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INITIATIVE 318

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 318 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to elections; amending RCW 29A.36.010, 29A.36.170,
2 29A.52.110, and 29A.60.220; Repealing Engrossed S.B. 6253 Laws of 2004;
3 and adding a new chapter to Title 29A RCW.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** FINDINGS AND PURPOSE. The people of
6 Washington state find that exclusive primary elections are expensive,
7 redundant, and poorly attended. It is in their interest to adopt a
8 process that combines the functions of primary and general elections in
9 a single election, so that all qualified candidates appear on the
10 ballot and are chosen by allowing voters to rank all candidates in
11 order of preference. Such a system would promote more fair and
12 democratic elections because it would allow a voter's backup choice or
13 choices to become effective if the voter's higher choice or choices
14 fail to achieve enough votes. Candidates of major parties are likely
15 to benefit from the second choices of minor party voters who hold
16 similar values in elections where the minor party candidate is
17 eliminated. Such a system assures that successful candidates will
18 almost always be elected by a majority vote rather than a plurality.

1 That system is called instant runoff voting (IRV). In the present
2 plurality system, a candidate in a field of three or more candidates
3 may win, even though he or she is unacceptable to most voters, simply
4 because the majority split their vote among a combination of other
5 acceptable candidates. Instant runoff voting will prevent this from
6 happening and should have the following additional benefits for
7 elections, candidates, and voters in Washington:

8 (1) No one's vote will be wasted because supporters of third-party,
9 independent, or underdog candidates will not feel compelled to vote for
10 a less favorable front-runner for fear of throwing the election to a
11 decidedly unacceptable candidate. Voters will therefore be able to
12 vote their true beliefs with their first choice votes, while still
13 making effective backup choices among the remaining acceptable
14 candidates.

15 (2) The taxpayers and candidates will save money because primary
16 elections become unnecessary.

17 (3) Successful candidates will reflect more closely the will of the
18 people and a clearer mandate for a winning candidate's position will be
19 created, giving better direction for policy making.

20 (4) Positive, issue-based campaigns will be encouraged and negative
21 campaigning significantly reduced because candidates will have to
22 appeal to a broader audience in order to attract second and third
23 choice votes.

24 (5) Losing candidates, who offered programs acceptable to some of
25 the voters, will not be forever tagged as "spoilers," or the "candidate
26 who helped elect the candidate of the opposing party."

27 (6) Voter interest and turnout should increase because a voter has
28 more choices and all votes will be more meaningful than under the
29 present system.

30 (7) Voters will find the system sensible and simple to understand--
31 as simple as 1-2-3.

32 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions set forth in
33 this section apply throughout this chapter.

34 (1) "Instant runoff voting" means a system of voting whereby voters
35 may rank candidates for the same office in order of preference, so that
36 voters may indicate a first choice, second choice, and so on for as
37 many of the candidates for such office as they wish.

1 (2) "Stage" or "stage in the counting" means one of successive
2 steps or rounds in counting voter choices for candidates to determine
3 whether a candidate has achieved a majority and, if not, which
4 candidate or candidates are eliminated.

5 (3) "Vote" means a ballot choice that is counted toward election of
6 a candidate under this chapter.

7 (4) "Choice" means an indication on a ballot of a voter's ranking
8 of the various candidates for the same office in order of preference.
9 A choice is a potential vote that may be counted as a vote to elect a
10 candidate depending on the rules for counting such choices provided in
11 this chapter.

12 (5) "Backup choice" is any choice ranked below a first choice.

13 (6) "Next choice" means the highest ranked choice for a remaining
14 candidate that has not become a vote at the stage referred to.

15 (7) "Last-place candidate" means a candidate who has received the
16 fewest votes among the candidates who remain at any stage.

17 (8) "Eliminate" or "eliminated candidate" refers to the
18 circumstance where a candidate has not received sufficient choices
19 under this chapter and is thereby dropped from the field of candidates.

20 (9) "Remaining candidate" means a candidate who has not been
21 eliminated. "Candidates who remain" are all those who have not been
22 eliminated at the stage referred to.

23 (10) "Exhausted ballot" means a ballot on which there are no
24 uncounted choices for remaining candidates, i.e., all choices made on
25 the ballot have been counted as potential votes for the various
26 candidates or contain choices for eliminated candidates or both and no
27 other choices remain to be counted.

