
SENATE BILL 5584

State of Washington

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By Senators Trudeau, Nobles, Das, Dhingra, Frockt, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Randall, Stanford, and C. Wilson

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1 AN ACT Relating to increasing representation and voter
2 participation in local elections; amending RCW 29A.60.221,
3 29A.52.112, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040,
4 28A.343.320, and 29A.04.410; reenacting and amending RCW 29A.36.170;
5 adding a new section to chapter 29A.52 RCW; adding a new section to
6 chapter 29A.04 RCW; adding a new section to chapter 52.14 RCW; adding
7 a new section to chapter 53.12 RCW; creating new sections; repealing
8 RCW 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) There are two types of ranked choice voting elections. If the
31 election is a single-winner contest, including an election in which
32 multiple positions with the same name, district number, or title are
33 dealt with as separate offices, the winner of each contest must be
34 determined using the instant runoff voting method, as defined in this
35 section and further provided in secretary of state rules. If the
36 election is a multiple-winner contest in which the positions are not
37 dealt with as separate offices, including a primary, the winners must
38 be determined using the single transferable vote method, as defined
39 in this section and further provided in secretary of state 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 as provided in
6 RCW 29A.60.221.

7 (5) A county, city, town, or district that conducts a general
8 election for a single-winner contest using ranked choice voting must
9 hold a primary using the single transferable vote method to winnow
10 candidates for the election to a final list of five candidates. A
11 county, city, town, or district that conducts a general election for
12 a multiple-winner contest using ranked choice voting may not hold a
13 primary.

14 (6) A county, city, town, or district that adopts ranked choice
15 voting before 2023 shall implement ranked choice voting for elections
16 beginning in 2025. A county, city, town, or district that adopts
17 ranked choice voting during or after 2023 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 is responsible for
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 is responsible for its
24 implementation.

25 (8) The secretary of state, before July 1, 2024, and in
26 consultation with the ranked choice voting work group created in
27 section 14 of this act, shall adopt rules to administer this section.
28 The secretary's rules must address, at minimum:

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

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

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

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

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

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

1 make out and deliver to the person thus duly declared elected a
2 certificate of election.

3 (3) For a tie occurring at any point during an election conducted
4 using ranked choice voting as provided in section 1 of this act, the
5 official empowered by state law to issue the original certificate of
6 election for the county, city, town, or district shall resolve any
7 tie using the lot method described in this section.

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

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

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

20 For any office for which a primary was held, only the names of
21 the top two candidates will appear on the general election ballot,
22 unless the election will be conducted using ranked choice voting as
23 provided in section 1 of this act, in which case only the names of
24 the top five candidates will appear on the general election ballot;
25 the name of the candidate who received the greatest number of votes
26 will appear first and the candidate who received the next greatest
27 number of votes will appear second. No candidate's name may be
28 printed on the subsequent general election ballot unless he or she
29 receives at least one percent of the total votes cast for that office
30 at the preceding primary, if a primary was conducted. On the ballot
31 at the general election for an office for which no primary was held,
32 the names of the candidates shall be listed in the order determined
33 pursuant to RCW 29A.36.131.

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

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

1 (2) Whenever candidates for a partisan office are to be elected,
2 the general election must be preceded by a primary conducted under
3 this chapter. Based upon votes cast at the primary, the top two
4 candidates, or the top five candidates in a primary for a general
5 election conducted using ranked choice voting as provided in section
6 1 of this act, will be certified as qualified to appear on the
7 general election ballot(~~(, unless only one candidate qualifies as~~
8 ~~provided in RCW 29A.36.170))~~).

9 (3) No primary may be held for any single county partisan office
10 to fill an unexpired term if, after the last day allowed for
11 candidates to withdraw(~~(,)~~):

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

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

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

23 **Sec. 6.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to
24 read as follows:

25 (1) No primary may be held for any single position in any
26 nonpartisan office if, after the last day allowed for candidates to
27 withdraw, there are no more than two candidates filed for the
28 position, or in a primary for a general election conducted using
29 ranked choice voting as provided in section 1 of this act, there are
30 no more than five candidates filed for the position. The county
31 auditor shall as soon as possible notify all the candidates so
32 affected that the office for which they filed will not appear on the
33 primary ballot.

34 (2) No primary may be held for the office of commissioner of a
35 park and recreation district or for the office of cemetery district
36 commissioner.

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

1 **Sec. 7.** RCW 29A.24.010 and 2003 c 111 s 601 are each amended to
2 read as follows:

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

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

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

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

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

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

1 same manner as candidates for other county offices are nominated in
2 all other respects.

