
SENATE BILL 5536

State of Washington

61st Legislature

2009 Regular Session

By Senator Oemig

Read first time 01/26/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to the use of ranked choice voting in primary
2 elections; amending RCW 29A.52.112, 29A.52.141, 29A.52.161, 29A.52.210,
3 29A.52.220, 29A.53.010, 29A.53.020, 29A.53.030, 29A.53.040, 29A.53.050,
4 29A.53.070, 29A.53.080, and 29A.53.090; and repealing RCW 29A.53.900.

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

6 **Sec. 1.** RCW 29A.52.112 and 2005 c 2 s 7 are each amended to read
7 as follows:

8 (1) A primary is a first stage in the public process by which
9 voters elect candidates to public office.

10 (2) Whenever candidates for a partisan office are to be elected,
11 the general election must be preceded by a primary conducted under this
12 chapter. The primary shall be conducted using the ranked choice voting
13 format described in chapter 29A.53 RCW. Based upon votes cast at the
14 primary, after one candidate has received a majority of the votes
15 during a counting stage, the ((top)) two candidates with the largest
16 number of votes will be certified as qualified to appear on the general
17 election ballot, unless only one candidate qualifies as provided in RCW
18 29A.36.170.

1 (3) For partisan office, if a candidate has expressed a party or
2 independent preference on the declaration of candidacy, then that
3 preference will be shown after the name of the candidate on the primary
4 and general election ballots by appropriate abbreviation as set forth
5 in rules of the secretary of state. A candidate may express no party
6 or independent preference. Any party or independent preferences are
7 shown for the information of voters only and may in no way limit the
8 options available to voters.

9 **Sec. 2.** RCW 29A.52.141 and 2004 c 271 s 141 are each amended to
10 read as follows:

11 Instructions for voting a consolidated ballot or a physically
12 separate ballot, whichever is applicable, together with instructions
13 for completing the ballot using the ranked choice voting procedure,
14 must appear, at the very least, in:

15 (1) Any primary voters' pamphlet prepared by the secretary of state
16 or a local government if a partisan office will appear on the ballot;

17 (2) Instructions that accompany any partisan primary ballot;

18 (3) Any notice of a partisan primary published in compliance with
19 RCW 29A.52.311;

20 (4) A sample ballot prepared by a county auditor under RCW
21 29A.36.151 for a partisan primary;

22 (5) The web site of the office of the secretary of state and any
23 existing web site of a county auditor's office; and

24 (6) Every polling place.

25 **Sec. 3.** RCW 29A.52.161 and 2004 c 271 s 144 are each amended to
26 read as follows:

27 Nothing in this chapter may be construed to mean that a voter may
28 cast more than one vote for candidates for a given office. For the
29 purposes of ranked choice voting, votes cast on a single ballot for
30 different candidates for an office constitute a single vote.

31 **Sec. 4.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to
32 read as follows:

33 All city and town primaries shall be nonpartisan. Primaries for
34 special purpose districts, except those districts that require

1 ownership of property within the district as a prerequisite to voting,
2 shall be nonpartisan. City, town, and district primaries shall be held
3 as provided in RCW (~~29A.04.310~~) 29A.04.311.

4 The purpose of this section is to establish the holding of a
5 primary, subject to the exemptions in RCW 29A.52.220, as a uniform
6 procedural requirement to the holding of city, town, and district
7 elections. These provisions supersede any and all other statutes,
8 whether general or special in nature, having different election
9 requirements.

10 All primaries conducted under this section shall use the ranked
11 choice voting procedures described in chapter 29A.53 RCW. Based upon
12 votes cast at the primary, after one candidate has received a majority
13 of the votes during a counting stage, the two candidates with the
14 largest number of votes will be certified as qualified to appear on the
15 general election ballot.

16 **Sec. 5.** RCW 29A.52.220 and 2005 c 153 s 10 are each amended to
17 read as follows:

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

24 ~~(2) ((No primary may be held for nonpartisan offices in any first-~~
25 ~~class city if the city:~~

26 ~~(a) Is a qualifying city that has been certified to participate in~~
27 ~~the pilot project authorized by RCW 29A.53.020; and~~

28 ~~(b) Is conducting an election using the instant runoff voting~~
29 ~~method for the pilot project authorized by RCW 29A.53.020.~~

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

31 ~~(3))~~ No primary may be held for the office of commissioner of a
32 park and recreation district or for the office of cemetery district
33 commissioner.

34 ~~((4))~~ (3) Names of candidates for offices that do not appear on
35 the primary ballot shall be printed upon the general election ballot in
36 the manner specified by RCW 29A.36.131.

