CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1447**

59th Legislature
2005 Regular Session

Passed by the House April 13, 2005
  Yeas 63  Nays 34

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**Speaker of the House of Representatives**

Passed by the Senate April 12, 2005
  Yeas 38  Nays 9

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**President of the Senate**

Approved

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**Governor of the State of Washington**

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## HOUSE BILL 1447
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Passed Legislature - 2005 Regular Session

**State of Washington**      **59th Legislature**      **2005 Regular Session**

**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.

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

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

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

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

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

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

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

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

(10) "Vote" means a ballot choice that is counted toward election of a candidate. Except as provided by sections 5 and 6 of this act, all first choices are votes. Lower ranked choices are potential votes that may, in accordance with the requirements of this chapter, be credited to and become votes for a candidate.

NEW SECTION. **Sec. 4.** INSTANT RUNOFF VOTING--APPLICABLE PROVISIONS. To the extent they are not inconsistent with this chapter, the laws governing elections apply to the pilot project on instant runoff voting authorized by this chapter. The authority of a city meeting the criteria of sections 2 and 7 of this act to participate in an election conducted under the instant runoff voting method expires on July 1, 2013.

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

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

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


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

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


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

    Election officials should provide voters with a ballot that has a
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    ((<del>(3)</del>)) (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 ((<del>29A.36.130</del>)) 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.

**--- END ---**