SECOND SUBSTITUTE HOUSE BILL 1448

State of Washington 69th Legislature 2025 Regular Session

By House Appropriations (originally sponsored by Representatives Gregerson, Farivar, Parshley, Doglio, Obras, Mena, Fosse, Scott, Salahuddin, Bernbaum, Pollet, Ramel, Nance, Walen, Reeves, Hill, Paul, Berry, Duerr, Fitzgibbon, Callan, Reed, Goodman, Peterson, Ortiz-Self, Macri, Ormsby, and Simmons)

READ FIRST TIME 02/28/25.

- 1 AN ACT Relating to increasing representation and voter 2 local elections; amending participation in RCW 29A.60.221, 3 29A.52.112, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050, 35A.12.040, 28A.343.320, 29A.04.410, 29A.12.080, and 29A.36.121; reenacting and 4 amending RCW 29A.36.170; adding new sections to chapter 29A.52 RCW; 5 adding a new section to chapter 29A.04 RCW; adding a new section to 6 7 chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; 8 creating new sections; and repealing RCW 29A.04.127.
- 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 the concept through resolutions and proposed charter amendments, 13 plaintiffs in Yakima county requesting it as a remedy under the 14 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.
- The legislature wishes to ensure that state law provides consistent and clear rules governing the use of ranked choice voting

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- 1 in Washington. The legislature therefore intends for this act to
- 2 provide baseline definitions, legal requirements, and high quality
- 3 voter education guidelines for ranked choice voting elections
- 4 throughout the state to aid local governments that enact ranked
- 5 choice voting through popular vote, by action of their governing
- 6 body, or as a remedy under the Washington voting rights act.
- NEW SECTION. Sec. 2. A new section is added to chapter 29A.52 8 RCW to read as follows:
- 9 (1) Except as provided in subsections (2) and (3) of this section, a county, city, town, school district, fire district, or port district may conduct its elections using ranked choice voting. A county, city, town, school district, fire district, or port district that adopts ranked choice voting may, but need not, use ranked choice voting for all offices in an election.
- 15 (2) A city, town, school district, fire district, or port 16 district that has voters in more than one county may conduct an 17 election using ranked choice voting only if:

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- (a) Another city, town, or district that lies entirely within at least two of the counties in which the city, town, or district has voters uses ranked choice voting; or
- 21 (b) A court orders the use of ranked choice voting as provided in 22 this section as a remedy under RCW 29A.92.110.
- 23 (3) Ranked choice voting may not be used in an election for an office for which two or fewer candidates are competing.
- 25 (4) An election using ranked choice voting must meet the 26 following requirements:
 - (a) The county auditor shall design the ballot to allow a voter to rank the candidates for a particular office in order of preference, including one write-in candidate;
 - (b) The county auditor must allow a voter to rank at least five candidates per office. The secretary of state may adopt rules that determine the maximum number of candidates per office that a voter is allowed to rank on a ballot in order to accommodate technical limitations from voting systems and ensure compatibility with all ballot formats;
- 36 (c) A voter does not need to rank the maximum number of 37 candidates. The county auditor shall count a ballot regardless of how 38 many candidates the voter has ranked. The county auditor shall not

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count votes for rankings made by a voter that are greater than the maximum number of rankings allowed for each office;

