
SUBSTITUTE HOUSE BILL 1156

State of Washington

67th Legislature

2021 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Harris-Talley, Gregerson, Shewmake, Ormsby, Chopp, Lekanoff, Davis, Frame, Macri, Duerr, Pollet, Goodman, Berg, Taylor, Walsh, Rule, Ortiz-Self, Berry, Peterson, Thai, Wicks, Bateman, J. Johnson, Simmons, Fitzgibbon, Ramel, and Dolan)

READ FIRST TIME 02/15/21.

1 AN ACT Relating to increasing representation and voter
2 participation in local elections; amending RCW 29A.60.221,
3 29A.52.112, 29A.52.210, 29A.52.220, 29A.24.010, 36.32.040, 36.32.050,
4 35A.12.040, 28A.343.320, 29A.92.070, 29A.92.080, and 29A.92.130;
5 reenacting and amending RCW 29A.36.170; adding a new section to
6 chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW;
7 adding a new section to chapter 52.14 RCW; adding a new section to
8 chapter 53.12 RCW; creating new sections; repealing RCW 29A.04.127;
9 and providing an expiration date.

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

11 **PART I**

12 **RANKED CHOICE VOTING**

13 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.52
14 RCW to read as follows:

15 (1) Except as provided in subsections (2) and (3) of this
16 section, a county, city, town, school district, fire district, or
17 port district may conduct its elections using ranked choice voting. A
18 county, city, town, school district, fire district, or port district
19 that adopts ranked choice voting may, but need not, use ranked choice
20 voting for all offices in an election.

1 (2) A city, town, school district, fire district, or port
2 district that has voters in more than one county may conduct an
3 election using ranked choice voting only if:

4 (a) Another city, town, or district that lies entirely within at
5 least two of the counties in which the city, town, or district has
6 voters uses ranked choice voting; or

7 (b) A court orders the use of ranked choice voting as provided in
8 this section as a remedy under RCW 29A.92.110.

9 (3) Ranked choice voting may not be used in an election for an
10 office for which two or fewer candidates are competing.

11 (4) An election using ranked choice voting must meet the
12 following requirements:

13 (a) The county auditor shall design the ballot to allow a voter
14 to rank the candidates for a particular office in order of
15 preference, including one write-in candidate;

16 (b) The county auditor must allow a voter to rank at least five
17 candidates per office. The secretary of state must adopt rules that
18 determine the maximum number of candidates per office that a voter is
19 allowed to rank on a ballot;

20 (c) A voter does not need to rank the maximum number of
21 candidates. The county auditor shall count a ballot regardless of how
22 many candidates the voter has ranked. The county auditor shall not
23 assign votes for rankings made by a voter that are greater than the
24 maximum number of rankings allowed for each office;

25 (d) If a voter skips one or more numbers in ranking candidates,
26 or ranks an invalid write-in candidate, the county auditor shall
27 assign any votes after the skipped number to the voter's next-highest
28 ranked candidates as if the voter had not skipped the number;

29 (e) If a voter provides the same number ranking to more than one
30 candidate, the county auditor may not assign that vote ranking to any
31 candidate and may not assign a vote for any subsequent number ranking
32 for that office;

33 (f) If the election is a single-winner contest, including an
34 election in which multiple positions with the same name, district
35 number, or title are dealt with as separate offices, the winner of
36 each contest must be determined using the instant runoff voting
37 method, as defined in this section and further provided in secretary
38 of state rules. If the election is a multiple-winner contest in which
39 the positions are not dealt with as separate offices, the winners
40 must be determined using the single transferable vote method, as

1 defined in this section and further provided in secretary of state
2 rules;

3 (g) If the requisite number of officers have not been elected, or
4 selected to continue to further rounds of vote tabulation, by reason
5 of two or more persons having an equal and highest number of votes
6 for the same office, the official empowered by state law to issue the
7 original certificate of election shall resolve the tie using the tie-
8 breaking method selected by the county, city, town, or district as
9 provided in RCW 29A.60.221.

