H-3072.1

SUBSTITUTE HOUSE BILL 2250

State of Washington   **68th Legislature**   **2024 Regular Session**

By House State Government & Tribal Relations (originally sponsored by Representatives Gregerson, Walen, Mena, Ramel, Duerr, Peterson, Reed, Berry, Berg, Stonier, Callan, Ryu, Chapman, Bateman, Reeves, Paul, Ormsby, Fosse, Cortes, Macri, Doglio, and Goodman)

READ FIRST TIME 01/31/24.

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, 36.32.040, 36.32.050, 29A.04.410, 29A.12.080,
4 and 29A.36.121; 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 new sections; 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.** The legislature finds that jurisdictions
11 throughout the state have been discussing adopting ranked choice
12 voting to elect their officials, with some jurisdictions exploring
13 the concept through resolutions and proposed charter amendments,
14 plaintiffs in Yakima county requesting it as a remedy under the
15 Washington voting rights act in July 2020, and Seattle voters having
16 already chosen it in November 2022. Without legislative guidance,
17 however, local governments and courts considering ranked choice
18 voting must independently develop their own unique methodology to
19 implement it.
20   The legislature wishes to ensure that state law provides
21 consistent and clear rules governing the use of ranked choice voting

1 in Washington. The legislature therefore intends for this act to
2 provide baseline definitions and legal requirements for ranked choice
3 voting elections throughout the state.

4 The legislature further intends to create a work group to aid the
5 secretary of state in developing effective rules and implementation
6 materials for local governments that enact ranked choice voting
7 through popular vote, by action of their governing body, or as a
8 remedy under the Washington voting rights act. The work group will
9 also develop high quality voter education standards and support
10 materials to aid in the implementation of ranked choice voting
11 throughout the state.

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

1 limitations from voting systems and ensure compatibility with all
2 ballot formats;

3   (c) A voter does not need to rank the maximum number of
4 candidates. The county auditor shall count a ballot regardless of how
5 many candidates the voter has ranked. The county auditor shall not
6 count votes for rankings made by a voter that are greater than the
7 maximum number of rankings allowed for each office;

8   (d) If a voter skips one or more numbers in ranking candidates,
9 or ranks an invalid write-in candidate, the county auditor shall
10 count any votes after the skipped number for the voter's next-highest
11 ranked candidates as if the voter had not skipped the number;

12   (e) If a voter provides the same number ranking to more than one
13 candidate, the county auditor may not count that vote ranking for any
14 candidate and may not count a vote for any subsequent number ranking
15 for that office;

16   (f) The election must be one of two types of ranked choice voting
17 elections. If the election is a single-winner contest, including an
18 election in which multiple positions with the same name, district
19 number, or title are dealt with as separate offices, the winner of
20 each contest must be determined using the instant runoff voting
21 method, as defined in this section and further provided in secretary
22 of state rules. If the election is a multiwinner contest, such as a
23 primary, the winners must be determined using the single transferable
24 vote method, as defined in this section and further provided in
25 secretary of state rules;

26   (g) If the requisite number of officers have not been elected, or
27 selected to continue to further rounds of vote tabulation, by reason
28 of two or more persons having an equal and highest number of votes
29 for the same office, the official empowered by state law to issue the
30 original certificate of election shall resolve the tie as provided in
31 RCW 29A.60.221.

32   (5) A county, city, town, or district that conducts a general
33 election for a single-winner contest using ranked choice voting must
34 hold a primary using the single transferable vote method to winnow
35 candidates for the election to a final list of five candidates.

36   (6) A county, city, town, or district that adopts ranked choice
37 voting must consult with its county auditor to determine the date
38 when ranked choice voting will be implemented, which must be within
39 two years following its adoption, unless a specific implementation

date is provided in a court order directing a jurisdiction to use
ranked choice voting as a remedy under RCW 29A.92.110.

(7) The county auditor whose county encompasses a county, city, town, or district that adopts ranked choice voting is responsible for the implementation of the system. If a city, town, or district has voters in two or more counties, each county auditor in which the city, town, or district has voters is responsible for its implementation.

(8) The secretary of state, before May 1, 2025, and in consultation with the ranked choice voting work group created in section 12 of this act, shall adopt rules to administer this section. The secretary's rules must address, at minimum:

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

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

(9) The secretary of state shall develop educational materials for the public and provide training for county auditors to implement ranked choice voting in accordance with the work group recommendations described in section 12 of this act.

(10) As used in this section:

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

(b) "Instant runoff voting method" means a method of counting votes in which ballots are counted in rounds and the candidate receiving the fewest number of votes is eliminated, continuing until one candidate receives a majority of all votes counted in that round and is declared the winner.

(c) "Single transferable vote method" means a method of counting votes in which:

(i) A winning threshold is calculated based on the number of votes cast and the number of seats to be filled, plus one;

(ii) Ballots are counted in rounds, and at the end of each round any candidate who receives enough votes to pass the winning threshold is declared elected. Any votes received by that candidate in excess of the threshold to win are transferred to other candidates. After all such votes have been transferred so that no candidate has votes

1 exceeding the winning threshold, the candidate with the least number
2 of votes is eliminated, and their votes are transferred to other
3 candidates in the next round; and

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

8   (11) This section does not apply to any jurisdiction that, on the
9 effective date of this section, uses ranked choice voting for one or
10 more offices.