1 **Sec. 6.** RCW 29A.53.010 and 2005 c 153 s 1 are each amended to read
2 as follows:

3 (1) The legislature finds that it is in the public interest to
4 examine the use of a voting system that requires all victorious
5 candidates to be elected with a majority vote rather than a plurality
6 of effective votes, and that allows voters to designate secondary and
7 other preferences for potential tabulation if their first choice
8 candidate does not receive a majority of the votes cast. The
9 legislature recognizes that the system known as ~~((instant runoff))~~
10 ranked choice voting achieves these purposes.

11 (2) The legislature wishes to examine whether voter interest and
12 participation in elections will increase when instant ~~((runoff voting))~~
13 ranked choice, a voting method that promotes additional voter choices
14 and a more meaningful recognition of all voter selections, is used to
15 elect nonpartisan candidates. The legislature declares that it is in
16 the interest of participatory democracy for voters to be given the
17 opportunity to vote for their first choice candidate while still making
18 effective secondary choices among the remaining candidates.

19 (3) The legislature therefore intends to authorize a limited pilot
20 project to study the effects of using instant ~~((runoff voting))~~ ranked
21 choice as a local option for nonpartisan offices in any qualifying
22 city.

23 (4) Any county qualifying for implementation of a ranked choice
24 voting pilot project for its general election need not conduct a
25 primary for the offices being determined by ranked choice voting.

26 **Sec. 7.** RCW 29A.53.020 and 2005 c 153 s 2 are each amended to read
27 as follows:

28 The legislature intends to establish ~~((an instant runoff))~~ a ranked
29 choice voting pilot project to be completed by willing state and local
30 election administrators in full partnership and cooperation.

31 If the county auditor of a county containing any city that has
32 demonstrated support for ~~((instant runoff))~~ ranked choice voting, as
33 provided by subsection (1)~~((c))~~(b) of this section, provides written
34 notification of pilot project participation to the secretary of state
35 ~~((by January 1, 2007))~~, the secretary of state shall conduct a pilot
36 project to examine the use of ~~((instant runoff))~~ ranked choice voting
37 as a local option for nonpartisan offices in any qualifying city in

1 that county. Following the timely receipt by the secretary of state of
2 the written notification, the pilot project must begin by August 1,
3 (~~2008~~) 2010, and conclude no later than July 1, 2013.

4 (1) For the purposes of this chapter, a qualifying city must:

5 (a) Be classified as a first-class city as defined by chapter 35.22
6 RCW; and

7 (~~((Have a population greater than one hundred forty thousand and
8 less than two hundred thousand as of July 24, 2005, as determined by
9 the office of financial management; and~~

10 (~~(e))~~) Have demonstrated support for (~~((instant runoff))~~) ranked
11 choice voting by approving a city charter amendment authorizing the
12 city council to use (~~((instant runoff))~~) ranked choice voting for the
13 election of city officers.

14 (2)(a) Following the timely receipt by the secretary of state of a
15 notification of participation from a county auditor, and in accordance
16 with the provisions of this section, the secretary of state shall
17 certify at least one city in that county to qualify and participate in
18 the pilot project. Only a qualifying city or cities certified for
19 participation by the secretary of state may participate in the pilot
20 project.

21 (b) The county auditor of a county containing a qualifying and
22 certified city who has submitted a timely notification of participation
23 shall participate in the pilot project.

24 (3) Elections conducted under the (~~((instant runoff))~~) ranked choice
25 voting method for the pilot project must comply with this chapter and
26 may be held only on the dates specified by RCW 29A.04.330(1).

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

29 (a) Rules governing the conduct of (~~((instant runoff))~~) ranked choice
30 voting elections; and

31 (b) A pilot project timeline. The secretary of state may consult
32 with appropriate local officials to develop this timeline. The
33 timeline is subject to review and modification by the secretary of
34 state, as necessary.

35 (5) All election equipment and related processes shall be certified
36 by the secretary of state before an election may be conducted under the
37 (~~((instant runoff))~~) ranked choice voting method.

1 (6) The secretary of state shall submit a report of findings to the
2 appropriate committees of the legislature by July 1, 2013, that
3 includes, but is not limited to:

4 (a) An assessment of all elections conducted using the (~~instant~~
5 ~~runoff~~) ranked choice voting method;

6 (b) Recommendations for statutory, rule, and local voting
7 procedural modifications that would be required prior to implementing
8 (~~instant-runoff~~) ranked choice voting as a permanent alternative
9 election method for special and general elections;

10 (c) An inventory of available election equipment necessary for
11 conducting elections under the (~~instant-runoff~~) ranked choice voting
12 method, including costs associated with the equipment; and

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

15 **Sec. 8.** RCW 29A.53.030 and 2005 c 153 s 3 are each amended to read
16 as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

10 (10) "Vote" means a ballot choice that is counted toward election
11 of a candidate. Except as provided by RCW 29A.53.050 and 29A.53.060,
12 all first choices are votes. Lower ranked choices are potential votes
13 that may, in accordance with the requirements of this chapter, be
14 credited to and become votes for a candidate.

