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SENATE BILL 6402

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State of Washington

65th Legislature

2018 Regular Session

By Senators Palumbo, Saldaña, and Ranker

1 AN ACT Relating to providing options for local governments to  
2 adopt alternative voting procedures; amending RCW 29A.52.112,  
3 29A.52.161, 29A.52.220, 29A.24.010, 28A.343.320, 36.32.020, and  
4 36.32.040; adding a new section to chapter 29A.52 RCW; adding a new  
5 section to chapter 35.21 RCW; adding a new section to chapter 35A.21  
6 RCW; adding a new section to chapter 52.14 RCW; and adding a new  
7 section to chapter 53.12 RCW.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.52  
10 RCW to read as follows:

11 (1) Any county, city, town, or district may eliminate the primary  
12 for any single or multiple position office within such jurisdiction,  
13 if adopted by appropriate action of the governing body. The  
14 elimination of the primary shall not change any deadlines for  
15 declaration of candidacy or other election deadlines in this chapter,  
16 unless expressly altered.

17 (2) Any county, city, town, or district may use a proportional  
18 voting system for any office with multiple positions, if adopted by  
19 appropriate action of the governing body.

20 (3) A proportional voting system may include, but is not limited  
21 to, rank choice voting, where voters designate multiple candidates

1 for the same office by order of preference and the results are  
2 tabulated by a method of giving effect to the ranked preferences.

3 (4) The secretary of state must approve any proportional voting  
4 system before it is adopted by a county, city, town, or district, to  
5 ensure such system maintains compliance with state election law. The  
6 secretary of state may adopt rules to provide such an approval  
7 process.

8 **Sec. 2.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read  
9 as follows:

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

12 (2) Whenever candidates for a partisan office are to be elected,  
13 the general election must be preceded by a primary conducted under  
14 this chapter, except as provided in section 1 of this act. Based upon  
15 votes cast at the primary, the top two candidates will be certified  
16 as qualified to appear on the general election ballot, unless only  
17 one candidate qualifies as provided in RCW 29A.36.170.

18 (3) No primary may be held for any single county partisan office  
19 to fill an unexpired term if, after the last day allowed for  
20 candidates to withdraw, only one candidate has filed for the  
21 position.

22 (4) For partisan office, if a candidate has expressed a party  
23 preference on the declaration of candidacy, then that preference will  
24 be shown after the name of the candidate on the primary and general  
25 election ballots as set forth in rules of the secretary of state. A  
26 candidate may choose to express no party preference. Any party  
27 preferences are shown for the information of voters only and may in  
28 no way limit the options available to voters.

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

31 Nothing in this chapter may be construed to mean that a voter may  
32 cast more than one vote for candidates for a given office. This  
33 applies to any proportional voting system, as provided in section 1  
34 of this act.

35 **Sec. 4.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to  
36 read as follows:

1 (1) No primary may be held for any single position in any  
2 nonpartisan office if, after the last day allowed for candidates to  
3 withdraw, there are no more than two candidates filed for the  
4 position. The county auditor shall as soon as possible notify all the  
5 candidates so affected that the office for which they filed will not  
6 appear on the primary ballot.

7 (2) No primary may be held for the office of commissioner of a  
8 park and recreation district or for the office of cemetery district  
9 commissioner.

10 (3) Names of candidates for offices that do not appear on the  
11 primary ballot shall be printed upon the general election ballot in  
12 the manner specified by RCW 29A.36.131.

13 (4) No primary may be held for any office where the primary has  
14 been eliminated, pursuant to section 1 of this act.

15 **Sec. 5.** RCW 29A.24.010 and 2003 c 111 s 601 are each amended to  
16 read as follows:

17 Not less than thirty days before the first day for filing  
18 declarations of candidacy under RCW 29A.24.050 for legislative,  
19 judicial, county, city, town, or district office, where more than one  
20 position with the same name, district number, or title will be voted  
21 upon at the succeeding election, the filing officer shall designate  
22 the positions to be filled by number.