10 (5) A county, city, town, or district that conducts an election
11 using ranked choice voting must either:

12 (a) Eliminate the primary for the election; or

13 (b) Hold a primary using the single transferable vote method to
14 winnow candidates for the election to a final list of five
15 candidates.

16 (6) A county, city, town, or district that adopts ranked choice
17 voting before 2022 shall implement ranked choice voting for elections
18 beginning in 2024. A county, city, town, or district that adopts
19 ranked choice voting during or after 2022 must implement ranked
20 choice voting within two years following its adoption.

21 (7) The county auditor whose county encompasses a county, city,
22 town, or district that adopts ranked choice voting shall assist with
23 the implementation of the system. If a city, town, or district has
24 voters in two or more counties, each county auditor in which the
25 city, town, or district has voters shall assist with implementation.

26 (8) The secretary of state, before July 1, 2023, and in
27 consultation with the ranked choice voting work group created in
28 section 15 of this act, shall adopt rules to administer this section.
29 The secretary's rules must address, at minimum:

30 (a) Procedures for administering an election that includes voters
31 in more than one county as provided in subsection (2) of this
32 section;

33 (b) Procedures for tabulating votes under the instant runoff
34 voting method and single transferable vote method as provided in
35 subsection (4) of this section; and

36 (c) The maximum number of candidates a voter is allowed to rank
37 for each office as provided in subsection (4) of this section.

38 (9) The secretary of state shall develop educational materials
39 for the public and provide training for county auditors to implement
40 ranked choice voting.

1 (10) As used in this section:

2 (a) "Ranked choice voting" means a system of counting votes in
3 which votes are tabulated based on a voter's ranking of candidates in
4 order of preference as provided in this section.

5 (b) "Instant runoff voting method" means a system of counting
6 votes in which the ballots are counted in rounds simulating a series
7 of runoffs until two candidates remain or until one candidate has a
8 majority of all votes counting in that round. The candidate having
9 the greatest number of votes is declared the winner.

10 (c) "Single transferable vote method" means a system of counting
11 votes in which a winning threshold is calculated based on the number
12 of seats to be filled and the number of votes cast so that no more
13 than the correct number of candidates can win. The ballots must be
14 counted in rounds, with surplus votes transferred from winning
15 candidates and candidates with the fewest votes eliminated according
16 to the methodology established by the secretary of state in rules
17 adopted under subsection (8) of this section, until the number of
18 candidates remaining equals the number of seats to be filled.

19 **Sec. 2.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to
20 read as follows:

21 (1) Except as provided in subsection (3) of this section, if the
22 requisite number of any federal, state, county, city, or district
23 offices have not been nominated in a primary by reason of two or more
24 persons having an equal and requisite number of votes for being
25 placed on the general election ballot, the official empowered by
26 state law to certify candidates for the general election ballot shall
27 give notice to the several persons so having the equal and requisite
28 number of votes to attend at the appropriate office at the time
29 designated by that official, who shall then and there proceed
30 publicly to decide by lot which of those persons will be declared
31 nominated and placed on the general election ballot.

32 (2) Except as provided in subsection (3) of this section, if the
33 requisite number of any federal, state, county, city, district, or
34 precinct officers have not been elected by reason of two or more
35 persons having an equal and highest number of votes for one and the
36 same office, the official empowered by state law to issue the
37 original certificate of election shall give notice to the several
38 persons so having the highest and equal number of votes to attend at
39 the appropriate office at the time to be appointed by that official,

1 who shall then and there proceed publicly to decide by lot which of
2 those persons will be declared duly elected, and the official shall
3 make out and deliver to the person thus duly declared elected a
4 certificate of election.

5 (3) The secretary of state may adopt rules to provide for at
6 least three methods to resolve a tie occurring at any point during an
7 election conducted using ranked choice voting as provided in section
8 1 of this act, including the lot method described in this section. A
9 county, city, town, or district conducting an election as provided in
10 section 1 of this act shall choose in advance of the election which
11 method of resolving a tie will be used. If the secretary of state
12 does not adopt rules under this section, the county, city, town, or
13 district shall resolve any tie using the lot method described in this
14 section.

