
SENATE BILL 5444

State of Washington

58th Legislature

2003 Regular Session

By Senators Finkbeiner, Kline, Swecker, Kohl-Welles, Carlson and Poulsen

Read first time 01/27/2003. Referred to Committee on Government Operations & Elections.

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

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

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

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

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

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

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

34 If in any such case it (~~shall~~) appears that another person than
35 the one returned has the highest number of legal votes, (~~said~~) the

1 court shall declare such person duly elected, consistent with the
2 requirements of instant runoff voting contained in chapter 29.-- RCW
3 (sections 1 through 9 of this act).

4 NEW SECTION. Sec. 11. SECTION CAPTIONS. Captions used in this
5 act are not part of the law.

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

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

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