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

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

7 **Sec. 9.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to
8 read as follows:

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

15 (2) Beginning in 2022, in any noncharter county with a population
16 of four hundred thousand or more, county commissioners must be
17 nominated and elected by the qualified electors of the commissioner
18 district in which he or she resides. The person receiving the highest
19 number of votes at a general election for the office of commissioner
20 for the district in which he or she resides must be declared duly
21 elected from that district.

22 (3) A county may conduct an election for county commissioners
23 using ranked choice voting as provided in section 1 of this act. A
24 county that uses district nominations and district elections and
25 adopts ranked choice voting as provided in section 1 of this act
26 shall hold a primary to winnow the list of candidates in the district
27 to five. If no more than five candidates have filed for a position
28 after the last day allowed for candidates to withdraw, the county may
29 not hold a primary for that position.

30 **Sec. 10.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to
31 read as follows:

32 (1) Officers shall be elected at biennial municipal elections to
33 be conducted as provided in chapter 35A.29 RCW. The mayor and the
34 councilmembers shall be elected for four-year terms of office and
35 until their successors are elected and qualified and assume office in
36 accordance with RCW 29A.60.280. At any first election upon
37 reorganization, councilmembers shall be elected as provided in RCW
38 35A.02.050. Thereafter the requisite number of councilmembers shall

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 53.12
2 RCW to read as follows:

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

5 NEW SECTION. **Sec. 14.** (1) A ranked choice voting work group is
6 created.

7 (2) The work group shall consist of:

8 (a) A member from the office of the secretary of state, chosen by
9 the secretary;

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

12 (c) A member from an organization with expertise in ranked choice
13 voting. The governor shall solicit applications and choose the
14 organization for the work group. The organization shall choose its
15 member for the work group.

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

19 (4) This section expires December 1, 2024.

20 **Sec. 15.** RCW 29A.04.410 and 2020 c 337 s 1 are each amended to
21 read as follows:

22 (1) Every county, city, town, and district, and the state is
23 liable for its proportionate share of the costs when such elections
24 are held in conjunction with other elections held under RCW
25 29A.04.321 and 29A.04.330, except as provided in subsection (2) of
26 this section.

27 (2) The costs of implementing a ranked choice voting election as
28 provided in section 1 of this act borne by a county must be
29 apportioned under this section to the jurisdiction using ranked
30 choice voting. Implementation costs that may be apportioned under
31 this subsection are the costs associated with:

32 (a) Obtaining, upgrading, or developing any tabulation system
33 components necessary for ranked choice voting, including hardware and
34 software;

35 (b) The use or maintenance of any tabulation system components
36 necessary for ranked choice voting; and

37 (c) Voter education and outreach associated with ranked choice
38 voting.

1 (3) Whenever any county, city, town, or district, or the state
2 holds any primary or election, general or special, on an isolated
3 date, all costs of such elections must be borne by the county, city,
4 town, or district concerned, or the state as appropriate.

5 (4) The purpose of this section is to clearly establish that the
6 county is not responsible for any costs involved in the holding of
7 any city, town, district, state, or federal election.

8 (5) In recovering such election expenses, including a reasonable
9 proration of administrative costs, the county auditor shall certify
10 the cost to the county treasurer with a copy to the clerk or auditor
11 of the city, town, or district concerned, or the secretary of state
12 as appropriate. Upon receipt of such certification relating to a
13 city, town, or district, the county treasurer shall make the transfer
14 from any available and appropriate city, town, or district funds to
15 the county current expense fund or to the county election reserve
16 fund if such a fund is established. Each city, town, or district must
17 be promptly notified by the county treasurer whenever such transfer
18 has been completed. However, in those districts wherein a treasurer,
19 other than the county treasurer, has been appointed such transfer
20 procedure does not apply, but the district shall promptly issue its
21 warrant for payment of election costs. State and federal offices are
22 to be considered one entity for purposes of election cost proration
23 and reimbursement.

24 NEW SECTION. **Sec. 16.** RCW 29A.04.127 (Primary) and 2005 c 2 s 5
25 & 2003 c 111 s 122 are each repealed.

26 NEW SECTION. **Sec. 17.** (1) Subject to the availability of
27 amounts appropriated for this specific purpose, the secretary of
28 state may provide grants to county auditors and local governments to
29 adopt ranked choice voting as provided in this act.

30 (2) Subject to the availability of amounts appropriated for this
31 specific purpose, the secretary of state may provide grants to a
32 political subdivision to make changes to its electoral system as a
33 remedy in response to one or more notices submitted under chapter
34 29A.92 RCW.

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