11   **Sec. 3.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to
12 read as follows:

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

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

34   (3) For a tie occurring at any point in the counting process of
35 an election conducted using ranked choice voting as provided in
36 section 2 of this act, the official empowered by state law to certify
37 candidates for the general election ballot shall resolve the tie
38 using the lot method described in this section. If the tie occurs

1 before the final round of counting, the tie must be resolved as
2 expeditiously as possible.

3   NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04
4 RCW to read as follows:
5   "Primary" or "primary election" means a procedure for winnowing
6 candidates for public office to a final list of two as part of a
7 special or general election, or to a final list of five in a county,
8 city, town, or district election that uses ranked choice voting as
9 provided in section 2 of this act. Each voter has the right to cast a
10 vote for any candidate for each office without any limitation based
11 on party preference or affiliation, of either the voter or the
12 candidate.

13   **Sec. 5.** RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are
14 each reenacted and amended to read as follows:
15   For any office for which a primary was held, only the names of
16 the top two candidates will appear on the general election ballot,
17 unless the election will be conducted using ranked choice voting as
18 provided in section 2 of this act, in which case only the names of
19 the top five candidates will appear on the general election ballot;
20 the name of the candidate who received the greatest number of votes
21 will appear first and the candidate who received the next greatest
22 number of votes will appear second. No candidate's name may be
23 printed on the subsequent general election ballot unless he or she
24 receives at least one percent of the total votes cast for that office
25 at the preceding primary, if a primary was conducted. On the ballot
26 at the general election for an office for which no primary was held,
27 the names of the candidates shall be listed in the order determined
28 pursuant to RCW 29A.36.131.

29   **Sec. 6.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read
30 as follows:
31   (1) A primary is a first stage in the public process by which
32 voters elect candidates to public office.
33   (2) Whenever candidates for a partisan office are to be elected,
34 the general election must be preceded by a primary conducted under
35 this chapter.
36   (3) Based upon votes cast at the primary, the top two candidates,
37 or the top five candidates in a primary for a single-winner general

election conducted using ranked choice voting as provided in section 2 of this act, will be certified as qualified to appear on the general election ballot((, unless only one candidate qualifies as provided in RCW 29A.36.170)).

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

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

(b) In a primary for a single-winner general election conducted using ranked choice voting as provided in section 2 of this act, five or fewer candidates have filed for the position.

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

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

(1) No primary may be held for any single position in any nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position, or in a primary for a single-winner general election conducted using ranked choice voting as provided in section 2 of this act, there are no more than five candidates filed for the position. The county auditor shall as soon as possible notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

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

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

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

1   (1) Except as provided in subsections (2) and (3) of this
2 section, the qualified electors of each county commissioner district,
3 and they only, shall nominate from among their own number, candidates
4 for the office of county commissioner of such commissioner district
5 to be voted for at the following general election. Such candidates
6 shall be nominated in the same manner as candidates for other county
7 and district offices are nominated in all other respects.
8   (2) Except as provided in subsection (3) of this section, where
9 the commissioners of a county composed entirely of islands with a
10 population of less than thirty-five thousand have chosen to divide
11 the county into unequal-sized commissioner districts pursuant to the
12 exception provided in RCW 36.32.020, the qualified electors of the
13 entire county shall nominate from among their own number who reside
14 within a commissioner district, candidates for the office of county
15 commissioner of such commissioner district to be voted for at the
16 following general election. Such candidates shall be nominated in the
17 same manner as candidates for other county offices are nominated in
18 all other respects.
19   (3) A county may conduct an election for county commissioners
20 using ranked choice voting as defined in section 2 of this act.
21   (4) The commissioners of any county may authorize a change to
22 their electoral system pursuant to RCW 29A.92.040.

23   **Sec. 9.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to
24 read as follows:
25   (1) Except as provided otherwise in subsection (2) of this
26 section or this chapter, county commissioners shall be elected by the
27 qualified voters of the county and the person receiving the highest
28 number of votes for the office of commissioner for the district in
29 which he or she resides shall be declared duly elected from that
30 district.
31   (2) Beginning in 2022, in any noncharter county with a population
32 of four hundred thousand or more, county commissioners must be
33 nominated and elected by the qualified electors of the commissioner
34 district in which he or she resides. The person receiving the highest
35 number of votes at a general election for the office of commissioner
36 for the district in which he or she resides must be declared duly
37 elected from that district.
38   (3) A county may conduct an election for county commissioners
39 using ranked choice voting as provided in section 2 of this act. The

county shall hold a primary to winnow the list of candidates in the
district to five. If no more than five candidates have filed for a
position after the last day allowed for candidates to withdraw, the
county may not hold a primary for that position.

