
SUBSTITUTE SENATE BILL 5584

State of Washington

67th Legislature

2022 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Trudeau, Nobles, Das, Dhingra, Frockt, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Randall, Stanford, and C. Wilson)

READ FIRST TIME 01/27/22.

1 AN ACT Relating to increasing representation and voter
2 participation in local elections; amending RCW 29A.60.221,
3 29A.52.112, 29A.52.220, 36.32.040, 36.32.050, 35A.12.040, and
4 29A.04.410; reenacting and amending RCW 29A.36.170; adding a new
5 section to chapter 29A.52 RCW; adding a new section to chapter 29A.04
6 RCW; adding a new section to chapter 52.14 RCW; adding a new section
7 to chapter 53.12 RCW; creating new sections; repealing RCW
8 29A.04.127; and providing an expiration date.

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

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

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

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

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

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

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

8 (4) An election using ranked choice voting must meet the
9 following requirements:

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

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

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

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

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

30 (f) If the requisite number of officers have not been elected, or
31 selected to continue to further rounds of vote tabulation, by reason
32 of two or more persons having an equal and highest number of votes
33 for the same office, the official empowered by state law to issue the
34 original certificate of election shall resolve the tie as provided in
35 RCW 29A.60.221.

36 (5) A county, city, town, or district that adopts ranked choice
37 voting before 2023 shall implement ranked choice voting for elections
38 beginning in 2025. A county, city, town, or district that adopts
39 ranked choice voting during or after 2023 must implement ranked
40 choice voting within two years following its adoption.

1 (6) The county auditor whose county encompasses a county, city,
2 town, or district that adopts ranked choice voting is responsible for
3 the implementation of the system. If a city, town, or district has
4 voters in two or more counties, each county auditor in which the
5 city, town, or district has voters is responsible for its
6 implementation.

7 (7) The secretary of state, before July 1, 2024, and in
8 consultation with the ranked choice voting work group created in
9 section 12 of this act, shall adopt rules to administer this section.
10 The secretary's rules must address, at minimum:

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

14 (b) Procedures for tabulating votes under this section; and

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

17 (8) The secretary of state shall develop educational materials
18 for the public and provide training for county auditors to implement
19 ranked choice voting.

20 (9) As used in this section, "ranked choice voting" means a
21 system of counting votes in which votes are tabulated based on a
22 voter's ranking of candidates in order of preference using a system
23 of counting votes in which the ballots are counted in rounds
24 simulating a series of runoffs until two candidates remain or until
25 one candidate has a majority of all votes counting in that round. The
26 candidate having the greatest number of votes is declared the winner.

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

29 (1) If the requisite number of any federal, state, county, city,
30 or district offices have not been nominated in a primary by reason of
31 two or more persons having an equal and requisite number of votes for
32 being placed on the general election ballot, the official empowered
33 by state law to certify candidates for the general election ballot
34 shall give notice to the several persons so having the equal and
35 requisite number of votes to attend at the appropriate office at the
36 time designated by that official, who shall then and there proceed
37 publicly to decide by lot which of those persons will be declared
38 nominated and placed on the general election ballot.

1 (2) If the requisite number of any federal, state, county, city,
2 district, or precinct officers have not been elected by reason of two
3 or more persons having an equal and highest number of votes for one
4 and the same office, the official empowered by state law to issue the
5 original certificate of election shall give notice to the several
6 persons so having the highest and equal number of votes to attend at
7 the appropriate office at the time to be appointed by that official,
8 who shall then and there proceed publicly to decide by lot which of
9 those persons will be declared duly elected, and the official shall
10 make out and deliver to the person thus duly declared elected a
11 certificate of election.

12 (3) For a tie occurring at any point during an election conducted
13 using ranked choice voting as provided in section 1 of this act, the
14 official empowered by state law to issue the original certificate of
15 election for the county, city, town, or district shall resolve any
16 tie using the lot method described in this section.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04
18 RCW to read as follows:

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

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

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

1 at the preceding primary, if a primary was conducted. On the ballot
2 at the general election for an office for which no primary was held,
3 the names of the candidates shall be listed in the order determined
4 pursuant to RCW 29A.36.131.

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

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

9 (2) Whenever candidates for a partisan office are to be elected,
10 the general election must be preceded by a primary conducted under
11 this chapter. Based upon votes cast at the primary, the top two
12 candidates, or the top five candidates in a primary for a general
13 election conducted using ranked choice voting as provided in section
14 1 of this act, will be certified as qualified to appear on the
15 general election ballot (~~(, unless only one candidate qualifies as~~
16 ~~provided in RCW 29A.36.170))~~).