15 NEW SECTION. Sec. 3. A new section is added to chapter 29A.04
16 RCW to read as follows:

17 "Primary" or "primary election" means a procedure for winnowing
18 candidates for public office to a final list of two as part of a
19 special or general election, or to a final list of five in a county,
20 city, town, or district election that uses ranked choice voting as
21 provided in section 1 of this act. Each voter has the right to cast a
22 vote for any candidate for each office without any limitation based
23 on party preference or affiliation, of either the voter or the
24 candidate.

25 **Sec. 4.** RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are
26 each reenacted and amended to read as follows:

27 For any office for which a primary was held, only the names of
28 the top two candidates will appear on the general election ballot,
29 unless the election will be conducted using ranked choice voting as
30 provided in section 1 of this act, in which case only the names of
31 the top five candidates will appear on the general election ballot;
32 the name of the candidate who received the greatest number of votes
33 will appear first and the candidate who received the next greatest
34 number of votes will appear second. No candidate's name may be
35 printed on the subsequent general election ballot unless he or she
36 receives at least one percent of the total votes cast for that office
37 at the preceding primary, if a primary was conducted. On the ballot
38 at the general election for an office for which no primary was held,

1 the names of the candidates shall be listed in the order determined
2 pursuant to RCW 29A.36.131.

3 **Sec. 5.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read
4 as follows:

5 (1) A primary is a first stage in the public process by which
6 voters elect candidates to public office.

7 (2) Whenever candidates for a partisan office are to be elected,
8 the general election must be preceded by a primary conducted under
9 this chapter, unless the county, city, town, or district is
10 conducting the general election using ranked choice voting as
11 provided in section 1 of this act and has chosen not to use a
12 primary. Based upon votes cast at the primary, the top two
13 candidates, or the top five candidates in a primary for a general
14 election conducted using ranked choice voting as provided in section
15 1 of this act, will be certified as qualified to appear on the
16 general election ballot(~~(, unless only one candidate qualifies as~~
17 ~~provided in RCW 29A.36.170))~~).

18 (3) No primary may be held for any single county partisan office
19 to fill an unexpired term if, after the last day allowed for
20 candidates to withdraw(~~(,)~~):

21 (a) Only one candidate has filed for the position; or

22 (b) In a primary for a general election conducted using ranked
23 choice voting as provided in section 1 of this act, five or fewer
24 candidates have filed for the position.

25 (4) For partisan office, if a candidate has expressed a party
26 preference on the declaration of candidacy, then that preference will
27 be shown after the name of the candidate on the primary and general
28 election ballots as set forth in rules of the secretary of state. A
29 candidate may choose to express no party preference. Any party
30 preferences are shown for the information of voters only and may in
31 no way limit the options available to voters.

32 **Sec. 6.** RCW 29A.52.210 and 2013 c 11 s 51 are each amended to
33 read as follows:

34 All city and town primaries shall be nonpartisan. Primaries for
35 special purpose districts, except those districts that require
36 ownership of property within the district as a prerequisite to
37 voting, shall be nonpartisan. City, town, and district primaries
38 shall be held as provided in RCW 29A.04.311.

1 The purpose of this section is to establish the holding of a
2 primary, subject to the exemptions in RCW 29A.52.220, as a uniform
3 procedural requirement to the holding of city, town, and district
4 elections. However, a city, town, or district that conducts an
5 election using ranked choice voting as provided in section 1 of this
6 act may choose not to use a primary. These provisions supersede any
7 and all other statutes, whether general or special in nature, having
8 different election requirements.

9 **Sec. 7.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to
10 read as follows:

11 (1) No primary may be held for any single position in any
12 nonpartisan office if, after the last day allowed for candidates to
13 withdraw, there are no more than two candidates filed for the
14 position, or in a primary for a general election conducted using
15 ranked choice voting as provided in section 1 of this act, there are
16 no more than five candidates filed for the position. The county
17 auditor shall as soon as possible notify all the candidates so
18 affected that the office for which they filed will not appear on the
19 primary ballot.

