

HOUSE BILL REPORT

HB 1448

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, Farivar, Parshley, Doglio, Obras, Mena, Fosse, Scott, Salahuddin, Bernbaum, Pollet, Ramel, Nance, Walen, Reeves, Hill, Paul, Berry, Duerr, Fitzgibbon, Callan, Reed, Goodman, Peterson, Ortiz-Self, Macri, Ormsby and Simmons.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/28/25, 2/11/25 [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 a pilot program to aid King County Elections in supporting individuals with developmental disabilities in the implementation of RCV in Seattle.
- Requires jurisdictions that adopt a method of ranking candidates to provide notice and educational materials to the public.

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 Mena, Chair; Stearns, Vice Chair; Doglio and Farivar.

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.

Minority Report: Do not pass. Signed by 3 members: Representatives Waters, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Chase.

Staff: Connor Schiff (786-7093).

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 Office of 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 of 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, New Mexico, New York, Maine, Minnesota, Maryland, Massachusetts, Oregon, Utah, Vermont, and Virginia, have used RCV in municipal elections. Two states, Alaska and Maine, 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.

Language Assistance for Voting Materials.

The federal Voting Rights Act specifies that states and political subdivisions must provide language assistance during elections for certain language minority groups (LMG) that meet specific criteria. Voting materials that must be translated include voter registration forms, ballots, and other forms of instructions or assistance.

States are required to provide language assistance if more than 5 percent of voting-age citizens in the state are members of an LMG and are limited-English proficient and the illiteracy rate, meaning the rate of voting-age citizens in the LMG who have not completed the fifth grade, is higher than the national average.

Political subdivisions are required to provide language assistance if the illiteracy rate of voting-age citizens in the LMG is higher than the national average and:

1. more than 5 percent of voting-age citizens in the political subdivision are members of an LMG and are limited-English proficient;
2. the political subdivision contains more than 10,000 voting-age citizens who are members of an LMG and are limited-English proficient; or
3. the political subdivision contains all or part of an Indian reservation and more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of an LMG and are limited-English proficient.

A single LMG includes persons who are American Indian, Asian American, Alaskan Native, or of Spanish heritage.

The Census Bureau Director is responsible for determining which states and political subdivisions are subject to these language assistance provisions. The list of covered jurisdictions is determined using American Community Survey census data and is updated every five years. Washington has four counties required to provide language assistance under the federal program: King County, which provides election information in Chinese, Vietnamese, and Spanish; and Adams, Franklin, and Yakima Counties, which provide materials in Spanish.

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.

Certain requirements for RCV ballot design, vote tabulation, and implementation are established, including provisions for duplicated rankings, skipped rankings, write-in candidates, and types of RCV elections. For single-winner contests, which includes elections in which multiple positions with the same title are treated as separate offices, the winner is determined using the instant runoff voting (IRV) method. For multiwinner contests in which the positions are not dealt with as separate offices, the winners are determined using the single transferable vote (STV) method.

For single-winner contests, jurisdictions that adopt RCV must hold a primary election to winnow the list to five candidates. The primary election is not conducted using RCV. For multi-winner contests, jurisdictions that adopt RCV may not hold a primary election.

The Office of the Secretary of State (OSOS) is required to adopt rules by May 1, 2026, to specify procedures for administering an election that includes voters in more than one county and procedures for tabulating votes under the IRV and STV methods.

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

Any jurisdiction that adopts a method of ranking candidates must, in coordination with the county auditor, notify the public of the change and create a public education campaign focused on familiarizing voters with unique elements of the new voting process. Types of materials that an education campaign may include are specified. In jurisdictions where federal, state, or local law requires services for voting in languages other than in English, educational materials must be translated into each required non-English language.

A pilot program is established to aid and advise King County Elections in supporting individuals with developmental disabilities in the implementation of RCV in Seattle's primary election. The pilot program is also required to develop recommendations on best practices for supporting individuals with developmental disabilities in the implementation of RCV and submit a report to the Legislature and the OSOS by December 31, 2027.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that the specifications for implementation of ranked choice voting (RCV) do not apply to jurisdictions that adopt RCV prior to the effective date of the implementation section rather than jurisdictions that use RCV on the effective date of the implementation section. The substitute bill eliminates the requirements that the Office of the Secretary of State develop educational materials for the public and provide training for county auditors to implement RCV. The substitute bill eliminates the RCV work group. The substitute bill requires jurisdictions that adopt a method of ranking candidates to notify the public of the change and create a public education campaign and provides details on the types of materials education campaigns may include. The substitute bill establishes a pilot program to aid and advise King County Elections in supporting individuals with developmental disabilities during the implementation of RCV in the City of Seattle's primary election. The pilot program must develop best practices for supporting individuals with developmental disabilities in the implementation of RCV and report on the recommendations to the Legislature and the Office of the Secretary of State.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 12, 2025.