- (d) If a voter skips one or more numbers in ranking candidates, or ranks an invalid write-in candidate, the county auditor shall count any votes after the skipped number for the voter's next-highest ranked candidates as if the voter had not skipped the number;
- (e) If a voter provides the same number ranking to more than one candidate, the county auditor may not count that vote ranking for any candidate and may not count a vote for any subsequent number ranking for that office;
- (f) The election must be one of two types of ranked choice voting elections. If the election is a single-winner contest, including an election in which multiple positions with the same name, district number, or title are dealt with as separate offices, the winner of each contest must be determined using the instant runoff voting method, as defined in this section and further provided in secretary of state rules. If the election is a multiwinner contest in which the positions are not dealt with as separate offices, the winners must be determined using the single transferable vote method, as defined in this section and further provided in secretary of state rules;
- (g) If the requisite number of officers have not been elected, or selected to continue to further rounds of vote tabulation, by reason of two or more persons having an equal and highest number of votes for the same office, the official empowered by state law to issue the original certificate of election shall resolve the tie as provided in RCW 29A.60.221.
- (5) A county, city, town, or district that conducts a general election for a single-winner contest using ranked choice voting must hold a primary to winnow candidates for the election to a final list of five candidates. The primary is not conducted using ranked choice voting. Voters in the primary may vote for one candidate, and the top five candidates will be certified as qualified to appear on the general election ballot. A county, city, town, or district that conducts a general election for a multiwinner contest using ranked choice voting may not hold a primary.
- (6) A county, city, town, or district that adopts ranked choice voting must consult with its county auditor to determine the date when ranked choice voting will be implemented, which must be within two years following its adoption, unless a specific implementation

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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.
- 9 (8) The secretary of state shall adopt rules to administer this 10 section by May 1, 2026. The secretary's rules must address, at 11 minimum:
- 12 (a) Procedures for administering an election that includes voters 13 in more than one county as provided in subsection (2) of this 14 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) 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 exceeding the winning threshold, the candidate with the least number of votes is eliminated, and their votes are transferred to other candidates in the next round; and
- 39 (iii) The counting process stops when the number of elected 40 candidates equals the number of seats to be filled, or the number of

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candidates remaining equals the number of seats not yet filled by an elected candidate.

- (10) This section does not apply to any jurisdiction that adopts ranked choice voting for one or more offices prior to the effective date of this section.
- **Sec. 3.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to read as follows:
 - (1) If the requisite number of any federal, state, county, city, or district offices have not been nominated in a primary by reason of two or more persons having an equal and requisite number of votes for being placed on the general election ballot, the official empowered by state law to certify candidates for the general election ballot shall give notice to the several persons so having the equal and requisite number of votes to attend at the appropriate office at the time designated by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared nominated and placed on the general election ballot.
 - (2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election.
 - (3) For a tie occurring at any point in the counting process of an election conducted using ranked choice voting as provided in section 2 of this act, the official empowered by state law to certify candidates for the general election ballot shall resolve the tie using the lot method described in this section. If the tie occurs before the final round of counting, the tie must be resolved as expeditiously as possible.
- NEW SECTION. Sec. 4. A new section is added to chapter 29A.04 RCW to read as follows:

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

Sec. 5. RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are each reenacted and amended to read as follows:

For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot, unless the election will be conducted using ranked choice voting as provided in section 2 of this act, in which case only the names of the top five candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for an office for which no primary was held, the names of the candidates shall be listed in the order determined pursuant to RCW 29A.36.131.

- **Sec. 6.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read 26 as follows:
 - (1) A primary is a first stage in the public process by which voters elect candidates to public office.
 - (2) Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter, unless the general election is a multiwinner contest using ranked choice voting as provided in section 2 of this act.
- 33 (3) Based upon votes cast at the primary, the top two candidates, 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)).

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1 (((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, only one candidate has filed for the 3 4 position.

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- ((4))) (5) For partisan office, if a candidate has expressed a 5 6 party preference on the declaration of candidacy, then that 7 preference will be shown after the name of the candidate on the primary and general election ballots as set forth in rules of the 8 secretary of state. A candidate may choose to express no party 9 preference. Any party preferences are shown for the information of 10 11 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 12 13 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. 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 an office in a county, city, town, 20 21 or district that is conducting a multiwinner general election using ranked choice voting as provided in section 2 of this act. 22
- (3) No primary may be held for the office of commissioner of a 23 24 park and recreation district or for the office of cemetery district 25 commissioner.
- (((3))) (4) Names of candidates for offices that do not appear on 26 27 the primary ballot shall be printed upon the general election ballot 28 in the manner specified by RCW 29A.36.131.
- 29 Sec. 8. RCW 29A.24.010 and 2003 c 111 s 601 are each amended to 30 read as follows:
- (1) Not less than thirty days before the first day for filing 31 declarations of candidacy under RCW 29A.24.050 for legislative, 32 33 judicial, county, city, town, or district office, where more than one 34 position with the same name, district number, or title will be voted upon at the succeeding election, the filing officer shall designate 35 the positions to be filled by number, except as provided in 36 37 subsection (3) of this section.

