HOUSE BILL 2202

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State of Washington   **60th Legislature**   **2007 Regular Session**

By Representatives Curtis, Simpson, Seaquist, Moeller and Lantz

Read first time 02/13/2007. Referred to Committee on Local Government.

1   AN ACT Relating to establishing the option to use ranked choice
2 voting by cities and local taxing districts; amending RCW 29A.04.311,
3 29A.36.010, 29A.36.170, 29A.36.171, 29A.52.111, and 29A.52.210; adding
4 a new chapter to Title 29A RCW; and creating a new section.

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

6   NEW SECTION. **Sec. 1.** FINDINGS AND PURPOSE. (1) The legislature
7 finds that it is in the public interest to give local governments the
8 authority to select alternative voting systems.
9   (2) The legislature intends to allow city, town, and district
10 governments to use ranked choice voting in counties where ranked choice
11 voting has been approved and implemented for county elections.

12   NEW SECTION. **Sec. 2.** DEFINITIONS.   The definitions in this
13 section apply throughout this chapter unless the context clearly
14 requires otherwise.
15   (1) "Choice" means an indication on a ballot of a voter's ranking
16 of candidates for any single office according to the voter's
17 preference.

1   (2) "Local government" means any county, city, town, special
 2 purpose district, school district, port district, or other governmental
 3 subdivision or municipal corporation having nonpartisan elected
 4 officers.
 5   (3) "Ranked choice voting" means a system of voting where the
 6 following circumstances and procedures pertain:
 7   (a) Three or more candidates are running for the same office;
 8   (b) Voters may designate candidates for the same office in order of
 9 preference by indicating a first choice, a second choice, a third
10 choice, and so on for as many candidates as are on the ballot; and
11   (c) If no candidate receives a majority of first choice votes, the
12 winner of the election is determined by the method of giving effect to
13 votes as provided for in the ranked choice voting system adopted by the
14 local government.
15   (4) "Vote" means a ballot choice that is counted toward election of
16 a candidate.

17   NEW SECTION. **Sec. 3.** LOCAL OPTION FOR RANKED CHOICE VOTING
18 AUTHORIZED. Any local government may adopt ranked choice voting as a
19 method for electing candidates for nonpartisan offices of the local
20 government if adopted by charter amendment if required, or by other
21 appropriate action of the local government's legislative body.

22   NEW SECTION. **Sec. 4.** ELIMINATION OF PRIMARIES PERMITTED. Any
23 local government that adopts ranked choice voting may eliminate primary
24 elections for all offices in which the general election is conducted
25 under ranked choice voting.

26   **Sec. 5.** RCW 29A.04.311 and 2006 c 344 s 1 are each amended to read
27 as follows:
28   Nominating primaries for general elections to be held in November,
29 and the election of precinct committee officers, must be held on the
30 third Tuesday of the preceding August. This section does not apply to
31 elections conducted under ranked choice voting pursuant to chapter
32 29A.-- RCW (sections 1 through 4 of this act), where the primary has
33 been eliminated.

1   **Sec. 6.** RCW 29A.36.010 and 2005 c 2 s 12 are each amended to read
2 as follows:
3   On or before the day following the last day allowed for candidates
4 to withdraw under RCW ((29A.24.130)) 29A.24.131, the secretary of state
5 shall certify to each county auditor a list of the candidates who have
6 filed declarations of candidacy in his or her office for the primary if
7 a primary is to be held, or for the general election if not. For each
8 office, the certificate shall include the name of each candidate, his
9 or her address, and in the case of partisan elections his or her party
10 preference or independent designation as shown on filed declarations.

11   **Sec. 7.** RCW 29A.36.170 and 2005 c 2 s 6 are each amended to read
12 as follows:
13   (1) For any office for which a primary was held, only the names of
14 the top two candidates will appear on the general election ballot; the
15 name of the candidate who received the greatest number of votes will
16 appear first and the candidate who received the next greatest number of
17 votes will appear second. No candidate's name may be printed on the
18 subsequent general election ballot unless he or she receives at least
19 one percent of the total votes cast for that office at the preceding
20 primary, if a primary was conducted. On the ballot at the general
21 election for an office for which no primary was held, the names of the
22 candidates shall be listed in the order determined under RCW
23 ((29A.36.130)) 29A.36.131.
24   (2) For the office of justice of the supreme court, judge of the
25 court of appeals, judge of the superior court, or state superintendent
26 of public instruction, if a primary is held for such office and if a
27 candidate in a contested primary receives a majority of all the votes
28 cast for that office or position, only the name of that candidate may
29 be printed for that position on the ballot at the general election.

30   **Sec. 8.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to
31 read as follows:
32   (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
33 this section, on the ballot at the general election for a nonpartisan
34 office for which a primary was held, only the names of the candidate
35 who received the greatest number of votes and the candidate who
36 received the next greatest number of votes for that office shall appear

under the title of that office, and the names shall appear in that order. If a primary was conducted, 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. On the ballot at the general election for any other nonpartisan office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29A.36.131.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction, if a primary is held for such office and if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

Sec. 9. RCW 29A.52.111 and 2004 c 271 s 173 are each amended to read as follows:
Candidates for the following offices shall be nominated at partisan primaries held pursuant to the provisions of this chapter:
(1) Congressional offices;
(2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
(3) All county offices except (a) judicial offices ((and)), (b) those offices where a county home rule charter provides otherwise, and (c) elections conducted under ranked choice voting pursuant to chapter 29A.-- RCW (sections 1 through 4 of this act) in which the primary has been eliminated.

Sec. 10. RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to read as follows:
All city and town primaries shall be nonpartisan. Primaries for special purpose districts, except those districts that require ownership of property within the district as a prerequisite to voting, shall be nonpartisan. City, town, and district primaries shall be held as provided in RCW ((29A.04.310)) 29A.04.311 or chapter 29A.-- RCW (sections 1 through 4 of this act) related to ranked choice voting.

1   The purpose of this section is to establish the holding of a
2 primary, subject to the exemptions in RCW 29A.52.220 and chapter 29A.--
3 RCW (sections 1 through 4 of this act), as a uniform procedural
4 requirement to the holding of city, town, and district elections.
5 These provisions supersede any and all other statutes, whether general
6 or special in nature, having different election requirements.

7   NEW SECTION. **Sec. 11.** Captions used in this act are not any part
8 of the law.

9   NEW SECTION. **Sec. 12.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13   NEW SECTION. **Sec. 13.** Sections 1 through 4 of this act constitute
14 a new chapter in Title 29A RCW.

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