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

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

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

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

31 **Sec. 6.** RCW 29A.52.220 and 2013 c 195 s 1 are each amended to
32 read as follows:

33 (1) No primary may be held for any single position in any
34 nonpartisan office if, after the last day allowed for candidates to
35 withdraw, there are no more than two candidates filed for the
36 position, or in a primary for a general election conducted using
37 ranked choice voting as provided in section 1 of this act, there are
38 no more than five candidates filed for the position. The county

1 auditor shall as soon as possible notify all the candidates so
2 affected that the office for which they filed will not appear on the
3 primary ballot.

4 (2) No primary may be held for the office of commissioner of a
5 park and recreation district or for the office of cemetery district
6 commissioner.

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

10 **Sec. 7.** RCW 36.32.040 and 2018 c 113 s 205 are each amended to
11 read as follows:

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

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

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

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

34 **Sec. 8.** RCW 36.32.050 and 2018 c 301 s 7 are each amended to
35 read as follows:

36 (1) Except as provided otherwise in subsection (2) of this
37 section or this chapter, county commissioners shall be elected by the
38 qualified voters of the county and the person receiving the highest

1 number of votes for the office of commissioner for the district in
2 which he or she resides shall be declared duly elected from that
3 district.

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

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

19 **Sec. 9.** RCW 35A.12.040 and 2015 c 53 s 52 are each amended to
20 read as follows:

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

38 (2) If a city or town uses ranked choice voting as provided in
39 section 1 of this act, the city or town shall choose whether the

1 council positions to be filled will be designated by number and dealt
2 with as separate offices.

3 NEW SECTION. Sec. 10. A new section is added to chapter 52.14
4 RCW to read as follows:

5 A board of fire commissioners may conduct an election for fire
6 commissioner using ranked choice voting as provided in section 1 of
7 this act.

8 NEW SECTION. Sec. 11. A new section is added to chapter 53.12
9 RCW to read as follows:

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

12 NEW SECTION. Sec. 12. (1) A ranked choice voting work group is
13 created.

14 (2) The work group shall consist of:

15 (a) A member from the office of the secretary of state, chosen by
16 the secretary;

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

19 (c) A member from an organization with expertise in ranked choice
20 voting. The governor shall solicit applications and choose the
21 organization for the work group. The organization shall choose its
22 member for the work group.

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

26 (4) This section expires December 1, 2024.

27 **Sec. 13.** RCW 29A.04.410 and 2020 c 337 s 1 are each amended to
28 read as follows:

29 (1) Every county, city, town, and district, and the state is
30 liable for its proportionate share of the costs when such elections
31 are held in conjunction with other elections held under RCW
32 29A.04.321 and 29A.04.330, except as provided in subsection (2) of
33 this section.

34 (2) The costs of implementing a ranked choice voting election as
35 provided in section 1 of this act borne by a county must be
36 apportioned under this section to the jurisdiction using ranked

1 choice voting. Implementation costs that may be apportioned under
2 this subsection are the costs associated with:

3 (a) Obtaining, upgrading, or developing any tabulation system
4 components necessary for ranked choice voting, including hardware and
5 software;

6 (b) The use or maintenance of any tabulation system components
7 necessary for ranked choice voting; and

8 (c) Voter education and outreach associated with ranked choice
9 voting.

10 (3) Whenever any county, city, town, or district, or the state
11 holds any primary or election, general or special, on an isolated
12 date, all costs of such elections must be borne by the county, city,
13 town, or district concerned, or the state as appropriate.

14 (4) The purpose of this section is to clearly establish that the
15 county is not responsible for any costs involved in the holding of
16 any city, town, district, state, or federal election.

17 (5) In recovering such election expenses, including a reasonable
18 proration of administrative costs, the county auditor shall certify
19 the cost to the county treasurer with a copy to the clerk or auditor
20 of the city, town, or district concerned, or the secretary of state
21 as appropriate. Upon receipt of such certification relating to a
22 city, town, or district, the county treasurer shall make the transfer
23 from any available and appropriate city, town, or district funds to
24 the county current expense fund or to the county election reserve
25 fund if such a fund is established. Each city, town, or district must
26 be promptly notified by the county treasurer whenever such transfer
27 has been completed. However, in those districts wherein a treasurer,
28 other than the county treasurer, has been appointed such transfer
29 procedure does not apply, but the district shall promptly issue its
30 warrant for payment of election costs. State and federal offices are
31 to be considered one entity for purposes of election cost proration
32 and reimbursement.

33 NEW SECTION. Sec. 14. RCW 29A.04.127 (Primary) and 2005 c 2 s 5
34 & 2003 c 111 s 122 are each repealed.

35 NEW SECTION. Sec. 15. (1) Subject to the availability of
36 amounts appropriated for this specific purpose, the secretary of
37 state may provide grants to county auditors and local governments to
38 adopt ranked choice voting as provided in this act.

1 (2) Subject to the availability of amounts appropriated for this
2 specific purpose, the secretary of state may provide grants to a
3 political subdivision to make changes to its electoral system as a
4 remedy in response to one or more notices submitted under chapter
5 29A.92 RCW.

--- **END** ---