
HOUSE BILL 2669

State of Washington

58th Legislature

2004 Regular Session

By Representatives Moeller, Jarrett, Santos, Cox, Upthegrove, Newhouse, Chase, Lovick, Clibborn, Morrell, Wallace, Nixon, Wood, Kagi and McDermott

Read first time 01/19/2004. Referred to Committee on Local Government.

1 AN ACT Relating to establishing a pilot project to examine the use
2 of instant runoff voting for nonpartisan offices; amending RCW
3 29A.52.220, 29A.60.160, and 29A.60.190; adding a new chapter to Title
4 29A RCW; creating new sections; and providing expiration dates.

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

6 NEW SECTION. **Sec. 1.** FINDINGS AND PURPOSE. (1) The legislature
7 finds that it is in the public interest to examine the use of a voting
8 system that requires all victorious candidates to be elected with a
9 majority vote rather than a plurality of effective votes, and allows
10 voters to designate secondary and other preferences for potential
11 tabulation, in accordance with specific procedures, if their first
12 choice candidate does not receive a majority of the votes cast. The
13 legislature recognizes that the system known as instant runoff voting
14 achieves these purposes.

15 (2) The legislature wishes to examine whether voter interest and
16 participation in elections will increase when instant runoff voting, a
17 voting method that promotes additional voter choices and a more
18 meaningful recognition of all voter selections, is used to elect
19 nonpartisan candidates. The legislature declares it is in the interest

1 of participatory democracy for voters to be given the opportunity to
2 vote for their first choice candidate while still making effective
3 secondary choices among the remaining candidates.

4 (3) The legislature therefore intends to authorize a limited pilot
5 project to study the effects of using instant runoff voting as a local
6 option for nonpartisan offices in any qualifying city.

7 NEW SECTION. **Sec. 2.** PILOT PROJECT--INSTANT RUNOFF VOTING. The
8 legislature intends to establish an instant runoff voting pilot project
9 to be completed by willing state and local election administrators in
10 full partnership and cooperation.

11 If the county auditor of a county containing any city that has
12 demonstrated support for instant runoff voting, as provided by
13 subsection (1)(c) of this section, provides written notification of
14 pilot project participation to the secretary of state by January 1,
15 2005, the secretary of state shall conduct a pilot project to examine
16 the use of instant runoff voting as a local option for nonpartisan
17 offices in any qualifying city in that county. Following the timely
18 receipt by the secretary of state of a notification of participation,
19 the pilot project must begin by August 1, 2007, and conclude no later
20 than July 1, 2012.

21 (1) For the purposes of this act, a qualifying city must:

22 (a) Be classified as a first class city as defined by chapter 35.22
23 RCW;

24 (b) Have a population greater than one hundred forty thousand and
25 less than two hundred thousand as of the effective date of this act as
26 determined by the office of financial management;

27 (c) Have demonstrated support for instant runoff voting by
28 approving a ballot measure authorizing a city council to modify a city
29 charter to allow use of instant runoff voting for the election of city
30 officers; and

31 (d) Have complied with the charter amendment provisions required by
32 section 7 of this act.

33 (2) Following the timely receipt by the secretary of state of a
34 notification of participation from a county auditor, and in accordance
35 with the provisions of this section, the secretary of state shall
36 certify at least one city in that county to qualify and participate in
37 the pilot project. Only a qualified city or cities certified for

1 participation by the secretary of state may participate in the pilot
2 project. The county auditor of the county containing a qualified and
3 certified city shall also participate in this project.

4 (3) Elections conducted under the instant runoff voting method for
5 the pilot project must comply with this chapter and may be held only on
6 the dates specified by RCW 29A.04.330(1).

7 (4) For the purpose of implementing this chapter, the secretary of
8 state shall develop and adopt:

9 (a) Rules governing the conduct of elections conducted under the
10 instant runoff voting method; and

11 (b) A pilot project timeline. The secretary of state may consult
12 with appropriate local officials to develop this timeline. The
13 timeline is subject to review and modification by the secretary of
14 state, as necessary.

15 (5) All election equipment and related processes shall be certified
16 by the secretary of state before the conduct of an election under the
17 instant runoff voting method.

