

SENATE BILL REPORT

SB 5536

As of February 16, 2009

Title: An act relating to the use of ranked choice voting in primary elections.

Brief Description: Using ranked choice voting in primary elections.

Sponsors: Senator Oemig.

Brief History:

Committee Activity: Government Operations & Elections: 2/10/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: Instant runoff voting (IRV), also known as ranked choice voting, is an election method requiring candidates to receive a majority, rather than a plurality, of the votes cast in a particular race. While requirements vary under ranked choice voting, voters may select more than one candidate for a single race and rank candidates in a preferential order. A candidate receiving a majority of "first choice" votes is elected. If no candidate receives a majority of the votes cast in the race after the first counting state, the "second choice" votes indicated on the ballots cast for the candidate receiving the fewest votes become additional votes for the candidates indicated in those ballot choices. The process generally continues until a candidate receives a majority of the votes cast for the position or until all but one candidate has been eliminated.

During the 2005 Legislative Session HB 1447 was enacted establishing a five-year IRV pilot project conducted by the Office of the Secretary of State to examine the use of IRV as a local option for nonpartisan offices in any qualifying first-class city. As a result, qualifying cities are allowed to adopt IRV for the election of nonpartisan offices. The pilot project and related amendatory provisions relating to HB 1447 expires July 1, 2013.

In November 2006 the voters of Pierce County approved Charter Amendment No. 3 - Instant Runoff Voting, which provides that the election of all county officials, except judges and the prosecuting attorney, be conducted using IRV. The first time IRV was utilized was the 2008 general election.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Partisan primaries must be conducted using the ranked choice voting format. After one candidate has received a majority of the votes during a counting stage, the two candidates with the largest number of votes will be certified as qualified to appear on the general election ballot.

Ranked choice voting is defined as a system of voting in which voters may designate as many as three candidates for the same office in order of preference by indicating a first choice, a second choice, and a third choice.

Voting instructions must be updated to inform voters about ranked choice voting.

For the purposes of ranked choice voting, votes cast on a single ballot for different candidates for an office constitute a single vote.

All city, town, and certain special district primaries must be conducted using ranked choice voting.

Any county qualifying for implementation of a ranked choice voting pilot project for its general election need not conduct a primary for the offices being determined by rank choice voting.

The population limit on which local jurisdictions can choose to implement pilot projects to use ranked choice voting for general elections is removed, and the date by which the project must begin is extended to August 1, 2010.

The term "instant runoff voting" is replaced with the term "ranked choice voting" in RCW 29A.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: I don't believe in a smaller county, such as Skamania County, that ranked choice voting would be a hardship. I don't believe that software is an issue. My vendor has the ability to run a ranked choice voting election. Twenty-nine counties in Washington have the same vendor.

CON: There are significant costs to be concerned with when conducting an election via ranked choice voting. A ranked choice voting election nearly doubled the costs for our November election in Pierce County. Educating voters has been quite a task. Despite our education program, voters were perplexed, surprised, and confused by ranked choice voting. Voters each received two ballots which created a significant cost. Ninety thousand voters responded to our survey regarding ranked choice voting and 66 percent of the voters in Pierce County did not like ranked choice voting. We spent \$137,000 in education materials

for the voters in our county. Smaller counties may not have the resources to take on this type of election procedure. Top two has just had its first run through and voters have indicated that they really like that system. Electing candidates with a majority of the vote occurs with top two, not just with ranked choice voting. Voters generally know who they want to vote for, they favor an up or down choice. Voters know what they like and don't like.

Persons Testifying: PRO: Michael Garvison, Skamania County Auditor.

CON: Jan Shabro, Lori Augino, Pierce County Auditor; Katie Blinn, Office of the Secretary of State; Matt Hamilton, Sharon Hanek, citizens.