

HOUSE BILL REPORT

HB 2250

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to increasing representation and voter participation in local elections.

Brief Description: Increasing representation and voter participation in local elections.

Sponsors: Representatives Gregerson, Walen, Mena, Ramel, Duerr, Peterson, Reed, Berry, Berg, Stonier, Callan, Ryu, Chapman, Bateman, Reeves, Paul, Ormsby, Fosse, Cortes, Macri, Doglio and Goodman.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/24/24, 1/31/24 [DPS].

Brief Summary of Substitute Bill

- Permits the use of ranked choice voting (RCV) in elections for offices in counties, cities, towns, school districts, fire districts, and port districts, and establishes certain requirements for RCV ballot design and vote tabulation.
- Establishes an RCV work group to advise and aid the Secretary of State when developing implementation and support materials for local governments that enact RCV.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

Minority Report: Without recommendation. Signed by 3 members: Representatives Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Low.

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

Staff: Jason Zolle (786-7124).

Background:

Determining Election Winners.

Current Practice in Washington.

Each county in Washington has a canvassing board comprised of the chair of the county legislative body, the county auditor, and the county prosecuting attorney. For each election, the canvassing board is responsible for examining ballots, tabulating votes, and certifying election results. In elections for statewide office, United States Congress, and offices in legislative and judicial districts that include parts of more than one county, the Secretary of State (OSOS) then canvasses and certifies the returns.

With one exception, state law does not require any particular method for canvassing boards or the OSOS to determine which candidate should be certified as the winner after a general election. In current practice, the winners of single-member offices in all Washington jurisdictions are determined using the plurality system in which voters select one candidate and the candidate who receives the most votes is declared the winner. If there is a tie, the winner is chosen by lot. In the 2008 and 2009 elections, Pierce County instead used a method called ranked choice voting (RCV) to determine the winner of its county-level offices. Seattle voters adopted an initiative in 2022 to use RCV in its primary elections beginning in 2027.

Ranked Choice Voting.

Ranked choice voting is a method of voting in which voters may rank multiple candidates in order of preference. For single-winner elections, votes are tabulated using instant runoff voting. In this method, after voters' first-choice votes are tabulated, the candidate with the lowest number of votes is eliminated, and votes for that candidate are transferred to the next-ranked candidate on those ballots. Votes are retallied, and this process continues until one candidate reaches the threshold necessary to be declared the winner. In elections for multiple-member offices, or in a primary, votes are tabulated using the single transferable vote method. In this method, the winning threshold is calculated based on the number of seats to be filled and the number of votes cast. Ballots are counted in rounds, and votes are transferred to next-ranked candidates from candidates with the fewest votes, who are eliminated, as well as candidates who have already surpassed the threshold to win.

Municipalities in several states, including California, Colorado, Maine, Maryland, Massachusetts, Minnesota, New Mexico, and New York, have used RCV in municipal elections. Two states, Maine and Alaska, have used RCV in statewide and federal elections.

Primary Elections.

For primary elections, Washington uses a top-two primary system in which all candidates are listed on the same primary ballot and voters may choose any candidate. The name of the candidate who receives the greatest number of votes in the primary appears first on the

general election ballot, and the name of the candidate who receives the next greatest number of votes appears second. For offices in which there is more than one position with the same name, district number, or title, the positions are dealt with as separate offices to which candidates are elected in single-winner contests.

Summary of Substitute Bill:

Counties, cities, towns, school districts, fire districts, and port districts (eligible jurisdictions) that have voters in only one county may choose to use ranked choice voting (RCV) for their elections. An eligible jurisdiction that has voters in more than one county may choose to use RCV if another eligible jurisdiction that lies entirely within at least two counties of the original district uses RCV, or if RCV is ordered to remedy a violation of the Washington Voting Rights Act. An eligible jurisdiction that chooses to adopt RCV need not use it for every office in an election. Ranked choice voting must be implemented on a date chosen in consultation with the county auditor within two years following the adoption of RCV, unless a court orders a specific date. Jurisdictions that adopt RCV before the effective date of this act are exempt from the specifications in the act.

Certain requirements for RCV ballot design and vote tabulation are established. The Secretary of State (OSOS) is required to adopt rules by May 1, 2025, to specify and implement certain requirements. Eligible jurisdictions that adopt RCV must either hold a primary using RCV to winnow the list to five candidates or eliminate the primary altogether. No primary may be held if fewer than five candidates have filed for office.

The costs of implementing RCV that are borne by a county are apportioned to the jurisdiction that is using RCV.

An RCV work group is established, consisting of a member from the Association of Washington Cities, a member of the Washington State Association of County Auditors, and a member from an organization with expertise in RCV. The work group is required to advise and aid the OSOS when developing implementation and support materials for local governments that enact RCV. The work group must also develop voter education materials for such local governments. The work group must consult with and provide meaningful opportunity for input from a number of groups and organizations, as well as community stakeholders. A report to the Legislature is due June 1, 2025.

Substitute Bill Compared to Original Bill:

The substitute bill removes the ability of jurisdictions that adopt ranked choice voting (RCV) to choose to hold multi-winner contests for multiple positions of the same name, district, number, or title, rather than dealing with the positions as separate offices.

Jurisdictions that adopt RCV must consult with their county auditor to determine when

RCV will be implemented, still within two years of adoption, unless a court orders a specific implementation date.

Costs incurred by a county for hiring, training, and maintaining personnel as a result of a jurisdiction implementing RCV are added to the list of costs that are apportioned the jurisdiction that adopts RCV.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) More and more people have become interested in implementing ranked choice voting (RCV), recognizing the way that it improves voters' choices and encourages candidates to focus on public policy. Ranked choice voting is coming to Washington; Seattle has already voted to implement it. So the question is whether the rollout of RCV is coordinated or chaotic. Without guidance, there will be an incoherent patchwork of RCV standards throughout the state. Standardizing the approach to RCV will be good for county auditors. This bill creates a work group to help establish those guidelines. People can understand RCV, especially if there is a coherent approach to outreach and education as this bill would put into place. More than 20 cities and a few states have used RCV; it is tested and tried and supported by national-level experts.

(Opposed) It is difficult for immigrants and people with cognitive disabilities to understand RCV. There are different types of RCV and it is unfair to have different methods of voting for different jurisdictions. There is a concern about misinformation. It is unfair to counties to be forced to adapt to implementing RCV when a city within their jurisdiction decides to use it. It is a burden on the Secretary of State's office to be required to develop educational materials about RCV.

(Other) If there will be jurisdictions in Washington using RCV, it should be a standard system, not every county fending for themselves. There are concerns that counties cannot implement RCV with the systems and software they have. There are questions about whether current equipment can tabulate RCV ballots. These concerns, and any others, could and will be worked out as RCV is implemented. However, counties worry about any policy that imposes a mandate without monetary support.

Persons Testifying: (In support) Representative Mia Gregerson, prime sponsor; Nilu Jenks and Jason Grenn, FairVote Washington; Shannon Grimes, Sightline Institute; Cindy

Madigan, League of Women Voters; Jazmine Smith, The Washington Bus; Lisa Parshley, City of Olympia; and Colin Cole, More Equitable Democracy.

(Opposed) Cemal Richards; Steve Hobbs, Office of the Secretary of State; and Sharon Hanek.

(Other) Mike Hoover, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: Theresa Schrempp; Tim Eyman; Kim Slinger; Jeannette Mcchesney; Valerie Norman; James Ware; Mary Long, Conservative Ladies of Washington; Laurie Layne; Eryn Jordan, Washington Election Integrity Coalition United; and Brian Hatfield, Office of the Secretary of State.