18 (6) The secretary of state shall submit a report of findings to the
19 appropriate committees of the legislature by July 1, 2012, that
20 includes, but is not limited to:

21 (a) An assessment of all elections conducted using the instant
22 runoff voting method;

23 (b) Recommendations for statutory, rule, and local voting
24 procedural modifications that would be required prior to implementing
25 instant runoff voting as an alternative election method for special and
26 general elections;

27 (c) An inventory of currently available election equipment
28 necessary for the conduct of elections using the instant runoff method,
29 including costs associated with the equipment; and

30 (d) Any recommendations from any city legislative body or county
31 auditor participating in this pilot project.

32 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
33 section apply throughout this chapter unless the context clearly
34 requires otherwise.

35 (1) "Candidates who remain" means all candidates who have not been
36 eliminated at a previous stage.

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

4 (3) "Continuing ballot" means a ballot that is not exhausted.

5 (4) "Exhausted ballot" means a ballot on which all choices
6 indicated on the ballot have become votes for the candidates so
7 designated or when the ballot contains choices only for eliminated
8 candidates.

9 (5) "Instant runoff voting" means a system of voting in which
10 voters may designate as many as three candidates for the same office in
11 order of preference by indicating a first choice, a second choice, and
12 a third choice.

13 (6) "Last place candidate" means a candidate who has received the
14 fewest votes among the candidates who remain at any stage. Two or more
15 candidates simultaneously become last place candidates when their
16 combined votes are equal to or fewer than all votes for the candidate
17 with the third highest number of votes.

18 (7) "Next choice" means the highest ranked choice for a remaining
19 candidate that has not become a vote at a previous stage.

20 (8) "Remaining candidate" means a candidate who has not been
21 eliminated.

22 (9) "Stage" or "stage in the counting" means a step in the counting
23 process during which votes for all remaining candidates are tabulated
24 for the purpose of determining whether a candidate has achieved a
25 majority of the votes cast for a particular office, and, absent a
26 majority, which candidate or candidates must be eliminated.

27 (10) "Vote" means a ballot choice that is counted toward election
28 of a candidate. All first choices are votes. Lower ranked choices are
29 potential votes that may, in accordance with the requirements of this
30 chapter, be credited to and become votes for a candidate.

31 NEW SECTION. **Sec. 4.** INSTANT RUNOFF VOTING--APPLICABLE
32 PROVISIONS. To the extent they are not inconsistent with this chapter,
33 the laws governing the conduct of elections apply to the pilot project
34 on instant runoff voting authorized by this chapter. The authority of
35 a city meeting the criteria of sections 2 and 7 of this act to
36 participate in an election conducted under the instant runoff voting
37 method expires on July 1, 2012.

1 NEW SECTION. **Sec. 5.** TABULATION OF BALLOTS--COUNTING STAGES. The
2 following provisions, subject to the conditions of section 6 of this
3 act, govern how votes for candidates shall be tabulated under the
4 instant runoff voting method:

5 (1) All first choice votes cast for a particular office shall be
6 tabulated in the first counting stage. If, following this first
7 counting stage, a candidate receives a majority of the votes cast for
8 the office, that candidate is deemed elected to the office and counting
9 ends.

10 (2) If no candidate receives a majority of the votes cast for a
11 particular office during the first counting stage, the second counting
12 stage begins by eliminating the last place candidate. On ballots that
13 indicate a first choice preference for the eliminated candidate, the
14 second choice preferences are counted as votes for the candidates so
15 designated. If, following this second counting stage, a candidate
16 receives a majority of the votes cast for the office, that candidate is
17 deemed elected to the office and counting ends.

18 (3) If, following the second counting stage, no candidate receives
19 a majority of the votes cast for a particular office, the third
20 counting stage begins by eliminating the last place candidate. On
21 ballots that indicate a first choice preference for the eliminated
22 candidate, the next choice preferences are counted as votes for the
23 candidates so designated. If, following this third counting stage, a
24 candidate receives a majority of votes cast for the office, that
25 candidate is deemed elected to the office and counting ends.

26 (4) If, following the third counting stage no candidate receives a
27 majority of the votes cast for a particular office, the counting
28 process provided by subsection (3) of this section continues in
29 succession until either a candidate receives a majority of the votes
30 cast for the office or all but one candidate has been eliminated. In
31 accordance with the provisions of this subsection, a candidate who
32 receives either a majority of the votes cast for the office or who is
33 the sole remaining candidate shall be deemed elected to the office.