p. 7 2SHB 1448 (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 2 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. 9.** RCW 36.32.040 and 2018 c 113 s 205 are each amended to 14 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) ((Where)) 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.
- 33 (3) A county may conduct an election for county commissioners 34 using ranked choice voting as defined in section 2 of this act.
- 35 <u>(4)</u> The commissioners of any county may authorize a change to their electoral system pursuant to RCW 29A.92.040.
- **Sec. 10.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to 38 read as follows:

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

- (2) Beginning in 2022, in any noncharter county with a population of four hundred thousand or more, county commissioners must be nominated and elected by the qualified electors of the commissioner district in which he or she resides. The person receiving the highest number of votes at a general election for the office of commissioner for the district in which he or she resides must be declared duly elected from that district.
- 14 (3) A county may conduct an election for county commissioners
 15 using ranked choice voting as provided in section 2 of this act.
 - (a) A county that deals with commissioner positions as separate offices and adopts ranked choice voting using the instant runoff voting method as provided in section 2 of this act shall hold a primary to winnow the list of candidates in the district to five.
 - (b) A county that chooses not to deal with commissioner positions as separate offices and instead adopts ranked choice voting in a multiwinner contest using the single transferable vote method as provided in section 2 of this act may not hold a primary for those positions.
- **Sec. 11.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to 26 read as follows:
 - (1) Officers shall be elected at biennial municipal elections to be conducted as provided in chapter 35A.29 RCW. The mayor and the councilmembers shall be elected for four-year terms of office and until their successors are elected and qualified and assume office in 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. ((The)) 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

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- 1 large, unless provision is made by charter or ordinance for election
- 2 by wards. The mayor and councilmembers shall qualify by taking an
- 3 oath or affirmation of office and as may be provided by law, charter,
- 4 or ordinance.
- 5 (2) If a city or town uses ranked choice voting as provided in
- 6 section 2 of this act, the city or town shall choose whether the
- 7 council positions to be filled will be designated by number and dealt
- 8 with as separate offices.
- 9 **Sec. 12.** RCW 28A.343.320 and 2015 c 53 s 11 are each amended to 10 read as follows:
- 11 <u>(1)</u> Candidates for the position of school director shall file 12 their declarations of candidacy as provided in Title 29A RCW.
- ((The)) (2) Except as provided in subsection (3) of this section,
- 14 the positions of school directors in each district shall be dealt
- 15 with as separate offices for all election purposes, and where more
- 16 than one position is to be filled, each candidate shall file for one
- 17 of the positions so designated: PROVIDED, That in school districts
- 18 containing director districts, or a combination of director districts
- 19 and director at large positions, candidates shall file for such
- 20 director districts or at large positions. Position numbers shall be
- 21 assigned to correspond to director district numbers to the extent
- 22 possible.
- 23 (3) If the school board uses ranked choice voting as provided in
- 24 <u>section 2 of this act, the school board shall choose whether to deal</u>
- 25 with the positions of school directors as separate offices for
- 26 <u>elections purposes</u>.
- NEW SECTION. Sec. 13. A new section is added to chapter 52.14
- 28 RCW to read as follows:
- 29 A board of fire commissioners may conduct an election for fire
- 30 commissioner using ranked choice voting as provided in section 2 of
- 31 this act.
- 32 <u>NEW SECTION.</u> **Sec. 14.** A new section is added to chapter 53.12
- 33 RCW to read as follows:
- A port commission may conduct an election for port commissioner
- 35 using ranked choice voting as provided in section 2 of this act.

