

# SENATE BILL REPORT

## SB 5584

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As of January 17, 2022

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

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

**Sponsors:** Senators Trudeau, Nobles, Das, Dhingra, Frockt, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Stanford and Wilson, C..

**Brief History:**

**Committee Activity:** State Government & Elections: 1/19/22.

### Brief Summary of 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.
- Establishes a grant program administered by the Secretary of State, subject to appropriation, to assist local governments with the implementation of RCV or making changes to electoral systems in response to a notice filed under the Washington Voting Rights Act.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Staff:** Samuel Brown (786-7470)

**Background:** Ranked Choice Voting. In ranked choice voting (RCV), voters may rank multiple candidates in order of preference rather than only selecting a single candidate, as is current practice for all elections in Washington. Several states, including California, Colorado, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, and

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Virginia have authorized the use of RCV in local elections. Maine has used RCV in statewide and federal elections, while Alaska voters approved a ballot measure in 2020 that will require use of RCV in future state and federal elections.

Two methods used for RCV are the instant runoff method and the single transferable vote method.

Instant Runoff Method. In the instant runoff method, used for elections with a single winner, 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 re-tallied, and this process continues until one candidate reaches the threshold necessary to be declared the winner.

Single Transferable Vote Method. In the single transferable vote method, used for elections with multiple winners, the winning threshold for election is calculated based on the number of seats to be filled and the number of votes cast. Ballots are counted in rounds. Next-ranked candidates receive both:

- votes from candidates with the fewest votes, who are eliminated; and
- surplus votes from candidates who have already surpassed the threshold to win.

Washington Voting Rights Act. A county, city, town, school district, fire protection district, port district, and public utility district (political subdivision) violates the Washington Voting Rights Act (WVRA) when elections exhibit polarized voting and where there is a significant risk members of a protected class do not have an equal opportunity to elect candidates of choice as a result of dilution or abridgement of their rights. Any voter in an affected political subdivision may challenge the electoral system. If the political subdivision does not adopt a remedy to the alleged violation within 90 days, it is subject to a lawsuit.

Political subdivisions may take corrective action to change election systems in order to remedy a potential violation of WVRA, including through implementation of a district-based election system. The remedy must be certified by a court as compliant with WVRA and prompted by a plausible violation. If a violation is found, the court may order appropriate remedies and attorneys' fees and costs to a prevailing plaintiff.

**Summary of Bill:** Ranked Choice Voting. Counties, cities, towns, school districts, fire districts, and port districts (eligible jurisdictions) may use ranked choice voting (RCV) for elections to their governing bodies with at least three candidates. Eligible jurisdictions with voters in multiple counties may use RCV if:

- another eligible jurisdiction that lies entirely within multiple counties of that eligible jurisdiction uses RCV; or
- RCV is ordered to remedy a violation of WVRA.

If a jurisdiction's governing body is elected in a single-winner contest, including where

multiple positions with the same name, district number, or title are treated as separate offices, RCV must be conducted using the instant runoff method. If the governing body is elected through a multiple-winner contest where the positions are not dealt with as separate offices, RCV must be conducted using the single transferable vote method. Cities, towns, and school districts using RCV can choose whether governing body positions will be considered single-winner or multiple-winner contests.

Requirements for RCV ballot design and vote tabulation are established, including that RCV ballots must allow voters to rank at least five candidates per office in order of preference. A jurisdiction adopting RCV is not required to use it for every office in an election. RCV must be implemented within two years following its adoption by the jurisdiction, although no earlier than 2025.

Primary Elections. No primary may be held for multiple-winner races using RCV or if fewer than five candidates have filed for office in a particular single-winner race. If a primary election is held for a single-winner race, the RCV method must winnow the list to five candidates for the general election.

Ranked Choice Voting Work Group. An RCV work group is established, consisting of a member from the Office of the Secretary of State (Secretary), a member from the Washington State Association of County Auditors, and a member from an organization with expertise in RCV. The Secretary must consult with the work group when adopting rules to help administer and tabulate votes in RCV elections.

Grant Program. Subject to appropriation, the Secretary may provide grants to local governments to implement RCV or make changes to their electoral system in response to a notice filed under the WVRA.

**Appropriation:** None.

**Fiscal Note:** Requested on January 12, 2022.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.