28 (11) "Continuing ballot" means a ballot that is not exhausted.

29 NEW SECTION. **Sec. 3.** INSTANT RUNOFF VOTING. The instant runoff
30 system of voting is adopted in the manner specified in this chapter for
31 all applicable elections.

32 NEW SECTION. **Sec. 4.** COUNTING OF BALLOTS. (1) General
33 explanation. In general, instant runoff counting proceeds in the
34 following manner: In the first stage all first choices are counted.
35 If a candidate receives a majority of first choices he or she is
36 elected. If no candidate receives a majority on the first or any
37 subsequent stage then the last-place candidate at each stage is

1 eliminated. That process continues until all but one candidate has
2 been eliminated and that candidate is elected.

3 (2) Specific rules and procedures. The following specific rules
4 and procedures, subject to the conditions of this chapter, govern how
5 choices and votes are counted for each office that is subject to
6 instant runoff voting:

7 (a) All first choices are counted in the first stage, and if a
8 candidate has obtained a majority of those votes that candidate is
9 elected and counting ends.

10 (b) If no candidate has received a majority of first choices at the
11 first stage then second stage counting begins by eliminating the last
12 place candidate. The second choices on ballots that contained first
13 choices for the eliminated candidate are counted as choices for the
14 second choice candidate. A candidate who receives a majority of votes
15 at that stage is elected.

16 (c) The counting process continues through successive stages in
17 this manner with successive last-place candidates being eliminated and
18 the next choices made on continuing ballots on which backup choices
19 were made for eliminated candidates are counted for the remaining
20 candidate or candidates indicated by those choices until all but one
21 candidate has been eliminated and that candidate is then elected.

22 NEW SECTION. **Sec. 5. VOTING CONDITIONS AND LIMITATIONS. (1)**
23 Exhausted ballots. (a) Once a ballot is exhausted it is disregarded
24 and no longer counted or referred to.

25 (b) **A** ballot making duplicate choices, i.e., giving the same
26 ranking to more than one candidate for the same office, is exhausted
27 when the duplicate choice is reached and in that case no vote is
28 recorded for either of the two candidates involved.

29 (2) Skipped ranking. If a ballot choice skips a ranking, then the
30 next ranking below the skipped choice is moved up and counted as though
31 it were the rank of the skipped choice.

32 (3) Tie votes. Whenever a tie occurs at any stage in the counting
33 of choices, except in the final stage, the candidate who had the fewest
34 choices at the previous stage of tabulation is eliminated. If two such
35 candidates were also tied at a previous stage then the candidate with
36 the fewest choices in the subsequent stage is eliminated. If there are
37 two or more candidates who are tied at the final stage of counting then
38 the winner is determined by lot according to RCW 29A.60.220(2).

1 (4) Write-in votes. Voters may write in one candidate for each
2 office and assign a ranking to such write-in candidate along with
3 candidates whose names are already on the ballot.

4 (5) Insufficient choices made. If after all choices on all ballots
5 have been counted and no candidate has achieved a majority then the
6 candidate with the most votes is elected.

7 (6) Votes for eliminated candidates. No votes may be counted for
8 a candidate who has been eliminated no matter how many backup choices
9 might otherwise have become votes for the candidate.

10 NEW SECTION. **Sec. 6.** APPLICABILITY. (1) Offices covered. This
11 chapter applies to and governs elections for the following offices:

12 (a) Governor, lieutenant governor, treasurer, auditor, attorney
13 general, secretary of state, insurance commissioner, commissioner of
14 public lands, superintendent of public instruction, and any other
15 statewide elective executive offices;

16 (b) Members of the Washington state legislature;

17 (c) Judges of the supreme court, court of appeals, the superior
18 courts, and district courts of this state;

19 (d) President and vice president of the United States; and

20 (e) Members of the United States senate and United States house of
21 representatives.

22 (2) Elections covered. This chapter applies to and governs voting
23 in all regular and special elections.

24 (3) Primary elections. Primary elections are not required for or
25 applicable to and may not be conducted for all offices governed by this
26 chapter. There will be only a general election under instant runoff
27 voting rules for these offices.

