1   Strike everything after the enacting clause and insert the
2 following:

3   "NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.52
4 RCW to read as follows:
5   (1) Except as provided in subsections (2) and (3) of this
6 section, a county, city, town, school district, fire district, or
7 port district may conduct its elections using ranked choice voting. A
8 county, city, town, school district, fire district, or port district
9 that adopts ranked choice voting may, but need not, use ranked choice
10 voting for all offices in an election.
11   (2) A city, town, school district, fire district, or port
12 district that has voters in more than one county may conduct an
13 election using ranked choice voting only if:
14   (a) Another city, town, or district that lies entirely within at
15 least two of the counties in which the city, town, or district has
16 voters uses ranked choice voting; or
17   (b) A court orders the use of ranked choice voting as provided in
18 this section as a remedy under RCW 29A.92.110.
19   (3) Ranked choice voting may not be used in an election for an
20 office for which two or fewer candidates are competing.
21   (4) An election using ranked choice voting must meet the
22 following requirements:
23   (a) The county auditor shall design the ballot to allow a voter
24 to rank the candidates for a particular office in order of
25 preference, including one write-in candidate;
26   (b) The county auditor must allow a voter to rank at least five
27 candidates per office. The secretary of state may adopt rules that
28 determine the maximum number of candidates per office that a voter is
29 allowed to rank on a ballot in order to accommodate technical
30 limitations from voting systems and ensure compatibility with all
31 ballot formats;

1   (c) A voter does not need to rank the maximum number of
2 candidates. The county auditor shall count a ballot regardless of how
3 many candidates the voter has ranked. The county auditor shall not
4 count votes for rankings made by a voter that are greater than the
5 maximum number of rankings allowed for each office;
6   (d) If a voter skips one or more numbers in ranking candidates,
7 or ranks an invalid write-in candidate, the county auditor shall
8 count any votes after the skipped number for the voter's next-highest
9 ranked candidates as if the voter had not skipped the number;
10   (e) If a voter provides the same number ranking to more than one
11 candidate, the county auditor may not count that vote ranking for any
12 candidate and may not count a vote for any subsequent number ranking
13 for that office;
14   (f) The election must be one of two types of ranked choice voting
15 elections. If the election is a single-winner contest, including an
16 election in which multiple positions with the same name, district
17 number, or title are dealt with as separate offices, the winner of
18 each contest must be determined using the instant runoff voting
19 method, as defined in this section and further provided in secretary
20 of state rules. If the election is a multiwinner contest in which the
21 positions are not dealt with as separate offices, including a
22 primary, the winners must be determined using the single transferable
23 vote method, as defined in this section and further provided in
24 secretary of state rules;
25   (g) If the requisite number of officers have not been elected, or
26 selected to continue to further rounds of vote tabulation, by reason
27 of two or more persons having an equal and highest number of votes
28 for the same office, the official empowered by state law to issue the
29 original certificate of election shall resolve the tie as provided in
30 RCW 29A.60.221.
31   (5) A county, city, town, or district that conducts a general
32 election for a single-winner contest using ranked choice voting must
33 hold a primary using the single transferable vote method to winnow
34 candidates for the election to a final list of five candidates. A
35 county, city, town, or district that conducts a general election for
36 a multiwinner contest using ranked choice voting may not hold a
37 primary.
38   (6) A county, city, town, or district that adopts ranked choice
39 voting must implement ranked choice voting within two years following
40 its adoption.

1   (7) The county auditor whose county encompasses a county, city,
2   town, or district that adopts ranked choice voting is responsible for
3   the implementation of the system. If a city, town, or district has
4   voters in two or more counties, each county auditor in which the
5   city, town, or district has voters is responsible for its
6   implementation.
7   (8) The secretary of state, before July 1, 2023, and in
8   consultation with the ranked choice voting work group created in
9   section 14 of this act, shall adopt rules to administer this section.
10   The secretary's rules must address, at minimum:
11   (a) Procedures for administering an election that includes voters
12   in more than one county as provided in subsection (2) of this
13   section; and
14   (b) Procedures for tabulating votes under the instant runoff
15   voting method and single transferable vote method as provided in
16   subsection (4) of this section.
17   (9) The secretary of state shall develop educational materials
18   for the public and provide training for county auditors to implement
19   ranked choice voting in accordance with the work group
20   recommendations described in section 14 of this act.
21   (10) As used in this section:
22   (a) "Ranked choice voting" means a method of counting votes in
23   which votes are tabulated based on a voter's ranking of candidates in
24   order of preference as provided in this section.
25   (b) "Instant runoff voting method" means a method of counting
26   votes in which ballots are counted in rounds and the candidate
27   receiving the fewest number of votes is eliminated, continuing until
28   one candidate receives a majority of all votes counted in that round
29   and is declared the winner.
30   (c) "Single transferable vote method" means a method of counting
31   votes in which:
32   (i) A winning threshold is calculated based on the number of
33   votes cast and the number of seats to be filled, plus one;
34   (ii) Ballots are counted in rounds, and at the end of each round
35   any candidate who receives enough votes to pass the winning threshold
36   is declared elected. Any votes received by that candidate in excess
37   of the threshold to win are transferred to other candidates. After
38   all such votes have been transferred so that no candidate has votes
39   exceeding the winning threshold, the candidate with the least number

