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**SENATE BILL 5708**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Palumbo, Das, Nguyen, Saldaña, Hasegawa, Wilson, C., and Kuderer

Read first time 01/29/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to local options for tabulating votes in an  
2 election; amending RCW 29A.60.221, 29A.52.112, 29A.52.210,  
3 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040, and  
4 28A.343.320; reenacting and amending RCW 29A.36.170; adding a new  
5 section to chapter 29A.52 RCW; adding a new section to chapter 29A.04  
6 RCW; adding a new section to chapter 52.14 RCW; adding a new section  
7 to chapter 53.12 RCW; creating a new section; repealing RCW  
8 29A.04.127; and providing an expiration date.

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

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

12 (1) Except as provided in subsections (2) and (3) of this  
13 section, a county, city, town, school district, fire district, or  
14 port district may conduct its elections using ranked choice voting. A  
15 county, city, town, school district, fire district, or port district  
16 that adopts ranked choice voting may, but need not, use ranked choice  
17 voting for all offices in an election.

18 (2) A city, town, school district, fire district, or port  
19 district that has voters in more than one county may conduct an  
20 election using ranked choice voting only if:

1 (a) Another city, town, or district that lies entirely within at  
2 least two of the counties in which the city, town, or district has  
3 voters uses ranked choice voting; or

4 (b) A court orders the use of ranked choice voting as provided in  
5 this section as a remedy under RCW 29A.92.110.

6 (3) Ranked choice voting may not be used in an election for an  
7 office for which two or fewer candidates are competing.

8 (4) An election using ranked choice voting must meet the  
9 following requirements:

10 (a) The county auditor shall design the ballot to allow a voter  
11 to rank the candidates for a particular office in order of  
12 preference, including one write-in candidate;

13 (b) The county auditor must allow a voter to rank at least five  
14 candidates per office. The secretary of state must adopt rules that  
15 determine the maximum number of candidates per office that a voter is  
16 allowed to rank on a ballot;

17 (c) A voter does not need to rank the maximum number of  
18 candidates. The county auditor shall count a ballot regardless of how  
19 many candidates the voter has ranked. The county auditor shall not  
20 assign votes for rankings made by a voter that are greater than the  
21 maximum number of rankings allowed for each office;

22 (d) If a voter skips one or more numbers in ranking candidates,  
23 or ranks an invalid write-in candidate, the county auditor shall  
24 assign any votes after the skipped number to the voter's next-highest  
25 ranked candidates as if the voter had not skipped the number;

26 (e) If a voter provides the same number ranking to more than one  
27 candidate, the county auditor may not assign that vote ranking to any  
28 candidate and may not assign a vote for any subsequent number ranking  
29 for that office;

30 (f) If the election is a single-winner contest, including an  
31 election in which multiple positions with the same name, district  
32 number, or title are dealt with as separate offices, the winner of  
33 each contest must be determined using the instant runoff voting  
34 method, as defined in this section and further provided in secretary  
35 of state rules. If the election is a multiple-winner contest in which  
36 the positions are not dealt with as separate offices, the winners  
37 must be determined using the single transferable vote method, as  
38 defined in this section and further provided in secretary of state  
39 rules;

1 (g) If the requisite number of officers have not been elected, or  
2 selected to continue to further rounds of vote tabulation, by reason  
3 of two or more persons having an equal and highest number of votes  
4 for the same office, the official empowered by state law to issue the  
5 original certificate of election shall resolve the tie using the tie-  
6 breaking method selected by the county, city, town, or district as  
7 provided in RCW 29A.60.221.

8 (5) A county, city, town, or district that conducts an election  
9 using ranked choice voting must either:

10 (a) Eliminate the primary for the election; or

11 (b) Hold a primary using the single transferable vote method to  
12 winnow candidates for the election to a final list of five  
13 candidates.

14 (6) A county, city, town, or district that adopts ranked choice  
15 voting before 2020 shall implement ranked choice voting for an  
16 election in 2022. A county, city, town, or district that adopts  
17 ranked choice voting during or after 2020 must implement ranked  
18 choice voting within two years following its adoption.

19 (7) The county auditor whose county encompasses a county, city,  
20 town, or district that adopts ranked choice voting shall assist with  
21 the implementation of the system. If a city, town, or district has  
22 voters in two or more counties, each county auditor in which the  
23 city, town, or district has voters shall assist with implementation.

24 (8) The secretary of state, before July 1, 2021, and in  
25 consultation with the ranked choice voting work group created in  
26 section 15 of this act, shall adopt rules to administer this section.  
27 The secretary's rules must address, at minimum:

28 (a) Procedures for administering an election that includes voters  
29 in more than one county as provided in subsection (2) of this  
30 section;

31 (b) Procedures for tabulating votes under the instant runoff  
32 voting method and single transferable vote method as provided in  
33 subsection (4) of this section; and

34 (c) The maximum number of candidates a voter is allowed to rank  
35 for each office as provided in subsection (4) of this section.