28 NEW SECTION. **Sec. 7.** QUALIFICATIONS FOR CANDIDACY. Anyone
29 applying for candidacy and seeking placement on an instant runoff
30 ballot must meet the following requirements:

31 (1) All applicable requirements of RCW 29A.20.020 and 29A.24.030
32 and of any other applicable statutory requirements;

33 (2) In the case of partisan public office the applicant must be
34 either:

35 (a) The nominee of a major political party as determined by the
36 rules and regulations of such party; or

1 (b) The nominee of a nominating convention according to the
2 procedures for minor party and independent candidates as prescribed in
3 RCW 29A.20.110 through 29A.20.200.

4 NEW SECTION. **Sec. 8.** PARTY AFFILIATION INDICATION ON BALLOTS.
5 The party affiliation or independent candidacy of any candidate for
6 partisan office must be indicated on the ballot according to the
7 provisions of RCW 29A.36.120(3), but in addition to that, if any duly
8 nominated nominee of a political party requests in his or her
9 declaration of candidacy that an indication be made on the ballot that
10 the candidate is the official nominee of his or her party then that
11 indication must be printed next to the name of the candidate on the
12 election ballot. Only one candidate for each contested position may be
13 named or indicated on the ballot as the official nominee of any
14 political party.

15 NEW SECTION. **Sec. 9.** LOCAL OPTION AUTHORIZED. Any county, city,
16 town, special purpose district, school district, port district, or
17 other governmental subdivision having elected officers may use instant
18 runoff voting in its elections if adopted by charter amendment, if
19 required, or by other appropriate action of its governing body, and, if
20 so, the provisions of RCW 29A.52.210 are inapplicable.

21 NEW SECTION. **Sec. 10.** BALLOT SPECIFICATIONS AND DIRECTIONS TO
22 VOTERS. Ballots should be simple and easy to understand. Sample
23 ballots illustrating voting procedures must be posted in or near the
24 voting booth, and included in the instruction packet of absentee
25 ballots. The secretary of state or such other local officials as are
26 authorized to design and prepare ballots may deviate from instant
27 runoff voting requirements on the portion of ballots where there are
28 only one or two candidates running for the same office. Directions
29 provided to voters must conform substantially to the following
30 specifications:

31 "You may vote for candidates in order of preference.
32 Indicate your first choice by marking the number "1" beside a
33 candidate's name (or by marking in the column labeled "First
34 Choice"), your second choice by marking the number "2" (or by
35 marking in the column labeled "Second Choice"), your third
36 choice by the number "3" (or marking the "Third Choice" column)

1 and so on, for as many or as few choices as you wish. You are
2 under no obligation to rank more than one candidate for each
3 office, but ranking additional candidates will not affect your
4 first-choice candidate. Do not mark the same number beside
5 more than one candidate (or put more than one mark in each
6 column for the office you are voting on). Do not skip
7 numbers."

8 NEW SECTION. **Sec. 11.** CHANGES IN VOTING DEVICES AND COUNTING
9 METHODS. Appropriate election officials of this state may provide for
10 the use of electronic, computerized, or other devices for marking,
11 sorting, and counting the ballots and tabulating the results, and may
12 modify the design and form of the ballots, the directions to voters,
13 and the details with respect to the method of marking, sorting,
14 invalidating, and retaining of ballots, and the counting of votes, as
15 long as no change is made inconsistent with provisions, purposes, or
16 principles of this chapter. Election officials should provide voters
17 with a ballot that has a special design, format, or layout for offices
18 to which instant runoff voting applies but the parts of ballots for
19 contests that have only one or two candidates for the same office may
20 differ from the parts of ballots that have three or more candidates.

21 NEW SECTION. **Sec. 12.** CONSTRUCTION. (1) Construction of other
22 election statutes. All statutes and parts of statutes relating to
23 elections to which this chapter is applicable are to be construed
24 consistent with this chapter and must be interpreted to the greatest
25 reasonable extent to harmonize with this chapter.

26 (2) Interpretation of the term "votes." Any statute that refers to
27 "votes" in an election to which this chapter applies should be
28 construed so that votes are counted and treated as set forth in this
29 chapter and the term "votes" or the phrase "greatest number of votes"
30 or "highest number of votes" in any such statute must be interpreted to
31 mean "votes" as defined in this chapter.