20 (2) No primary may be held for an office in a county, city, town,
21 or district that is conducting the general election using ranked
22 choice voting as provided in section 1 of this act and has chosen not
23 to use a primary.

24 (3) No primary may be held for the office of commissioner of a
25 park and recreation district or for the office of cemetery district
26 commissioner.

27 ~~((3))~~ (4) Names of candidates for offices that do not appear on
28 the primary ballot shall be printed upon the general election ballot
29 in the manner specified by RCW 29A.36.131.

30 **Sec. 8.** RCW 29A.24.010 and 2003 c 111 s 601 are each amended to
31 read as follows:

32 (1) Not less than thirty days before the first day for filing
33 declarations of candidacy under RCW 29A.24.050 for legislative,
34 judicial, county, city, town, or district office, where more than one
35 position with the same name, district number, or title will be voted
36 upon at the succeeding election, the filing officer shall designate
37 the positions to be filled by number, except as provided in
38 subsection (3) of this section.

1 (2) The positions so designated shall be dealt with as separate
2 offices for all election purposes. With the exception of the office
3 of justice of the supreme court, the position numbers shall be
4 assigned, whenever possible, to reflect the position numbers that
5 were used to designate the same positions at the last full-term
6 election for those offices.

7 (3) In an election conducted using ranked choice voting as
8 provided in section 1 of this act in which there is more than one
9 position with the same name, district number, or title, the county,
10 city, town, or district shall choose whether the filing officer will
11 designate the positions to be filled by number and deal with
12 positions as separate offices.

13 **Sec. 9.** RCW 36.32.040 and 2018 c 113 s 205 are each amended to
14 read as follows:

15 (1) Except as provided in subsections (2) and (3) of this
16 section, the qualified electors of each county commissioner district,
17 and they only, shall nominate from among their own number, candidates
18 for the office of county commissioner of such commissioner district
19 to be voted for at the following general election. Such candidates
20 shall be nominated in the same manner as candidates for other county
21 and district offices are nominated in all other respects.

22 (2) Except as provided in subsection (3) of this section, where
23 the commissioners of a county composed entirely of islands with a
24 population of less than thirty-five thousand have chosen to divide
25 the county into unequal-sized commissioner districts pursuant to the
26 exception provided in RCW 36.32.020, the qualified electors of the
27 entire county shall nominate from among their own number who reside
28 within a commissioner district, candidates for the office of county
29 commissioner of such commissioner district to be voted for at the
30 following general election. Such candidates shall be nominated in the
31 same manner as candidates for other county offices are nominated in
32 all other respects.

33 (3) A county may conduct an election for county commissioners
34 using ranked choice voting as defined in section 1 of this act.

35 (4) The commissioners of any county may authorize a change to
36 their electoral system pursuant to RCW 29A.92.040.

37 **Sec. 10.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to
38 read as follows:

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

7 (2) Beginning in 2022, in any noncharter county with a population
8 of four hundred thousand or more, county commissioners must be
9 nominated and elected by the qualified electors of the commissioner
10 district in which he or she resides. The person receiving the highest
11 number of votes at a general election for the office of commissioner
12 for the district in which he or she resides must be declared duly
13 elected from that district.

14 (3) A county may conduct an election for county commissioners
15 using ranked choice voting as provided in section 1 of this act. A
16 county that uses district nominations and district elections and
17 adopts ranked choice voting as provided in section 1 of this act
18 shall hold a primary to winnow the list of candidates in the district
19 to five, unless the county has chosen under section 1 of this act not
20 to use a primary. If no more than five candidates have filed for a
21 position after the last day allowed for candidates to withdraw, the
22 county may not hold a primary for that position.