1 of votes is eliminated, and their votes are transferred to other
2 candidates in the next round; and

3 (iii) The counting process stops when the number of elected
4 candidates equals the number of seats to be filled, or the number of
5 candidates remaining equals the number of seats not yet filled by an
6 elected candidate.

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

9 (1) If the requisite number of any federal, state, county, city,
10 or district offices have not been nominated in a primary by reason of
11 two or more persons having an equal and requisite number of votes for
12 being placed on the general election ballot, the official empowered
13 by state law to certify candidates for the general election ballot
14 shall give notice to the several persons so having the equal and
15 requisite number of votes to attend at the appropriate office at the
16 time designated by that official, who shall then and there proceed
17 publicly to decide by lot which of those persons will be declared
18 nominated and placed on the general election ballot.

19 (2) If the requisite number of any federal, state, county, city,
20 district, or precinct officers have not been elected by reason of two
21 or more persons having an equal and highest number of votes for one
22 and the same office, the official empowered by state law to issue the
23 original certificate of election shall give notice to the several
24 persons so having the highest and equal number of votes to attend at
25 the appropriate office at the time to be appointed by that official,
26 who shall then and there proceed publicly to decide by lot which of
27 those persons will be declared duly elected, and the official shall
28 make out and deliver to the person thus duly declared elected a
29 certificate of election.

30 (3) For a tie occurring at any point in the counting process of
31 an election conducted using ranked choice voting as provided in
32 section 1 of this act, the official empowered by state law to certify
33 candidates for the general election ballot shall resolve the tie
34 using the lot method described in this section. If the tie occurs
35 before the final round of counting, the tie must be resolved as
36 expeditiously as possible.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04
38 RCW to read as follows:

1   "Primary" or "primary election" means a procedure for winnowing
2   candidates for public office to a final list of two as part of a
3   special or general election, or to a final list of five in a county,
4   city, town, or district election that uses ranked choice voting as
5   provided in section 1 of this act. Each voter has the right to cast a
6   vote for any candidate for each office without any limitation based
7   on party preference or affiliation, of either the voter or the
8   candidate.

9   **Sec. 4.** RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are
10   each reenacted and amended to read as follows:
11   For any office for which a primary was held, only the names of
12   the top two candidates will appear on the general election ballot,
13   unless the election will be conducted using ranked choice voting as
14   provided in section 1 of this act, in which case only the names of
15   the top five candidates will appear on the general election ballot;
16   the name of the candidate who received the greatest number of votes
17   will appear first and the candidate who received the next greatest
18   number of votes will appear second. No candidate's name may be
19   printed on the subsequent general election ballot unless he or she
20   receives at least one percent of the total votes cast for that office
21   at the preceding primary, if a primary was conducted. On the ballot
22   at the general election for an office for which no primary was held,
23   the names of the candidates shall be listed in the order determined
24   pursuant to RCW 29A.36.131.

25   **Sec. 5.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read
26   as follows:
27   (1) A primary is a first stage in the public process by which
28   voters elect candidates to public office.
29   (2) Whenever candidates for a partisan office are to be elected,
30   the general election must be preceded by a primary conducted under
31   this chapter, unless the general election is a multiwinner contest
32   using ranked choice voting as provided in section 1 of this act.
33   (3) Based upon votes cast at the primary, the top two candidates,
34   or the top five candidates in a primary for a single-winner general
35   election conducted using ranked choice voting as provided in section
36   1 of this act, will be certified as qualified to appear on the
37   general election ballot((, unless only one candidate qualifies as
38   provided in RCW 29A.36.170)).