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NEW SECTION. Sec. 15. A new section is added to chapter 29A.52
RCW to read as follows:

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- (1) Whenever a voting jurisdiction changes to a method of ranking candidates, the county auditor, in coordination with that jurisdiction, must notify the public of the change and create a public education campaign focused on familiarizing voters with any unique elements of the new process pursuant to best practices. The public education campaign should consider the needs of all voters in the jurisdiction, including:
- 10 (a) Persons with limited English proficiency and for whom English 11 is not their first language; and
 - (b) Persons with developmental disabilities and other disabilities that require assistance in understanding the new method.
 - (2) In jurisdictions where federal, state, or local law requires services for voting in languages other than English, there must also be advertising and education efforts undertaken in each required non-English language.
 - (3) All advertising and education efforts must clearly identify the voting jurisdiction that is covered under the new method of ranking candidates to ensure information is effective and consistent.
- 21 (4) All work done by the county auditor under this section is 22 subject to RCW 29A.04.410 and all costs to the county auditor shall 23 be reimbursed by the voting jurisdiction.
- 24 **Sec. 16.** RCW 29A.04.410 and 2020 c 337 s 1 are each amended to 25 read as follows:
- 26 <u>(1)</u> Every county, city, town, and district, and the state is 27 liable for its proportionate share of the costs when such elections 28 are held in conjunction with other elections held under RCW 29 29A.04.321 and 29A.04.330, except as provided in subsection (2) of 30 this section.
 - (2) The costs of implementing a ranked choice voting election, as provided in section 2 of this act, borne by a county must be apportioned under this section to the jurisdiction using ranked choice voting. Implementation costs that must be apportioned under this subsection include the costs associated with:
- (a) Obtaining, upgrading, or developing any tabulation system
 components necessary for ranked choice voting, including hardware and
 software;

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1 (b) The use or maintenance of any tabulation system components 2 necessary for ranked choice voting;

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- (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.
- 30 **Sec. 17.** RCW 29A.12.080 and 2013 c 11 s 22 are each amended to 31 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;
- 35 (2) Permits the voter to vote for any person for any office and 36 upon any measure that he or she has the right to vote for;
- 37 (3) Correctly registers all votes cast for any and all persons 38 and for or against any and all measures;

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(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 or in an election using ranked choice voting; and

- (5) ((Except for functions or capabilities unique to this state, has)) Has been tested and certified by an independent testing authority designated by the United States election assistance commission, except:
 - (a) For functions or capabilities unique to this state; or
- 10 <u>(b) For stand-alone components of voting systems that have been</u>
 11 <u>tested by an independent testing authority designated by the United</u>
 12 <u>States election assistance commission but that cannot be officially</u>
 13 <u>"certified" because the authority can certify only complete voting</u>
 14 <u>systems</u>.
- **Sec. 18.** RCW 29A.36.121 and 2013 c 11 s 42 are each amended to 16 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. ((For)) Except as provided in subsection (3) of this section, for 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.
 - (3) All offices that are elected using ranked choice voting as provided in section 2 of this act must be grouped together, appearing consecutively and in an order consistent with subsections (1) and (2)

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- of this section. The county auditor may, in the auditor's discretion,
- 2 place the grouping of offices elected using ranked choice voting at
- 3 any place on the ballot, except that the grouping of offices may not
- 4 be placed before any office that is required to come before it under
- 5 <u>subsections (1) and (2) of this section.</u>
- 6 <u>NEW SECTION.</u> **Sec. 19.** RCW 29A.04.127 (Primary) and 2005 c 2 s 5
- 7 & 2003 c 111 s 122 are each repealed.
- 8 NEW SECTION. Sec. 20. If specific funding for the purposes of
- 9 this act, referencing this act by bill or chapter number, is not
- 10 provided by June 30, 2025, in the omnibus appropriations act, this
- 11 act is null and void.

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