made on the ballot
28 have become votes for the various candidates so indicated or contain
29 choices for eliminated candidates or both and no other choices remain.

30 (8) "Continuing ballot" means a ballot that is not exhausted.

31 (9) "Remaining candidate" means a candidate who has not been
32 eliminated. "Candidates who remain" are all those who have not been
33 eliminated at the stage referred to.

34 NEW SECTION. **Sec. 3.** INSTANT RUNOFF VOTING. The instant runoff
35 system of voting is adopted in this state in the manner specified in
36 this chapter for all applicable elections.

1 NEW SECTION. **Sec. 4.** COUNTING OF BALLOTS. (1) General

2 Explanation. In general, instant runoff counting proceeds in the
3 following manner: First by counting all votes. If a candidate
4 receives a majority of votes he or she is elected. If no candidate
5 receives a majority on the first or any subsequent stage then the last
6 place candidate at each stage is eliminated. The next choices on
7 ballots for an eliminated candidate become votes for the candidates
8 indicated in those choices, and this process continues until all but
9 one candidate has been eliminated.

10 (2) Specific Rules and Procedures. The following specific rules
11 and procedures, subject to the conditions of section 5 of this act,
12 govern how votes must be counted for each office subject to instant
13 runoff voting:

14 (a) All first choices are counted first and if a candidate has
15 obtained a majority of those votes that candidate is elected and
16 counting ends.

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

23 (c) If no candidate receives a majority at a previous stage then
24 the last place candidate among the remaining candidates is eliminated
25 and the next choices made on ballots for an eliminated candidate become
26 votes for the candidate indicated on those ballots. A candidate who
27 receives a majority of votes at that stage is elected.

28 (d) If at any stage in the counting there are two or more last
29 place candidates, these candidates are eliminated simultaneously and
30 the next choices made on ballots that had votes for all such eliminated
31 candidates become votes for any candidates so indicated who remain.

32 (e) The counting process continues in this manner with successive
33 last place candidates being eliminated and the next choices made on
34 continuing ballots on which votes were cast for eliminated candidates
35 are counted for the remaining candidate or candidates indicated by
36 those choices until all but one candidate has been eliminated and that
37 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 assigning the same ranking to more than one candidate
5 for an office is exhausted when the duplicate ranking is reached, and
6 in that case no vote is recorded for any of the duplicate candidates so
7 chosen.

8 (c) If in a partisan primary election a voter makes a choice for a
9 candidate for a particular office who is not a candidate of the party
10 for which the voter has made a higher ranked choice, then that ballot
11 is exhausted with respect to all subsequent choices for that office.

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

15 (3) Tie Votes. Ties between candidates occurring at any stage are
16 resolved according to the general election laws of this state.

17 (4) Maximum Effective Choices. Only five choices for any one
18 office are counted.

19 (5) Write-in Votes. Voters may write in one candidate for each
20 office and assign a ranking to the write-in candidate along with
21 candidates whose names are already on the ballot. Write-in candidates
22 with fewer than ten votes are automatically eliminated in elections in
23 jurisdictions where more than one thousand total ballots were cast in
24 the previous election.

25 (6) Insufficient Choice Votes Made. If ballots do not contain
26 sufficient effective second and lower choices for a particular office
27 so that at the end of the counting no candidate achieves a majority
28 then the candidate with the most votes credited to him or her is
29 elected.

30 (7) Votes for Eliminated Candidates. No votes may be counted for
31 a candidate who has been eliminated no matter how many second and lower
32 ranked choices might otherwise have become votes for the candidate in
33 a later stage.

34 NEW SECTION. **Sec. 6.** LOCAL OPTION AUTHORIZED. A first class city
35 may use instant runoff voting in its elections if adopted by
36 appropriate action of its governing body.

1 Primaries for all nonpartisan offices in first class cities
2 choosing to use instant runoff voting are abolished, and there will be
3 only a general election under instant runoff voting rules for these
4 offices.

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

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

24 NEW SECTION. **Sec. 8.** CHANGES IN VOTING DEVICES AND COUNTING
25 METHODS. Appropriate election officials of this state may provide for
26 the use of electronic, computerized, or other devices for marking,
27 sorting, and counting the ballots and tabulating the results, and may
28 modify the design and form of the ballots, the directions to voters,
29 and the details with respect to the method of marking, sorting,
30 invalidating, and retaining of ballots, and the counting of votes. No
31 change may be made inconsistent with provisions, purposes, or
32 principles of this chapter. Election officials should provide voters
33 with a ballot that has a special design, format, or layout for offices
34 to which instant runoff voting applies, but the parts of ballots for
35 contests that have only one or two candidates for the same office may

1 differ from the parts of a ballot to which instant runoff voting
2 applies.

3 **Sec. 9.** RCW 29.65.050 and 1965 c 9 s 29.65.050 are each amended to
4 read as follows:

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

11 The court shall meet at the time and place designated to determine
12 such contested election by the rules of law and evidence governing the
13 determination of questions of law and fact, so far as the same may be
14 applicable, and may dismiss the proceedings if the statement of the
15 cause or causes of contest is insufficient, or for want of prosecution.
16 After hearing the proofs and allegations of the parties, the court
17 shall pronounce judgment in the premises, either confirming or
18 annulling and setting aside such election, according to the law and
19 right of the case.

20 If in any such case it shall appear that another person than the
21 one returned has the highest number of legal votes, said court shall
22 declare such person duly elected, consistent with the requirements for
23 instant runoff voting contained in chapter 29.-- RCW (sections 1
24 through 8 of this act).

25 NEW SECTION. **Sec. 10.** RCW 29.30.085 (Nonpartisan candidates
26 qualified for general election) and 1992 c 181 s 2 & 1990 c 59 s 95 are
27 each repealed.

28 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute
29 a new chapter in Title 29 RCW.

30 NEW SECTION. **Sec. 12.** Section captions used in this act are not
31 part of the law.

32 NEW SECTION. **Sec. 13.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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