36 (9) The secretary of state shall develop educational materials  
37 for the public and provide training for county auditors to implement  
38 ranked choice voting.

39 (10) As used in this section:

1 (a) "Ranked choice voting" means a system of counting votes in  
2 which votes are tabulated based on a voter's ranking of candidates in  
3 order of preference as provided in this section.

4 (b) "Instant runoff voting method" means a system of counting  
5 votes in which the ballots are counted in rounds simulating a series  
6 of runoffs until two candidates remain or until one candidate has a  
7 majority of all votes counting in that round. The candidate having  
8 the greatest number of votes is declared the winner.

9 (c) "Single transferable vote method" means a system of counting  
10 votes in which a winning threshold is calculated based on the number  
11 of seats to be filled and the number of votes cast so that no more  
12 than the correct number of candidates can win. The ballots must be  
13 counted in rounds, with surplus votes transferred from winning  
14 candidates and candidates with the fewest votes eliminated according  
15 to the methodology established by the secretary of state in rules  
16 adopted under subsection (8) of this section, until the number of  
17 candidates remaining equals the number of seats to be filled.

18 **Sec. 2.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to  
19 read as follows:

20 (1) Except as provided in subsection (3) of this section, if the  
21 requisite number of any federal, state, county, city, or district  
22 offices have not been nominated in a primary by reason of two or more  
23 persons having an equal and requisite number of votes for being  
24 placed on the general election ballot, the official empowered by  
25 state law to certify candidates for the general election ballot shall  
26 give notice to the several persons so having the equal and requisite  
27 number of votes to attend at the appropriate office at the time  
28 designated by that official, who shall then and there proceed  
29 publicly to decide by lot which of those persons will be declared  
30 nominated and placed on the general election ballot.

31 (2) Except as provided in subsection (3) of this section, if the  
32 requisite number of any federal, state, county, city, district, or  
33 precinct officers have not been elected by reason of two or more  
34 persons having an equal and highest number of votes for one and the  
35 same office, the official empowered by state law to issue the  
36 original certificate of election shall give notice to the several  
37 persons so having the highest and equal number of votes to attend at  
38 the appropriate office at the time to be appointed by that official,  
39 who shall then and there proceed publicly to decide by lot which of

1 those persons will be declared duly elected, and the official shall  
2 make out and deliver to the person thus duly declared elected a  
3 certificate of election.

4 (3) The secretary of state may adopt rules to provide for at  
5 least three methods to resolve a tie occurring at any point during an  
6 election conducted using ranked choice voting as provided in section  
7 1 of this act, including the lot method described in this section. A  
8 county, city, town, or district conducting an election as provided in  
9 section 1 of this act shall choose in advance of the election which  
10 method of resolving a tie will be used. If the secretary of state  
11 does not adopt rules under this section, the county, city, town, or  
12 district shall resolve any tie using the lot method described in this  
13 section.

14 NEW SECTION. Sec. 3. A new section is added to chapter 29A.04  
15 RCW to read as follows:

16 "Primary" or "primary election" means a procedure for winnowing  
17 candidates for public office to a final list of two as part of a  
18 special or general election, or to a final list of five in a county,  
19 city, town, or district election that uses ranked choice voting as  
20 provided in section 1 of this act. Each voter has the right to cast a  
21 vote for any candidate for each office without any limitation based  
22 on party preference or affiliation, of either the voter or the  
23 candidate.

24 **Sec. 4.** RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are  
25 each reenacted and amended to read as follows:

26 For any office for which a primary was held, only the names of  
27 the top two candidates will appear on the general election ballot,  
28 unless the election will be conducted using ranked choice voting as  
29 provided in section 1 of this act, in which case only the names of  
30 the top five candidates will appear on the general election ballot;  
31 the name of the candidate who received the greatest number of votes  
32 will appear first and the candidate who received the next greatest  
33 number of votes will appear second. No candidate's name may be  
34 printed on the subsequent general election ballot unless he or she  
35 receives at least one percent of the total votes cast for that office  
36 at the preceding primary, if a primary was conducted. On the ballot  
37 at the general election for an office for which no primary was held,

1 the names of the candidates shall be listed in the order determined  
2 pursuant to RCW 29A.36.131.