1   (((3))) (4) No primary may be held for any single county partisan
2   office to fill an unexpired term if, after the last day allowed for
3   candidates to withdraw((7)):
4   (a) Only one candidate has filed for the position; or
5   (b) In a primary for a single-winner general election conducted
6   using ranked choice voting as provided in section 1 of this act, five
7   or fewer candidates have filed for the position.
8   (((4))) (5) For partisan office, if a candidate has expressed a
9   party preference on the declaration of candidacy, then that
10   preference will be shown after the name of the candidate on the
11   primary and general election ballots as set forth in rules of the
12   secretary of state. A candidate may choose to express no party
13   preference. Any party preferences are shown for the information of
14   voters only and may in no way limit the options available to voters.

15   **Sec. 6.**   RCW 29A.52.220 and 2013 c 195 s 1 are each amended to
16   read as follows:
17   (1) No primary may be held for any single position in any
18   nonpartisan office if, after the last day allowed for candidates to
19   withdraw, there are no more than two candidates filed for the
20   position, or in a primary for a single-winner general election
21   conducted using ranked choice voting as provided in section 1 of this
22   act, there are no more than five candidates filed for the position.
23   The county auditor shall as soon as possible notify all the
24   candidates so affected that the office for which they filed will not
25   appear on the primary ballot.
26   (2) No primary may be held for an office in a county, city, town,
27   or district that is conducting a multiwinner general election using
28   ranked choice voting as provided in section 1 of this act.
29   (3) No primary may be held for the office of commissioner of a
30   park and recreation district or for the office of cemetery district
31   commissioner.
32   (((3))) (4) Names of candidates for offices that do not appear on
33   the primary ballot shall be printed upon the general election ballot
34   in the manner specified by RCW 29A.36.131.

35   **Sec. 7.**   RCW 29A.24.010 and 2003 c 111 s 601 are each amended to
36   read as follows:
37   (1) Not less than thirty days before the first day for filing
38   declarations of candidacy under RCW 29A.24.050 for legislative,

judicial, county, city, town, or district office, where more than one
position with the same name, district number, or title will be voted
upon at the succeeding election, the filing officer shall designate
the positions to be filled by number, except as provided in
subsection (3) of this section.

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

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

Sec. 8. RCW 36.32.040 and 2018 c 113 s 205 are each amended to
read as follows:

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

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

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

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

3   **Sec. 9.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to
4 read as follows:
5   (1) Except as provided otherwise in subsection (2) of this
6 section or this chapter, county commissioners shall be elected by the
7 qualified voters of the county and the person receiving the highest
8 number of votes for the office of commissioner for the district in
9 which he or she resides shall be declared duly elected from that
10 district.
11   (2) Beginning in 2022, in any noncharter county with a population
12 of four hundred thousand or more, county commissioners must be
13 nominated and elected by the qualified electors of the commissioner
14 district in which he or she resides. The person receiving the highest
15 number of votes at a general election for the office of commissioner
16 for the district in which he or she resides must be declared duly
17 elected from that district.
18   (3) A county may conduct an election for county commissioners
19 using ranked choice voting as provided in section 1 of this act.
20   (a) A county that deals with commissioner positions as separate
21 offices and adopts ranked choice voting using the instant runoff
22 voting method as provided in section 1 of this act shall hold a
23 primary to winnow the list of candidates in the district to five. If
24 no more than five candidates have filed for a position after the last
25 day allowed for candidates to withdraw, the county may not hold a
26 primary for that position.
27   (b) A county that chooses not to deal with commissioner positions
28 as separate offices and instead adopts ranked choice voting in a
29 multiwinner contest using the single transferable vote method as
30 provided in section 1 of this act may not hold a primary for those
31 positions.

32   **Sec. 10.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to
33 read as follows:
34   (1) Officers shall be elected at biennial municipal elections to
35 be conducted as provided in chapter 35A.29 RCW. The mayor and the
36 councilmembers shall be elected for four-year terms of office and
37 until their successors are elected and qualified and assume office in
38 accordance with RCW 29A.60.280. At any first election upon

reorganization, councilmembers shall be elected as provided in RCW
35A.02.050. Thereafter the requisite number of councilmembers shall
be elected biennially as the terms of their predecessors expire and
shall serve for terms of four years. Except as provided in subsection
(2) of this section, the positions to be filled on the city council
shall be designated by consecutive numbers and shall be dealt with as
separate offices for all election purposes. Election to positions on
the council shall be by majority vote from the city at large, unless
provision is made by charter or ordinance for election by wards. The
mayor and councilmembers shall qualify by taking an oath or
affirmation of office and as may be provided by law, charter, or
ordinance.