23 **Sec. 11.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to
24 read as follows:

25 (1) Officers shall be elected at biennial municipal elections to
26 be conducted as provided in chapter 35A.29 RCW. The mayor and the
27 councilmembers shall be elected for four-year terms of office and
28 until their successors are elected and qualified and assume office in
29 accordance with RCW 29A.60.280. At any first election upon
30 reorganization, councilmembers shall be elected as provided in RCW
31 35A.02.050. Thereafter the requisite number of councilmembers shall
32 be elected biennially as the terms of their predecessors expire and
33 shall serve for terms of four years. Except as provided in subsection
34 (2) of this section, the positions to be filled on the city council
35 shall be designated by consecutive numbers and shall be dealt with as
36 separate offices for all election purposes. Election to positions on
37 the council shall be by majority vote from the city at large, unless
38 provision is made by charter or ordinance for election by wards. The
39 mayor and councilmembers shall qualify by taking an oath or

1 affirmation of office and as may be provided by law, charter, or
2 ordinance.

3 (2) If a city or town uses ranked choice voting as provided in
4 section 1 of this act, the city or town shall choose whether the
5 council positions to be filled will be designated by number and dealt
6 with as separate offices.

7 **Sec. 12.** RCW 28A.343.320 and 2015 c 53 s 11 are each amended to
8 read as follows:

9 (1) Candidates for the position of school director shall file
10 their declarations of candidacy as provided in Title 29A RCW.

11 (2) Except as provided in subsection (3) of this section, the
12 positions of school directors in each district shall be dealt with as
13 separate offices for all election purposes, and where more than one
14 position is to be filled, each candidate shall file for one of the
15 positions so designated: PROVIDED, That in school districts
16 containing director districts, or a combination of director districts
17 and director at large positions, candidates shall file for such
18 director districts or at large positions. Position numbers shall be
19 assigned to correspond to director district numbers to the extent
20 possible.

21 (3) If the school board uses ranked choice voting as provided in
22 section 1 of this act, the school board shall choose whether to deal
23 with the positions of school directors as separate offices for
24 elections purposes.

25 NEW SECTION. **Sec. 13.** A new section is added to chapter 52.14
26 RCW to read as follows:

27 A board of fire commissioners may conduct an election for fire
28 commissioner using ranked choice voting as provided in section 1 of
29 this act.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 53.12
31 RCW to read as follows:

32 A port commission may conduct an election for port commissioner
33 using ranked choice voting as provided in section 1 of this act.

34 NEW SECTION. **Sec. 15.** (1) A ranked choice voting work group is
35 created.

36 (2) The work group shall consist of:

1 (a) A member from the office of the secretary of state, chosen by
2 the secretary;

3 (b) A member from the Washington state association of county
4 auditors, chosen by the association; and

5 (c) A member from an organization with expertise in ranked choice
6 voting. The governor shall solicit applications and choose the
7 organization for the work group. The organization shall choose its
8 member for the work group.

9 (3) The work group shall advise and aid the secretary of state in
10 drafting rules to implement this act, as provided in section 1 of
11 this act.

12 (4) This section expires December 1, 2023.

13 NEW SECTION. **Sec. 16.** RCW 29A.04.127 (Primary) and 2005 c 2 s 5
14 & 2003 c 111 s 122 are each repealed.

15 **PART II**

16 **VOTING RIGHTS ACT NOTICE COST RECOVERY**

17 **Sec. 17.** RCW 29A.92.070 and 2019 c 64 s 10 are each amended to
18 read as follows:

19 (1) The political subdivision shall work in good faith with the
20 person providing the notice to implement a remedy that provides the
21 protected class or classes identified in the notice an equal
22 opportunity to elect candidates of their choice. Such work in good
23 faith to implement a remedy may include, but is not limited to
24 consideration of: (a) Relevant electoral data; (b) relevant
25 demographic data, including the most recent census data available;
26 and (c) any other information that would be relevant to implementing
27 a remedy.

28 (2) If the political subdivision adopts a remedy that takes the
29 notice into account, or adopts the notice's proposed remedy, the
30 political subdivision shall seek a court order acknowledging that the
31 political subdivision's remedy complies with RCW 29A.92.020 and was
32 prompted by a plausible violation. The person who submitted the
33 notice may support or oppose such an order, and may obtain public
34 records to do so. The political subdivision must provide all
35 political, census, and demographic data and any analysis of that data
36 used to develop the remedy in its filings seeking the court order and
37 with any documents made public. All facts and reasonable inferences

1 shall be viewed in the light most favorable to those opposing the
2 political subdivision's proposed remedy at this stage. There shall be
3 a rebuttable presumption that the court will decline to approve the
4 political subdivision's proposed remedy at this stage.