3 **Sec. 5.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read  
4 as follows:

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

7 (2) Whenever candidates for a partisan office are to be elected,  
8 the general election must be preceded by a primary conducted under  
9 this chapter, unless the county, city, town, or district is  
10 conducting the general election using ranked choice voting as  
11 provided in section 1 of this act and has chosen not to use a  
12 primary. Based upon votes cast at the primary, the top two  
13 candidates, or the top five candidates in a primary for a general  
14 election conducted using ranked choice voting as provided in section  
15 1 of this act, will be certified as qualified to appear on the  
16 general election ballot (~~(, unless only one candidate qualifies as~~  
17 ~~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 (~~(, )~~):

21 (a) Only one candidate has filed for the position; or

22 (b) In a primary for a general election conducted using ranked  
23 choice voting as provided in section 1 of this act, five or fewer  
24 candidates have filed for the position.

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

32 **Sec. 6.** RCW 29A.52.210 and 2013 c 11 s 51 are each amended to  
33 read as follows:

34 All city and town primaries shall be nonpartisan. Primaries for  
35 special purpose districts, except those districts that require  
36 ownership of property within the district as a prerequisite to  
37 voting, shall be nonpartisan. City, town, and district primaries  
38 shall be held as provided in RCW 29A.04.311.

1 The purpose of this section is to establish the holding of a  
2 primary, subject to the exemptions in RCW 29A.52.220, as a uniform  
3 procedural requirement to the holding of city, town, and district  
4 elections. However, a city, town, or district that conducts an  
5 election using ranked choice voting as provided in section 1 of this  
6 act may choose not to use a primary. These provisions supersede any  
7 and all other statutes, whether general or special in nature, having  
8 different election requirements.

9 **Sec. 7.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to  
10 read as follows:

11 (1) No primary may be held for any single position in any  
12 nonpartisan office if, after the last day allowed for candidates to  
13 withdraw, there are no more than two candidates filed for the  
14 position, or in a primary for a general election conducted using  
15 ranked choice voting as provided in section 1 of this act, there are  
16 no more than five candidates filed for the position. The county  
17 auditor shall as soon as possible notify all the candidates so  
18 affected that the office for which they filed will not appear on the  
19 primary ballot.

20 (2) No primary may be held for an office in a county, city, town,  
21 or district that is conducting the general election using ranked  
22 choice voting as provided in section 1 of this act and has chosen not  
23 to use a primary.

24 (3) No primary may be held for the office of commissioner of a  
25 park and recreation district or for the office of cemetery district  
26 commissioner.

27 (~~(3)~~) (4) Names of candidates for offices that do not appear on  
28 the primary ballot shall be printed upon the general election ballot  
29 in the manner specified by RCW 29A.36.131.

30 **Sec. 8.** RCW 29A.24.010 and 2003 c 111 s 601 are each amended to  
31 read as follows:

32 (1) Not less than thirty days before the first day for filing  
33 declarations of candidacy under RCW 29A.24.050 for legislative,  
34 judicial, county, city, town, or district office, where more than one  
35 position with the same name, district number, or title will be voted  
36 upon at the succeeding election, the filing officer shall designate  
37 the positions to be filled by number, except as provided in  
38 subsection (3) of this section.

1       (2) The positions so designated shall be dealt with as separate  
2 offices for all election purposes. With the exception of the office  
3 of justice of the supreme court, the position numbers shall be  
4 assigned, whenever possible, to reflect the position numbers that  
5 were used to designate the same positions at the last full-term  
6 election for those offices.

7       (3) In an election conducted using ranked choice voting as  
8 provided in section 1 of this act in which there is more than one  
9 position with the same name, district number, or title, the county,  
10 city, town, or district shall choose whether the filing officer will  
11 designate the positions to be filled by number and deal with  
12 positions as separate offices.

13       **Sec. 9.** RCW 36.32.040 and 2018 c 113 s 205 are each amended to  
14 read as follows:

15       (1) Except as provided in subsections (2) and (3) of this  
16 section, the qualified electors of each county commissioner district,  
17 and they only, shall nominate from among their own number, candidates  
18 for the office of county commissioner of such commissioner district  
19 to be voted for at the following general election. Such candidates  
20 shall be nominated in the same manner as candidates for other county  
21 and district offices are nominated in all other respects.

22       (2) Except as provided in subsection (3) of this section, where  
23 the commissioners of a county composed entirely of islands with a  
24 population of less than thirty-five thousand have chosen to divide  
25 the county into unequal-sized commissioner districts pursuant to the  
26 exception provided in RCW 36.32.020, the qualified electors of the  
27 entire county shall nominate from among their own number who reside  
28 within a commissioner district, candidates for the office of county  
29 commissioner of such commissioner district to be voted for at the  
30 following general election. Such candidates shall be nominated in the  
31 same manner as candidates for other county offices are nominated in  
32 all other respects.

