
HOUSE BILL 1014

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert and Graham

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1 AN ACT Relating to election of the governor by county; amending
2 RCW 29A.64.021 and 44.05.080; and adding a new section to chapter
3 29A.52 RCW.

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

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

7 (1) The general election for governor must be conducted in
8 accordance with this section.

9 (2) After each federal decennial census, the redistricting
10 commission must assign each county a number of electoral votes for
11 the election for governor. The commission must use the "method of
12 equal proportions" that is used to apportion seats for the federal
13 house of representatives under 2 U.S.C. Sec. 2b. Each county must
14 receive at least one electoral vote. There must be a total of 147
15 electoral votes allocated amongst the counties.

16 (3) Each county's electoral votes are assigned to the candidate
17 for governor who received the most votes in that county. After
18 receiving vote totals as provided in this title, the secretary of
19 state shall certify as the winner of the election the candidate who
20 receives the most electoral votes statewide. If two or more
21 candidates tie for the most electoral votes, whomever of those

1 candidates who has received the most votes statewide in the popular
2 vote shall be certified as the winner.

3 **Sec. 2.** RCW 29A.64.021 and 2013 c 11 s 66 are each amended to
4 read as follows:

5 (1) If the official canvass of all of the returns for any office
6 at any primary or election, except for governor, reveals that the
7 difference in the number of votes cast for a candidate apparently
8 qualified for the general election ballot or elected to any office,
9 and the number of votes cast for the closest apparently defeated
10 opponent is less than two thousand votes and also less than one-half
11 of one percent of the total number of votes cast for both candidates,
12 the county canvassing board shall conduct a recount of all votes cast
13 on that position.

14 (a) Whenever such a difference occurs in the number of votes cast
15 for candidates for a position the declaration of candidacy for which
16 was filed with the secretary of state, the secretary of state shall,
17 within three business days of the day that the returns of the primary
18 or election are first certified by the canvassing boards of those
19 counties, direct those boards to recount all votes cast on the
20 position.

21 (b) (i) For statewide elections, if the difference in the number
22 of votes cast for the apparent winner and the closest apparently
23 defeated opponent is less than one thousand votes and also less than
24 one-fourth of one percent of the total number of votes cast for both
25 candidates, the votes shall be recounted manually or as provided in
26 subsection (~~((3))~~) (4) of this section.

27 (ii) For elections not included in (b) (i) of this subsection, if
28 the difference in the number of votes cast for the apparent winner
29 and the closest apparently defeated opponent is less than one hundred
30 fifty votes and also less than one-fourth of one percent of the total
31 number of votes cast for both candidates, the votes shall be
32 recounted manually or as provided in subsection (~~((3))~~) (4) of this
33 section.

34 (2) In an election for governor, a county canvassing board shall
35 conduct a recount of all votes cast in that county for governor when:

36 (a) The difference in the number of votes cast in the county for
37 the top two candidates in the county is less than one-half of one
38 percent of the total number of votes cast in the county for both
39 candidates; and

1 (b) The number of electoral votes at stake in the county is large
2 enough that the recount could affect the outcome of the election.

3 (3) A mandatory recount shall be conducted in the manner provided
4 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory
5 recount may be charged to any candidate.

6 (~~(3)~~) (4) The apparent winner and closest apparently defeated
7 opponent for an office for which a manual recount is required under
8 subsection (1)(b) of this section may select an alternative method of
9 conducting the recount. To select such an alternative, the two
10 candidates shall agree to the alternative in a signed, written
11 statement filed with the election official for the office. The
12 recount shall be conducted using the alternative method if: It is
13 suited to the balloting system that was used for casting the votes
14 for the office; it involves the use of a vote tallying system that is
15 approved for use in this state by the secretary of state; and the
16 vote tallying system is readily available in each county required to
17 conduct the recount. If more than one balloting system was used in
18 casting votes for the office, an alternative to a manual recount may
19 be selected for each system.

20 **Sec. 3.** RCW 44.05.080 and 2018 c 301 s 10 are each amended to
21 read as follows:

22 In addition to other duties prescribed by law, the commission
23 shall:

24 (1) Adopt rules pursuant to the Administrative Procedure Act,
25 chapter 34.05 RCW, to carry out the provisions of Article II, section
26 43 of the state Constitution and of this chapter, which rules shall
27 provide that three voting members of the commission constitute a
28 quorum to do business, and that the votes of three of the voting
29 members are required for any official action of the commission;

30 (2) Act as the legislature's recipient of the final redistricting
31 data and maps from the United States Bureau of the Census;

32 (3) Comply with requirements to disclose and preserve public
33 records as specified in chapters 40.14 and 42.56 RCW;

34 (4) Hold open meetings pursuant to the open public meetings act,
35 chapter 42.30 RCW;

36 (5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

37 (6) Be subject to the provisions of RCW 42.17A.700;

38 (7) Prepare and publish a report with the plan; the report will
39 be made available to the public at the time the plan is published.

1 The report will include but will not be limited to: (a) The
2 population and percentage deviation from the average district
3 population for every district; (b) an explanation of the criteria
4 used in developing the plan with a justification of any deviation in
5 a district from the average district population; (c) a map of all the
6 districts; and (d) the estimated cost incurred by the counties for
7 adjusting precinct boundaries;

8 (8) Adopt a districting plan for a noncharter county with a
9 population of four hundred thousand or more, pursuant to RCW
10 36.32.054;

11 (9) Allocate county electoral votes for the election for governor
12 in accordance with section 1 of this act.

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