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HOUSE BILL 1447

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State of Washington

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By Representatives Moeller, Jarrett, Morrell, Nixon, Fromhold, Kessler, Lantz, Upthegrove, Appleton, Green, Lovick, Dunshee, Buri, P. Sullivan, Ericks, Pettigrew, Schual-Berke, Simpson, Ormsby, Tom, Sells, Dickerson, McDermott, Wood, Santos, Hasegawa and Kilmer

Read first time 01/25/2005. Referred to Committee on State Government Operations & Accountability.

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 that  
10 allows voters to designate secondary and other preferences for  
11 potential tabulation if their first choice candidate does not receive  
12 a majority of the votes cast. The legislature recognizes that the  
13 system known as instant runoff voting achieves these purposes.

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

1 interest of participatory democracy for voters to be given the  
2 opportunity to vote for their first choice candidate while still making  
3 effective 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 2007, 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 the written notification, the  
19 pilot project must begin by August 1, 2008, and conclude no later than  
20 July 1, 2013.

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; and

27 (c) Have demonstrated support for instant runoff voting by  
28 approving a city charter amendment authorizing the city council to use  
29 instant runoff voting for the election of city officers.

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

1 (b) The county auditor of a county containing a qualifying and  
2 certified city who has submitted a timely notification of participation  
3 shall participate in the pilot 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 instant runoff voting elections;  
10 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 an election may be conducted 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, 2013, 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 a permanent alternative election method for  
26 special and general elections;

27 (c) An inventory of available election equipment necessary for  
28 conducting elections under the instant runoff method, including costs  
29 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 any single 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 indicated  
6 choices have become votes for the candidates so designated or when the  
7 ballot contains only choices for eliminated candidates.

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

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

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

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

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

26 (10) "Vote" means a ballot choice that is counted toward election  
27 of a candidate. Except as provided by sections 5 and 6 of this act,  
28 all first choices are votes. Lower ranked choices are potential votes  
29 that may, in accordance with the requirements of this chapter, be  
30 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 elections apply to the pilot project on instant  
34 runoff voting authorized by this chapter. The authority of a city  
35 meeting the criteria of sections 2 and 7 of this act to participate in  
36 an election conducted under the instant runoff voting method expires on  
37 July 1, 2013.

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 for each office shall be tabulated  
4 under the instant runoff voting method:

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

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

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

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

33           (5) If at any stage in the counting process there are two or more  
34 last place candidates for the office, these candidates must be  
35 eliminated simultaneously.   On ballots that indicate a first choice  
36 preference for the eliminated candidates, the next choice preferences  
37 shall be counted as votes for the 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) The county auditor may not count more than three choices for  
9   any one office from a ballot.

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

15          (4) If, following the conclusion of the counting stages, the  
16   tabulated ballots do not contain a sufficient number of effective  
17   second and lower choices for a candidate to receive a majority of the  
18   votes cast for any office, the candidate who either has the highest  
19   number of votes credited to him or her for that office, or who is the  
20   sole remaining candidate shall be deemed elected to the office.

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

23           NEW SECTION.   **Sec. 7.**   LOCAL OPTION AUTHORIZED.   (1) In accordance

24   with the provisions of section 2 of this act, the legislative body of  
25   a qualifying city may, for a specific election or elections, adopt  
26   instant runoff voting as the method for electing candidates for all  
27   nonpartisan city offices.

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

34          (b) If the county auditor notifies the city that existing election  
35   equipment of the county is insufficient for conducting an election  
36   under the instant runoff voting method, the city and the auditor shall  
37   negotiate an agreement for the purchase of any new equipment

1 specifically required for this election method. Nothing in this  
2 subsection precludes the auditor from canvassing the returns of an  
3 instant runoff voting election by hand.

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

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

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

29 NEW SECTION. **Sec. 9.** CHANGES IN VOTING DEVICES AND COUNTING  
30 METHODS. Participating state and local election officials may provide  
31 for voting directions and the design, processing, and tabulation of  
32 instant runoff voting ballots used in the pilot project authorized by  
33 section 2 of this act. State and local actions must be consistent with  
34 the provisions of this chapter.

35 Election officials should provide voters with a ballot that has a  
36 distinctive design, format, or layout for offices to which instant

1 runoff voting applies. Ballot sections for contests that have fewer  
2 than three candidates for the same office, however, may differ from  
3 ballot sections for which the instant runoff voting method applies.

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

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

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

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

16 (b) Is conducting an election using the instant runoff voting  
17 method for the pilot project authorized by section 2 of this act.

18 (c) This subsection (2) expires July 1, 2013.

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

22 ((+3)) (4) Names of candidates for offices that do not appear on  
23 the primary ballot shall be printed upon the general election ballot in  
24 the manner specified by RCW ((29A.36.130)) 29A.36.131.

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

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

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

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

19 **Sec. 12.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to  
20 read as follows:

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

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

35 (3) On or before the thirtieth day after an election conducted  
36 under the instant runoff voting method for the pilot project authorized

1 by section 2 of this act, the canvassing board shall complete the  
2 canvass and certify the results.

3 NEW SECTION. **Sec. 13.** This chapter expires July 1, 2013.

4 NEW SECTION. **Sec. 14.** Sections 11 and 12 of this act expire July  
5 1, 2013.

6 NEW SECTION. **Sec. 15.** Sections 1 through 9 and 13 of this act  
7 constitute a new chapter in Title 29A RCW.

8 NEW SECTION. **Sec. 16.** Captions used in this act are not part of  
9 the law.

10 NEW SECTION. **Sec. 17.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

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