34 (5) If at any stage in the counting there are two or more last
35 place candidates, these candidates must be eliminated simultaneously.
36 On ballots that indicate a first choice preference for the eliminated
37 candidates, the next choice preferences are counted as votes for the
38 candidates so designated.

1 NEW SECTION. **Sec. 6.** VOTING CONDITIONS AND LIMITATIONS. (1)(a)

2 Once a ballot is exhausted, it is disregarded and not subject to
3 additional tabulation procedures.

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. No
6 vote may be recorded for any candidates designated with the same
7 ranking on the same ballot.

8 (2) Only three choices for any one office may be counted.

9 (3) If the total number of votes for all write-in candidates in
10 each race during any counting stage is fewer than the last place
11 candidate among the candidates appearing on the ballot, all write-in
12 candidates must be eliminated for the current and subsequent counting
13 stages.

14 (4) If, following the conclusion of the counting stages, the
15 tabulated ballots do not contain a sufficient number of effective
16 second and lower choices for a candidate to receive a majority of the
17 votes cast for a particular office, the candidate with the greatest
18 number of votes credited to him or her shall be deemed elected.

19 (5) No votes may be counted for a candidate who has been
20 eliminated.

21 NEW SECTION. **Sec. 7.** LOCAL OPTION AUTHORIZED. (1) After a

22 charter amendment as provided in RCW 35.22.120 through 35.22.190 or
23 chapter 35A.09 RCW authorizing a qualifying city to adopt instant
24 runoff voting as an alternative election method, and certification by
25 the secretary of state to participate in the pilot project authorized
26 by section 2 of this act, the legislative body of the city may adopt,
27 for a specific election or elections, instant runoff voting as the
28 method for electing candidates for all nonpartisan city offices.

29 (2)(a) After adoption of instant runoff voting by the legislative
30 body of a qualifying city for a specific election or elections as
31 provided for by subsection (1) of this section, the city shall notify
32 the county auditor and the secretary of state of its intent to hold an
33 election under the instant runoff voting method before conducting such
34 election.

35 (b) If the county auditor notifies the city that existing election
36 equipment of the county is insufficient for the conduct of an election
37 under the instant runoff voting method, the city and the county auditor

1 shall negotiate an agreement for the purchase of any new equipment
2 specifically required for the conduct of this election. Nothing in
3 this subsection precludes the auditor from canvassing the returns of an
4 instant runoff voting election by hand.

5 (3) The date of any election conducted under the instant runoff
6 voting method must be consistent with the timeline required by section
7 2 of this act.

8 NEW SECTION. **Sec. 8.** BALLOT SPECIFICATIONS AND DIRECTIONS TO
9 VOTERS. Ballots for elections conducted under the instant runoff
10 voting method should be simple and easy to understand. Sample ballots
11 illustrating voting procedures must be posted in or near the voting
12 booth, and included within any instruction packets for absentee
13 ballots. Directions provided to voters must conform substantially to
14 the following specifications:

15 "You may choose a maximum of three candidates in order
16 of preference. Indicate your first choice designation by
17 marking the number "1" beside a candidate's name (or by marking
18 in the column labeled "First Choice"). Indicate your second
19 choice designation by marking the number "2" beside a
20 candidate's name (or by marking in the column labeled "Second
21 Choice"). Indicate your third choice designation by marking
22 the number "3" beside a candidate's name (or by marking in the
23 column labeled "Third Choice"). You are not required to choose
24 more than one candidate for each office. Designating two or
25 more candidates in order of preference will not affect your
26 first choice candidate. Do not mark the same designation
27 number beside more than one candidate (or put more than one
28 mark in each column for the office on which you are voting).
29 Do not skip designation numbers."

30 NEW SECTION. **Sec. 9.** CHANGES IN VOTING DEVICES AND COUNTING
31 METHODS. Appropriate state and local election officials may provide
32 for voting directions and the design, processing, and tabulation of
33 instant runoff voting ballots used in the pilot project authorized by
34 section 2 of this act. No change may be made inconsistent with
35 provisions, purposes, or principles of this chapter.

1 Election officials should provide voters with a ballot that has a
2 special design, format, or layout for offices to which instant runoff
3 voting applies. The parts of ballots for contests that have only one
4 or two candidates for the same office, however, may differ from the
5 parts of a ballot for which the instant runoff voting method applies.