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

       Sec. 11. RCW 28A.343.320 and 2015 c 53 s 11 are each amended to
read as follows:
       (1) Candidates for the position of school director shall file
their declarations of candidacy as provided in Title 29A RCW.
       (2) Except as provided in subsection (3) of this section, the
positions of school directors in each district shall be dealt with as
separate offices for all election purposes, and where more than one
position is to be filled, each candidate shall file for one of the
positions so designated: PROVIDED, That in school districts
containing director districts, or a combination of director districts
and director at large positions, candidates shall file for such
director districts or at large positions. Position numbers shall be
assigned to correspond to director district numbers to the extent
possible.
       (3) If the school board uses ranked choice voting as provided in
section 1 of this act, the school board shall choose whether to deal
with the positions of school directors as separate offices for
elections purposes.

       NEW SECTION. **Sec. 12.** A new section is added to chapter 52.14
RCW to read as follows:

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

4   NEW SECTION. **Sec. 13.** A new section is added to chapter 53.12
5 RCW to read as follows:
6   A port commission may conduct an election for port commissioner
7 using ranked choice voting as provided in section 1 of this act.

8   NEW SECTION. **Sec. 14.** (1) A ranked choice voting work group is
9 created.
10   (2) The work group shall consist of:
11   (a) A member from the office of the secretary of state, chosen by
12 the secretary;
13   (b) A member from the Washington state association of county
14 auditors, chosen by the association; and
15   (c) A member from an organization with expertise in ranked choice
16 voting. The governor shall solicit applications and choose the
17 organization for the work group. The organization shall choose its
18 member for the work group.
19   (3) The work group shall advise and aid the secretary of state in
20 drafting rules to implement this act, as provided in section 1 of
21 this act.
22   (4) The work group shall advise and aid the secretary of state in
23 developing implementation and support materials for local governments
24 that choose to enact ranked choice voting as provided in section 1 of
25 this act. These materials must be informed by known best practices
26 for ranked choice voting, such as best practices for ballot design,
27 voter education, and election results reporting. Examples of support
28 materials that may be developed by the work group include: Sample
29 ballots; voter education materials, such as flyers, brochures, video
30 explainers, and graphics; formats and timelines for reporting
31 election results; candidate trainings; and poll worker trainings.
32 When developing such materials, the work group may consult similar
33 materials developed by other jurisdictions that have previously
34 implemented ranked choice voting.
35   (5) In carrying out its duties under this section, the work group
36 must seek input from academics and other scholars of elections, the
37 association of Washington cities, the Washington state association of
38 counties, voting rights and election reform organizations,

1 organizations representing traditionally underrepresented communities
2 in Washington, tribes, and community stakeholders.
3   (6) This section expires December 1, 2023.

4   **Sec. 15.** RCW 29A.04.410 and 2020 c 337 s 1 are each amended to
5 read as follows:
6   (1) Every county, city, town, and district, and the state is
7 liable for its proportionate share of the costs when such elections
8 are held in conjunction with other elections held under RCW
9 29A.04.321 and 29A.04.330, except as provided in subsection (2) of
10 this section.
11   (2) The costs of implementing a ranked choice voting election, as
12 provided in section 1 of this act, borne by a county must be
13 apportioned under this section to the jurisdiction using ranked
14 choice voting. Implementation costs that must be apportioned under
15 this subsection include the costs associated with:
16   (a) Obtaining, upgrading, or developing any tabulation system
17 components necessary for ranked choice voting, including hardware and
18 software;
19   (b) The use or maintenance of any tabulation system components
20 necessary for ranked choice voting; and
21   (c) Voter education and outreach associated with ranked choice
22 voting.
23   (3) Whenever any county, city, town, or district, or the state
24 holds any primary or election, general or special, on an isolated
25 date, all costs of such elections must be borne by the county, city,
26 town, or district concerned, or the state as appropriate.
27   (4) The purpose of this section is to clearly establish that the
28 county is not responsible for any costs involved in the holding of
29 any city, town, district, state, or federal election.
30   (5) In recovering such election expenses, including a reasonable
31 proration of administrative costs, the county auditor shall certify
32 the cost to the county treasurer with a copy to the clerk or auditor
33 of the city, town, or district concerned, or the secretary of state
34 as appropriate. Upon receipt of such certification relating to a
35 city, town, or district, the county treasurer shall make the transfer
36 from any available and appropriate city, town, or district funds to
37 the county current expense fund or to the county election reserve
38 fund if such a fund is established. Each city, town, or district must
39 be promptly notified by the county treasurer whenever such transfer

1 has been completed. However, in those districts wherein a treasurer,
2 other than the county treasurer, has been appointed such transfer
3 procedure does not apply, but the district shall promptly issue its
4 warrant for payment of election costs. State and federal offices are
5 to be considered one entity for purposes of election cost proration
6 and reimbursement.

