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**HOUSE BILL 1014**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Klippert and Graham

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries;

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

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

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