5 (3) If the court concludes that the political subdivision's
6 remedy complies with RCW 29A.92.020, an action under this chapter may
7 not be brought against that political subdivision for four years by
8 any party so long as the political subdivision does not enact a
9 change to or deviation from the remedy during this four-year period
10 that would otherwise give rise to an action under this chapter.

11 (4) In agreeing to adopt the person's proposed remedy, the
12 political subdivision may do so by stipulation, which shall become a
13 public document.

14 (5) (a) If the court issues an order under subsection (2) of this
15 section, the person who sent the notice may make a demand to the
16 political subdivision for reimbursement of the costs incurred in
17 conducting the research necessary to send the notice. A demand made
18 under this subsection must:

19 (i) Be in writing;

20 (ii) Be received by the political subdivision within 30 days of
21 the adoption of the new electoral system; and

22 (iii) Include financial documentation, such as a detailed invoice
23 for demographic services, that support the demand. The political
24 subdivision may request additional documentation if the documentation
25 provided is insufficient for the political subdivision to corroborate
26 the claimed costs.

27 (b) The political subdivision shall, within 60 days of receiving
28 the demand, reimburse the reasonable costs of the person who sent the
29 notice, not to exceed \$30,000.

30 **Sec. 18.** RCW 29A.92.080 and 2019 c 64 s 11 are each amended to
31 read as follows:

32 (1) Any voter who resides in the political subdivision may file
33 an action under this chapter if, one hundred eighty days after a
34 political subdivision receives notice of a challenge to its electoral
35 system under RCW 29A.92.060, the political subdivision has not
36 obtained a court order stating that it has adopted a remedy in
37 compliance with RCW 29A.92.020. However, if notice is received after
38 July 1, 2021, then the political subdivision shall have ninety days
39 to obtain a court order before an action may be filed.

1 (2) If a political subdivision has received two or more notices
2 containing materially different proposed remedies, the political
3 subdivision shall work in good faith with the persons to implement a
4 remedy that provides the protected class or classes identified in the
5 notices an equal opportunity to elect candidates of their choice. If
6 the political subdivision adopts one of the remedies offered, or a
7 different remedy that takes multiple notices into account, the
8 political subdivision shall seek a court order acknowledging that the
9 political subdivision's remedy is reasonably necessary to avoid a
10 violation of RCW 29A.92.020. The persons who submitted the notice may
11 support or oppose such an order, and may obtain public records to do
12 so. The political subdivision must provide all political, census, and
13 demographic data and any analysis of that data used to develop the
14 remedy in its filings seeking the court order and with any documents
15 made public. All facts and reasonable inferences shall be viewed in
16 the light most favorable to those opposing the political
17 subdivision's proposed remedy at this stage. There shall be a
18 rebuttable presumption that the court will decline to approve the
19 political subdivision's proposed remedy at this stage.

20 (3) If the court concludes that the political subdivision's
21 remedy complies with RCW 29A.92.020, an action under this chapter may
22 not be brought against that political subdivision for four years by
23 any party so long as the political subdivision does not enact a
24 change to or deviation from the remedy during this four-year period
25 that would otherwise give rise to an action under this chapter.

26 (4) (a) If the court issues an order under subsection (2) of this
27 section, the persons who sent notices may make a demand to the
28 political subdivision for reimbursement of the costs incurred in
29 conducting the research necessary to send the notices. A demand made
30 under this subsection must:

31 (i) Be in writing;

32 (ii) Be received by the political subdivision within 30 days of
33 the adoption of the new electoral system; and

34 (iii) Include financial documentation, such as a detailed invoice
35 for demographic services, that support the demand. The political
36 subdivision may request additional documentation if the documentation
37 provided is insufficient for the political subdivision to corroborate
38 the claimed costs.

