

# HOUSE BILL REPORT

## HB 1447

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### As Passed Legislature

**Title:** An act relating to establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices.

**Brief Description:** Establishing a pilot project to examine the use of instant runoff voting for nonpartisan offices.

**Sponsors:** By Representatives Moeller, Jarrett, Morrell, Nixon, Fromhold, Kessler, Lantz, Upthegrove, Appleton, Green, Lovick, Dunshee, Buri, P. Sullivan, Ericks, Pettigrew, Schual-Berke, Simpson, Ormsby, Tom, Sells, Dickerson, McDermott, Wood, Santos, Hasegawa and Kilmer.

### Brief History:

#### Committee Activity:

State Government Operations & Accountability: 2/8/05, 2/22/05 [DP].

#### Floor Activity:

Passed House: 3/8/05, 63-34.

Passed Senate: 4/12/05, 38-9.

Passed Legislature.

### Brief Summary of Bill

- Establishes a five-year instant runoff voting (IRV) pilot project conducted by the Office of the Secretary of State (OSOS) to examine the use of IRV as a local option for nonpartisan offices in any qualifying city.
- Requires the pilot project to commence following submission to the OSOS of a notification of participation by a qualifying county auditor.
- Allows a qualifying city to adopt IRV for the election of nonpartisan candidates following a city charter amendment and compliance with other pilot project requirements.

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### HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

**Majority Report:** Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

**Staff:** Hannah Lidman (786-7291) and Marsha Reilly (786-7135).

**Background:**

IRV 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 instant runoff voting (IRV), 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 stage, the "second choice" designations indicated on the ballots cast for the candidate receiving the fewest votes become additional votes for the candidates indicated on those ballot choices. This 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.

Provisions for IRV do not exist in Washington law.

In Washington, city and town primary elections are nonpartisan and are held when more than two candidates file for the same position. Generally, if a primary was held for a nonpartisan office, the general election ballot must contain the names of the two candidates receiving the highest vote totals, listed in that order. If no primary was held, the order of the candidate names for the general election ballot is determined by a lot drawing by the county filing officer. The candidate receiving the highest vote total in the general election is elected to the office.

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**Summary of Bill:**

Upon receiving sufficient notification from a qualifying county auditor by January 1, 2007, the Office of the Secretary of State (OSOS) must conduct a five-year pilot project to study the effects of using IRV as a local option for nonpartisan offices in any qualifying city. The pilot project must begin by August 1, 2008, and conclude by July 1, 2013.

For the purposes of the pilot project, a qualifying city must:

- be classified as a first class city;
- have a population greater than 140,000 and less than 200,000; and
- have demonstrated support for IRV by approving a city charter amendment authorizing the city council to use IRV for the election of city officers.

Following the timely receipt of a notification of participation from a qualifying county auditor, notification that obligates participation by the auditor, the OSOS, in part, must:

- certify at least one city in that county to qualify and participate in the pilot project;
- develop and adopt rules governing the conduct of IRV elections;
- develop a pilot project time line; and
- certify all election equipment and related processes before an IRV election.

Additionally, the OSOS must submit a report of findings to the appropriate committees of the Legislature by July 1, 2013, that include:

- an assessment of all elections conducted using the IRV method;
- recommendations for statutory, rule, and procedural modifications that would be required prior to implementing IRV as a permanent alternative election method;
- an inventory of available election equipment and costs; and
- any recommendations from local government officials participating in the pilot project.

Upon the satisfaction of pilot project requirements, the legislative body of a qualifying city may adopt IRV as a method for electing candidates for all nonpartisan city offices during the pilot project. The city must, before conducting an IRV election, notify the applicable county auditor and the OSOS of its intent to hold such an election.

If the county auditor notifies the city that existing county election equipment is insufficient for the conduct of an IRV election, the city and county must reach an agreement for the purchase of any new equipment required for the election. The returns of an IRV election may, however, be canvassed by hand.

No primary election may be held for nonpartisan offices in any first class city if the city is a participant in the pilot project and is conducting an authorized IRV election. Participating cities conducting an IRV election must certify the results on or before the thirtieth day after the election.

Provisions related to the conduct of the pilot project, including tabulation and time line requirements, and ballot design and processing specifications, are established.

The pilot project and related amendatory provisions expire on July 1, 2013.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Citizens and charter cities should have the option to consider IRV for nonpartisan races. IRV is a modern and dynamic voting system. Voters like it and find it easy to use. IRV reduces campaign costs since candidates only run in one election. IRV eliminates a "spoiling phase" where voters are forced to vote for candidates because they don't want the opponent to win.

(With concerns) It may be time to have this policy discussion in Washington. There are concerns about the integrity of vote tabulation in the IRV process. After the approval of Initiative 872, all primaries are essentially nonpartisan and a candidate always wins by a majority after the general election. This bill allows for two certification dates where the county would certify the election 15 days after the election while city results would not be certified until 30 days after the election. This bill applies only to nonpartisan races but the "spoiling factor" remains a potential problem. This bill only allows for three choices.

Implementation is limited to cities according to their population and only three cities qualify. If the parameters were expanded to cities with populations between 50 and 100 thousand, several more cities would be able to take part. It might be better to have all nonpartisan races adopt IRV rather than have the city determine the elections and positions on a case-by-case basis.

**Testimony Against:** None

**Persons Testifying:** (In support) Representative Moeller, prime sponsor; Mark Brown, City of Vancouver; and Taryn Gearhart, Instant Runoff Voting for Washington.

(With concerns) Shane Hamlin, Office of the Secretary of State; and James Zukowski.

**Persons Signed In To Testify But Not Testifying:** None.