23 The positions so designated shall be dealt with as separate  
24 offices for all election purposes. With the exception of the office  
25 of justice of the supreme court, the position numbers shall be  
26 assigned, whenever possible, to reflect the position numbers that  
27 were used to designate the same positions at the last full-term  
28 election for those offices. This section does not apply where a  
29 county, city, town, or district has authorized a proportional voting  
30 system, as provided in section 1 of this act.

31 **Sec. 6.** RCW 28A.343.320 and 2015 c 53 s 11 are each amended to  
32 read as follows:

33 (1) Candidates for the position of school director shall file  
34 their declarations of candidacy as provided in Title 29A RCW.

35 (2) Except as otherwise provided in this section, the positions  
36 of school directors in each district shall be dealt with as separate  
37 offices for all election purposes, and where more than one position

1 is to be filled, each candidate shall file for one of the positions  
2 so designated(~~(-PROVIDED, That)~~).

3 (3) In school districts containing director districts, or a  
4 combination of director districts and director at large positions,  
5 candidates shall file for such director districts or at large  
6 positions. Position numbers shall be assigned to correspond to  
7 director district numbers to the extent possible.

8 (4) A school board may authorize a change to their electoral  
9 system, pursuant to section 1 of this act.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.21  
11 RCW to read as follows:

12 The legislative authority of a city or town may authorize a  
13 change to their electoral system, pursuant to section 1 of this act.

14 **Sec. 8.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to  
15 read as follows:

16 The board of county commissioners of each county shall divide  
17 their county into three commissioner districts so that each district  
18 shall comprise as nearly as possible one-third of the population of  
19 the county: PROVIDED, That the territory comprised in any voting  
20 precincts of such districts shall remain compact, and shall not be  
21 divided by the lines of said districts.

22 However, the commissioners of any county composed entirely of  
23 islands and with a population of less than thirty-five thousand may  
24 divide their county into three commissioner districts without regard  
25 to population, except that if any single island is included in more  
26 than one district, the districts on such island shall comprise, as  
27 nearly as possible, equal populations.

28 The lines of the districts shall not be changed (~~(oftener)~~) more  
29 often than once in four years and only when a full board of  
30 commissioners is present. The districts shall be designated as  
31 districts numbered one, two, and three.

32 The commissioners of any county may authorize a change to their  
33 electoral system, pursuant to section 1 of this act.

34 **Sec. 9.** RCW 36.32.040 and 1982 c 226 s 5 are each amended to  
35 read as follows:

36 (1) Except as otherwise provided in (~~(subsection (2) of)~~) this  
37 section, the qualified electors of each county commissioner district,

1 and they only, shall nominate from among their own number, candidates  
2 for the office of county commissioner of such commissioner district  
3 to be voted for at the following general election. Such candidates  
4 shall be nominated in the same manner as candidates for other county  
5 and district offices are nominated in all other respects.

6 (2) Where the commissioners of a county composed entirely of  
7 islands with a population of less than thirty-five thousand have  
8 chosen to divide the county into unequal-sized commissioner districts  
9 pursuant to the exception provided in RCW 36.32.020, the qualified  
10 electors of the entire county shall nominate from among their own  
11 number who reside within a commissioner district, candidates for the  
12 office of county commissioner of such commissioner district to be  
13 voted for at the following general election. Such candidates shall be  
14 nominated in the same manner as candidates for other county offices  
15 are nominated in all other respects.

16 (3) The commissioners of any county may authorize a change to  
17 their electoral system, pursuant to section 1 of this act.

18 NEW SECTION. Sec. 10. A new section is added to chapter 35A.21  
19 RCW to read as follows:

20 The legislative authority of a code city or town may authorize a  
21 change to their electoral system to eliminate the primary, or provide  
22 a proportional voting system for any office with multiple positions,  
23 pursuant to section 1 of this act.

24 NEW SECTION. Sec. 11. A new section is added to chapter 52.14  
25 RCW to read as follows:

26 The board of fire commissioners of a fire protection district may  
27 authorize a change to their electoral system, pursuant to section 1  
28 of this act.

29 NEW SECTION. Sec. 12. A new section is added to chapter 53.12  
30 RCW to read as follows:

31 The port commission may authorize a change to their electoral  
32 system, pursuant to section 1 of this act.

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