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) This bill creates a framework and standards for implementing ranked choice voting (RCV). RCV is coming to the state; Seattle has already adopted RCV. The Washington Supreme Court has stated that RCV is a remedy for voter dilution and disenfranchisement under the Washington Voting Rights Act (WVRA). Jurisdictions may face legal challenges in implementing RCV after a judge orders them to implement RCV as a WVRA remedy. This bill clarifies the pathway to adopting RCV. This bill provides thoughtful and consistent standards across the state for the implementation of RCV. Without standardized guidelines, election officials will have issues with coordinating across jurisdictions. This bill allows the state to learn best practices for implementing RCV from other jurisdictions. The guidelines would aid county auditors in implementing RCV. RCV is safe and secure. Other states and municipalities already allow RCV. RCV has been introduced in Congress. Communities are better served by elections held using RCV because those elected more closely mirror the electorate. Community organizations support RCV. People know how to rank choices and think RCV is simple to use. It is not fair to think that people need to have a certain education or vote a certain number of times to understand RCV. Education materials should be provided instead of discrediting voters. RCV prevents false special interest groups from coming into communities. RCV would allow voters to vote for who they want to without fear of splitting the group.

(Opposed) RCV would increase expenses, logistical issues, and voter confusion. RCV requires an algorithm, which is more complicated than the current system that is used. There would be challenges in implementing RCV with the current voting system. The current method of voting works and does not need to be changed. RCV is a racist voting system. Implementation of RCV negatively impacted voter engagement in Portland and New York; voters who are people of color were less likely to know about the switch to RCV. Use of RCV would disenfranchise people who may have trouble understanding RCV. Whiter, wealthier neighborhoods are more likely to implement RCV. RCV is not the only available remedy for vote dilution under the WVRA. Disclosure of cast votes under the Public Records Act for RCV ballots may allow people to determine who a specific individual voted for. Vote recounts under an RCV system would be more expensive. RCV gives people more than one vote. RCV would confuse voters and voters would lose trust in the voting system. RCV allows for elections to be fixed behind the scenes. Traditional methods of voting provide clarity. When RCV was implemented in Pierce County, it was very confusing and voters did not feel confident in the outcome.

(Other) RCV can feel overwhelming to election officials; there are resources to assist them with ballot design and implementation. Best practices for implementing RCV already exist. Adoption of the proposed standards would help election officials know how to run RCV elections. It is not accurate that individuals with developmental disabilities are not able to understand RCV. The work group should develop materials that help support and accommodate individuals with developmental disabilities. There are already plain language materials that help individuals understand how to vote on bills and initiatives. Individuals with developmental disabilities should be involved with the implementation of the bill. Implementation of the instant runoff voting (IRV) method would be a mistake. Evidence shows that IRV does not consistently select the individual with the most votes, which allows the minority of voters to prevail.

Persons Testifying: (In support) Representative Mia Gregerson, prime sponsor; Nilu Jenks, FairVote Washington; Shannon Grimes, Sightline Institute; Colin Cole, More Equitable Democracy; Abigail Leong, Washington Voting Justice Coalition; Jessica Forsythe; Vivian Olson; Treveon Parish, The Washington Bus; Cindy Black, Fix Democracy First; and Eric Gonzalez Alfaro, Washington For Equitable Representation.

(Opposed) Erica Engelhart; Cemal Richards; Elona Kearney; Stuart Holmes, Office of Secretary of State; Sharon Hanek; Brian Hatfield, Office of Secretary of State; Rebecca Faust; LaWanda Hatch; and Tim Eyman, Initiative Activist.

(Other) Chris Hughes, Ranked Choice Voting Resource Center; Robert Bristow-Johnson; David Lord; and Esther Warwick, The Arc of King County.

Persons Signed In To Testify But Not Testifying: None.