7   **Sec. 16.**   RCW 29A.12.080 and 2013 c 11 s 22 are each amended to
8 read as follows:
9   No <u>voting system or</u> voting device shall be approved by the
10 secretary of state unless it:
11   (1) Secures to the voter secrecy in the act of voting;
12   (2) Permits the voter to vote for any person for any office and
13 upon any measure that he or she has the right to vote for;
14   (3) Correctly registers all votes cast for any and all persons
15 and for or against any and all measures;
16   (4) Provides that a vote for more than one candidate cannot be
17 cast by one single operation of the voting device or vote tally
18 system except when voting for president and vice president of the
19 United States <u>or in an election using ranked choice voting</u>; and
20   (5) ((~~Except for functions or capabilities unique to this state,~~
21 ~~has~~)) <u>Has</u> been tested and certified by an independent testing
22 authority designated by the United States election assistance
23 commission<u>, except:</u>
24   <u>(a) For functions or capabilities unique to this state; or</u>
25   <u>(b) For stand-alone components of voting systems that have been</u>
26 <u>tested by an independent testing authority designated by the United</u>
27 <u>States election assistance commission but that cannot be officially</u>
28 <u>"certified" because the authority can certify only complete voting</u>
29 <u>systems</u>.

30   **Sec. 17.**   RCW 29A.36.121 and 2013 c 11 s 42 are each amended to
31 read as follows:
32   (1) The positions or offices on a primary consolidated ballot
33 shall be arranged in substantially the following order: United States
34 senator; United States representative; governor; lieutenant governor;
35 secretary of state; state treasurer; state auditor; attorney general;
36 commissioner of public lands; superintendent of public instruction;
37 insurance commissioner; state senator; state representative; county
38 officers; justices of the supreme court; judges of the court of

1 appeals; judges of the superior court; and judges of the district
2 court. ((~~For~~)) Except as provided in subsection (3) of this section,
3 for all other jurisdictions on the primary ballot, the offices in
4 each jurisdiction shall be grouped together and be in the order of
5 the position numbers assigned to those offices, if any.

6   (2) The order of the positions or offices on a general election
7 ballot shall be substantially the same as on a primary ballot except
8 that state ballot issues must be placed before all offices. The
9 offices of president and vice president of the United States shall
10 precede all other offices on a presidential election ballot. The
11 positions on a ballot to be assigned to ballot measures regarding
12 local units of government shall be established by the secretary of
13 state by rule.

14   (3) All offices that are elected using ranked choice voting as
15 provided in section 1 of this act must be grouped together, appearing
16 consecutively and in an order consistent with subsections (1) and (2)
17 of this section. The county auditor may, in the auditor's discretion,
18 place the grouping of offices elected using ranked choice voting at
19 any place on the ballot, except that the grouping of offices may not
20 be placed before any office that is required to come before it under
21 subsections (1) and (2) of this section.

22   NEW SECTION. **Sec. 18.** RCW 29A.04.127 (Primary) and 2005 c 2 s 5
23 & 2003 c 111 s 122 are each repealed.

24   NEW SECTION. **Sec. 19.** Subject to the availability of amounts
25 appropriated for this specific purpose, the secretary of state may
26 provide grants to county auditors and local governments to adopt
27 ranked choice voting as provided in this act."

28   Correct the title.

EFFECT: (1) Specifies that there is no primary for a general
election that is a multiwinner contest.
     (2) Removes the ability of a jurisdiction using ranked choice
voting for a single-winner election to choose to eliminate the
primary.
     (3) Clarifies the definitions of "instant runoff voting method"
and "single transferable vote method."
     (4) Provides that all ties in ranked choice voting are resolved
using the lot system.
     (5) Permits the use of stand-alone components of voting systems
that have been tested by an independent testing authority designated
by the United States Election Assistance Commission but that cannot

be officially "certified" because the authority can certify only complete voting systems.

(6) Specifies that costs borne by the county in implementing ranked choice voting are apportioned to the jurisdiction using ranked choice voting.

(7) Requires offices elected using ranked choice voting to be grouped together on the ballot, and gives the auditor some discretion as to where the grouping is placed.

(8) Permits, rather than requires, the Secretary of State to adopt rules regarding the maximum number of candidates a voter may rank.

(9) Requires the Ranked Choice Voting Work Group to aid the Secretary of State in developing implementation and support materials for governments that adopt ranked choice voting, and to seek input from a variety of organizations and stakeholders when carrying out its duties.

(10) Removes all provisions in the bill concerning notice and cost recovery under the Washington Voting Rights Act.

--- **END** ---