6 **Sec. 10.** RCW 29A.52.220 and 2003 c 111 s 1306 are each amended to
7 read as follows:

8 (1) No primary may be held for any single position in any city,
9 town, district, or district court, as required by RCW 29A.52.210, if,
10 after the last day allowed for candidates to withdraw, there are no
11 more than two candidates filed for the position. The county auditor
12 shall, as soon as possible, notify all the candidates so affected that
13 the office for which they filed will not appear on the primary ballot.

14 (2) No primary may be held for nonpartisan offices in any first
15 class city if the city:

16 (a) Is a qualifying city that has been certified to participate in
17 the pilot project authorized by section 2 of this act; and

18 (b) Is conducting an election using the instant runoff voting
19 method authorized by this chapter.

20 (c) This subsection (2) expires July 1, 2012.

21 (3) No primary may be held for the office of commissioner of a park
22 and recreation district or for the office of cemetery district
23 commissioner.

24 ((+3)) (4) Names of candidates for offices that do not appear on
25 the primary ballot shall be printed upon the general election ballot in
26 the manner specified by RCW 29A.36.130.

27 **Sec. 11.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to
28 read as follows:

29 Except for an election conducted under the instant runoff voting
30 method for the pilot project authorized by section 2 of this act, at
31 least every third day after a primary or election and before
32 certification of the election results, except Sundays and legal
33 holidays, the county auditor, as delegated by the county canvassing
34 board, shall process absentee ballots and canvass the votes cast at
35 that primary or election, if the county auditor is in possession of
36 more than twenty-five ballots that have yet to be canvassed. The

1 county auditor, as delegated by the county canvassing board, may use
2 his or her discretion in determining when to process the remaining
3 absentee ballots and canvass the votes during the final four days
4 before the certification of election results in order to protect the
5 secrecy of any ballot. In counties where this process has not been
6 delegated to the county auditor, the county auditor shall convene the
7 county canvassing board to process absentee ballots and canvass the
8 votes cast at the primary or election as set forth in this section.

9 Except for an election conducted under the instant runoff voting
10 method for the pilot project authorized by section 2 of this act, each
11 absentee ballot previously not canvassed that was received by the
12 county auditor two days or more before processing absentee ballots and
13 canvassing the votes as delegated by or processed by the county
14 canvassing board, that either was received by the county auditor before
15 the closing of the polls on the day of the primary or election for
16 which it was issued, or that bears a postmark on or before the primary
17 or election for which it was issued, must be processed at that time.
18 The tabulation of votes that results from that day's canvass must be
19 made available to the general public immediately upon completion of the
20 canvass.

21 **Sec. 12.** RCW 29A.60.190 and 2003 c 111 s 1519 are each amended to
22 read as follows:

23 (1) Except as provided by subsection (3) of this section, on the
24 tenth day after a special election or primary and on the fifteenth day
25 after a general election, the county canvassing board shall complete
26 the canvass and certify the results. Each absentee ballot that was
27 returned before the closing of the polls on the date of the primary or
28 election for which it was issued, and each absentee ballot with a
29 postmark on or before the date of the primary or election for which it
30 was issued and received on or before the date on which the primary or
31 election is certified, must be included in the canvass report.

32 (2) At the request of a caucus of the state legislature, the county
33 auditor shall transmit copies of all unofficial returns of state and
34 legislative primaries or elections prepared by or for the county
35 canvassing board to either the secretary of the senate or the chief
36 clerk of the house (~~or~~ ~~of~~) of representatives.

1 (3) On or before the thirtieth day after an election conducted
2 under the instant runoff voting method for the pilot project authorized
3 by section 2 of this act, the canvassing board shall complete the
4 canvass and certify the results. This subsection expires July 1, 2012.

5 NEW SECTION. Sec. 13. Sections 1 through 9 of this act apply to
6 the pilot project for instant runoff voting authorized by section 2 of
7 this act.

8 NEW SECTION. Sec. 14. Sections 1 through 9 of this act expire
9 July 1, 2012.

10 NEW SECTION. Sec. 15. Sections 1 through 9 of this act constitute
11 a new chapter in Title 29A RCW.

12 NEW SECTION. Sec. 16. Section captions used in this act are not
13 part of the law.

14 NEW SECTION. Sec. 17. If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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