33       (3) A county may conduct an election for county commissioners  
34 using ranked choice voting as defined in section 1 of this act.

35       (4) The commissioners of any county may authorize a change to  
36 their electoral system pursuant to RCW 29A.92.040.

37       **Sec. 10.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to  
38 read as follows:



1 (1) Except as provided otherwise in subsection (2) of this  
2 section or this chapter, county commissioners shall be elected by the  
3 qualified voters of the county and the person receiving the highest  
4 number of votes for the office of commissioner for the district in  
5 which he or she resides shall be declared duly elected from that  
6 district.

7 (2) Beginning in 2022, in any noncharter county with a population  
8 of four hundred thousand or more, county commissioners must be  
9 nominated and elected by the qualified electors of the commissioner  
10 district in which he or she resides. The person receiving the highest  
11 number of votes at a general election for the office of commissioner  
12 for the district in which he or she resides must be declared duly  
13 elected from that district.

14 (3) A county may conduct an election for county commissioners  
15 using ranked choice voting as provided in section 1 of this act. A  
16 county that uses district nominations and district elections and  
17 adopts ranked choice voting as provided in section 1 of this act  
18 shall hold a primary to winnow the list of candidates in the district  
19 to five, unless the county has chosen under section 1 of this act not  
20 to use a primary. If no more than five candidates have filed for a  
21 position after the last day allowed for candidates to withdraw, the  
22 county may not hold a primary for that position.

23 **Sec. 11.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to  
24 read as follows:

25 (1) Officers shall be elected at biennial municipal elections to  
26 be conducted as provided in chapter 35A.29 RCW. The mayor and the  
27 councilmembers shall be elected for four-year terms of office and  
28 until their successors are elected and qualified and assume office in  
29 accordance with RCW 29A.60.280. At any first election upon  
30 reorganization, councilmembers shall be elected as provided in RCW  
31 35A.02.050. Thereafter the requisite number of councilmembers shall  
32 be elected biennially as the terms of their predecessors expire and  
33 shall serve for terms of four years. Except as provided in subsection  
34 (2) of this section, the positions to be filled on the city council  
35 shall be designated by consecutive numbers and shall be dealt with as  
36 separate offices for all election purposes. Election to positions on  
37 the council shall be by majority vote from the city at large, unless  
38 provision is made by charter or ordinance for election by wards. The  
39 mayor and councilmembers shall qualify by taking an oath or

1 affirmation of office and as may be provided by law, charter, or  
2 ordinance.

3 (2) If a city or town uses ranked choice voting as provided in  
4 section 1 of this act, the city or town shall choose whether the  
5 council positions to be filled will be designated by number and dealt  
6 with as separate offices.

7 **Sec. 12.** RCW 28A.343.320 and 2015 c 53 s 11 are each amended to  
8 read as follows:

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

11 (2) Except as provided in subsection (3) of this section, the  
12 positions of school directors in each district shall be dealt with as  
13 separate offices for all election purposes, and where more than one  
14 position is to be filled, each candidate shall file for one of the  
15 positions so designated: PROVIDED, That in school districts  
16 containing director districts, or a combination of director districts  
17 and director at large positions, candidates shall file for such  
18 director districts or at large positions. Position numbers shall be  
19 assigned to correspond to director district numbers to the extent  
20 possible.

21 (3) If the school board uses ranked choice voting as provided in  
22 section 1 of this act, the school board shall choose whether to deal  
23 with the positions of school directors as separate offices for  
24 elections purposes.

25 NEW SECTION. **Sec. 13.** A new section is added to chapter 52.14  
26 RCW to read as follows:

27 A board of fire commissioners may conduct an election for fire  
28 commissioner using ranked choice voting as provided in section 1 of  
29 this act.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 53.12  
31 RCW to read as follows:

32 A port commission may conduct an election for port commissioner  
33 using ranked choice voting as provided in section 1 of this act.

34 NEW SECTION. **Sec. 15.** (1) A ranked choice voting work group is  
35 created.

36 (2) The work group shall consist of:

1 (a) A member from the office of the secretary of state, chosen by  
2 the secretary;

3 (b) A member from the Washington state association of county  
4 auditors, chosen by the association; and

5 (c) A member from an organization with expertise in ranked choice  
6 voting. The governor shall solicit applications and choose the  
7 organization for the work group. The organization shall choose its  
8 member for the work group.

9 (3) The work group shall advise and aid the secretary of state in  
10 drafting rules to implement this act, as provided in section 1 of  
11 this act.

12 (4) This section expires December 1, 2021.

13 NEW SECTION. **Sec. 16.** RCW 29A.04.127 (Primary) and 2005 c 2 s 5  
14 & 2003 c 111 s 122 are each repealed.

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