NEW SECTION. **Sec. 10.** A new section is added to chapter 52.14
RCW to read as follows:
A board of fire commissioners may conduct an election for fire
commissioner using ranked choice voting as provided in section 2 of
this act.

NEW SECTION. **Sec. 11.** A new section is added to chapter 53.12
RCW to read as follows:
A port commission may conduct an election for port commissioner
using ranked choice voting as provided in section 2 of this act.

NEW SECTION. **Sec. 12.** (1) A ranked choice voting work group is
created.
(2) The work group shall consist of:
(a) A member from the association of Washington cities, chosen by
the association;
(b) A member from the Washington state association of county
auditors, chosen by the association; and
(c) A member from an organization with expertise in ranked choice
voting. The governor shall solicit applications and choose the
organization for the work group. The organization shall choose its
member for the work group.
(3) The work group shall advise and aid the secretary of state in
drafting rules to implement this act, as provided in section 2 of
this act.
(4) The work group shall advise and aid the secretary of state in
developing implementation and support materials for local governments
that choose to enact ranked choice voting as provided in section 2 of
this act. These materials must be informed by known best practices
for ranked choice voting, such as best practices for ballot design,
voter education, and election results reporting. Examples of support
materials that may be developed by the work group include: Sample
ballots; formats and timelines for reporting election results; and
poll worker trainings. When developing such materials, the work group

1 may consult similar materials developed by other jurisdictions that
2 have previously implemented ranked choice voting.

3   (5) The work group shall also develop voter education materials
4 for local governments that choose to enact ranked choice voting as
5 provided in section 2 of this act. Examples of support materials that
6 may be developed by the work group include: Voter education
7 materials, such as flyers, brochures, video explainers, and graphics;
8 candidate trainings; media trainings; and poll worker trainings.
9 These materials must be developed by May 1, 2025.

10   (6) In carrying out its duties under subsection (5) of this
11 section, the work group must consult with and provide meaningful
12 opportunity for input from academics and other scholars of elections,
13 the association of Washington cities, the Washington state
14 association of counties, voting rights and election reform
15 organizations, organizations representing traditionally
16 underrepresented communities in Washington, tribes, and community
17 stakeholders.

18   (7) The work group must provide a report to the appropriate
19 committees of the legislature by June 1, 2025, detailing its
20 activities and recommendations.

21   (8) This section expires December 1, 2025.

22   **Sec. 13.** RCW 29A.04.410 and 2020 c 337 s 1 are each amended to
23 read as follows:

24   (1) Every county, city, town, and district, and the state is
25 liable for its proportionate share of the costs when such elections
26 are held in conjunction with other elections held under RCW
27 29A.04.321 and 29A.04.330, except as provided in subsection (2) of
28 this section.

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

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

37   (b) The use or maintenance of any tabulation system components
38 necessary for ranked choice voting;

(c) Hiring, training, and maintaining employees or other personnel needed to conduct ranked choice voting elections; and

(d) Voter education and outreach associated with ranked choice voting.

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

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

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

Sec. 14. RCW 29A.12.080 and 2013 c 11 s 22 are each amended to read as follows:

No voting system or voting device shall be approved by the secretary of state unless it:

(1) Secures to the voter secrecy in the act of voting;

(2) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;

(3) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(4) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally

system except when voting for president and vice president of the
United States <u>or in an election using ranked choice voting</u>; and

(5) ((<s>Except for functions or capabilities unique to this state,
has</s>)) <u>Has</u> been tested and certified by an independent testing
authority designated by the United States election assistance
commission<u>, except</u>:

<u>(a) For functions or capabilities unique to this state; or</u>

<u>(b) For stand-alone components of voting systems that have been</u>
<u>tested by an independent testing authority designated by the United</u>
<u>States election assistance commission but that cannot be officially</u>
<u>"certified" because the authority can certify only complete voting</u>
<u>systems</u>.

Sec. 15. RCW 29A.36.121 and 2013 c 11 s 42 are each amended to
read as follows:

(1) The positions or offices on a primary consolidated ballot
shall be arranged in substantially the following order: United States
senator; United States representative; governor; lieutenant governor;
secretary of state; state treasurer; state auditor; attorney general;
commissioner of public lands; superintendent of public instruction;
insurance commissioner; state senator; state representative; county
officers; justices of the supreme court; judges of the court of
appeals; judges of the superior court; and judges of the district
court. ((<s>For</s>)) <u>Except as provided in subsection (3) of this section,</u>
<u>for</u> all other jurisdictions on the primary ballot, the offices in
each jurisdiction shall be grouped together and be in the order of
the position numbers assigned to those offices, if any.

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

<u>(3) All offices that are elected using ranked choice voting as</u>
<u>provided in section 2 of this act must be grouped together, appearing</u>
<u>consecutively and in an order consistent with subsections (1) and (2)</u>
<u>of this section. The county auditor may, in the auditor's discretion,</u>
<u>place the grouping of offices elected using ranked choice voting at</u>

1 any place on the ballot, except that the grouping of offices may not
2 be placed before any office that is required to come before it under
3 subsections (1) and (2) of this section.

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

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