15 **Sec. 9.** RCW 29A.53.040 and 2005 c 153 s 4 are each amended to read
16 as follows:

17 To the extent they are not inconsistent with this chapter, the laws
18 governing elections apply to the pilot project on ((~~instant runoff~~))
19 ranked choice voting authorized by this chapter. The authority of a
20 city meeting the criteria of RCW 29A.53.020 and 29A.53.070 to
21 participate in an election conducted under the ((~~instant runoff~~))
22 ranked choice voting method expires on July 1, 2013.

23 **Sec. 10.** RCW 29A.53.050 and 2005 c 153 s 5 are each amended to
24 read as follows:

25 The following provisions, subject to the conditions of RCW
26 29A.53.060, govern how votes for candidates for each office shall be
27 tabulated under the ((~~instant runoff~~)) ranked choice voting method:

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

32 (2) If no candidate receives a majority of the votes cast for the
33 office during the first counting stage, the second counting stage
34 begins by eliminating the last place candidate for that office. On
35 ballots that indicate a first choice preference for the eliminated
36 candidate, the second choice preferences are counted as votes for the

1 candidates so designated. If, following this second counting stage, a
2 candidate receives a majority of the votes cast for the office, that
3 candidate is deemed elected to the office and counting ends;

4 (3) If, following the second counting stage, no candidate receives
5 a majority of the votes cast for the office, the third counting stage
6 begins by eliminating the last place candidate for that office. On
7 ballots that indicate a first choice preference for the eliminated
8 candidate, the next choice preferences are counted as votes for the
9 candidates so designated. If, following this third counting stage, a
10 candidate receives a majority of votes cast for the office, that
11 candidate is deemed elected to the office and counting ends;

12 (4) If, following the third counting stage, no candidate receives
13 a majority of the votes cast for the office, the counting process
14 provided by subsection (3) of this section continues in succession
15 until either a candidate receives a majority of the votes cast for the
16 office or all but one candidate has been eliminated. In accordance
17 with the provisions of this subsection, a candidate who receives either
18 a majority of the votes cast for the office or who is the sole
19 remaining candidate shall be deemed elected to the office; and

20 (5) If at any stage in the counting process there are two or more
21 last place candidates for the office, these candidates must be
22 eliminated simultaneously. On ballots that indicate a first choice
23 preference for the eliminated candidates, the next choice preferences
24 shall be counted as votes for the candidates so designated.

25 **Sec. 11.** RCW 29A.53.070 and 2005 c 153 s 7 are each amended to
26 read as follows:

27 (1) In accordance with the provisions of RCW 29A.53.020, the
28 legislative body of a qualifying city may, for a specific election or
29 elections, adopt (~~instant runoff~~) ranked choice voting as the method
30 for electing candidates for all nonpartisan city offices.

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

1 (b) If the county auditor notifies the city that existing election
2 equipment of the county is insufficient for conducting an election
3 under the (~~instant runoff~~) ranked choice voting method, the city and
4 the auditor shall negotiate an agreement for the purchase of any new
5 equipment specifically required for this election method. Nothing in
6 this subsection precludes the auditor from canvassing the returns of
7 (~~an instant runoff~~) a ranked choice voting election by hand.

8 (3) The date of any election conducted under the (~~instant runoff~~)
9 ranked choice voting method must be consistent with the timeline
10 required by RCW 29A.53.020.

11 **Sec. 12.** RCW 29A.53.080 and 2005 c 153 s 8 are each amended to
12 read as follows:

13 Ballots for elections conducted under the (~~instant runoff~~) ranked
14 choice voting method should be clear and easily understood. Sample
15 ballots illustrating voting procedures must be posted in or near voting
16 booths and included within instruction packets for absentee ballots.
17 Directions provided to voters must conform substantially to the
18 following specifications:

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

34 **Sec. 13.** RCW 29A.53.090 and 2005 c 153 s 9 are each amended to
35 read as follows:

36 Participating state and local election officials may provide for

1 voting directions and the design, processing, and tabulation of
2 ((~~instant runoff~~)) ranked choice voting ballots used in the pilot
3 project authorized by RCW 29A.53.020. State and local actions must be
4 consistent with the provisions of this chapter.

5 Election officials should provide voters with a ballot that has a
6 distinctive design, format, or layout for offices to which ((~~instant
7 runoff~~)) ranked choice voting applies. Ballot sections for contests
8 that have fewer than three candidates for the same office, however, may
9 differ from ballot sections for which the ((~~instant runoff~~)) ranked
10 choice voting method applies.

11 NEW SECTION. Sec. 14. RCW 29A.53.900 (Expiration date) and 2005
12 c 153 s 13 are each repealed.

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