32 (3) Interpretation of the term "primary." Any statute that refers
33 to a "primary" or "primary election" must be interpreted to apply only
34 to elections where primaries have not specifically been made
35 inapplicable by this chapter.

36 (4) Section captions. Section captions used in this chapter are
37 not part of the law.

1 (5) Severability. The provisions of this act are independent and
2 severable. If any provision or part of this act, or the applicability
3 of any provision to any person or circumstance, is held to be invalid
4 by any court, the remainder of this act is not affected and must be
5 given effect to the fullest extent possible.

6 (6) General. All statutes and parts of statutes relating to
7 elections to which this chapter is applicable must be construed to the
8 greatest reasonable extent to harmonize with this chapter.

9 **Sec. 13.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
10 read as follows:

11 On or before the day following the last day for political parties
12 to fill vacancies in the ticket as provided by RCW 29A.28.010, the
13 secretary of state shall certify to each county auditor a list of the
14 candidates who have filed declarations of candidacy in his or her
15 office for the primary if a primary is to be held for that office or
16 for the general election if no primary is held. For each office, the
17 certificate shall include the name of each candidate, his or her
18 address, and his or her party designation, if any.

19 **Sec. 14.** RCW 29A.36.170 and 2003 c 111 s 917 are each amended to
20 read as follows:

21 ~~((1))~~ Except for elections governed by instant runoff voting as
22 provided in chapter 29A.--- RCW (sections 1 through 12 and 18 of this
23 act), or as provided in RCW 29A.36.180 (~~and in subsection (2) of this~~
24 section)), on the ballot at the general election for a nonpartisan
25 office for which a primary was held, only the names of the candidate
26 who received the greatest number of votes and the candidate who
27 received the next greatest number of votes for that office shall appear
28 under the title of that office, and the names shall appear in that
29 order. If a primary was conducted, no candidate's name may be printed
30 on the subsequent general election ballot unless he or she receives at
31 least one percent of the total votes cast for that office at the
32 preceding primary. On the ballot at the general election for any other
33 nonpartisan office for which no primary was held, the names of the
34 candidates shall be listed in the order determined under RCW
35 29A.36.130.

36 ~~((2) On the ballot at the general election for the office of the~~
37 ~~justice of the supreme court, judge of the court of appeals, judge of~~

1 ~~the superior court, or state superintendent of public instruction, if~~
2 ~~a candidate in a contested primary receives a majority of all the votes~~
3 ~~cast for that office or position, only the name of that candidate may~~
4 ~~be printed under the title of the office for that position.))~~

5 **Sec. 15.** RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to read
6 as follows:

7 Candidates for ~~((the following offices shall be nominated at~~
8 ~~partisan primaries held pursuant to the provisions of this chapter:~~

9 ~~(1) Congressional offices:~~

10 ~~(2) All state offices except (a) judicial offices and (b) the~~
11 ~~office of superintendent of public instruction;~~

12 ~~(3)) all county offices, except ((a)) (1) judicial offices ((and~~
13 ~~(b)), (2) those offices where a county home rule charter provides~~
14 ~~otherwise, and (3) where a county has adopted instant runoff voting,~~
15 must be nominated at partisan primaries held under this chapter.

16 **Sec. 16.** RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to
17 read as follows:

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

28 (2) If the requisite number of any ~~((federal, state,))~~ county,
29 city, district, or precinct officers have not been elected by reason of
30 two or more persons having an equal and highest number of votes for one
31 and the same office, or in the final stage of instant runoff voting for
32 federal or state offices, the official empowered by state law to issue
33 the original certificate of election shall give notice to the several
34 persons so having the highest and equal number of votes to attend at
35 the appropriate office at the time to be appointed by that official,
36 who shall then and there proceed publicly to decide by lot which of
37 those persons will be declared duly elected, and the official shall

1 make out and deliver to the person thus duly declared elected a
2 certificate of election.

3 **Sec. 17.** Engrossed Senate Bill 6453 Laws of 2004 (Chapter _____
4 Laws 2004) is repealed.

5 NEW SECTION. **Sec. 18.** SHORT TITLE. This act may be known and
6 cited as "the Voters Full Choice Initiative of 2005."

7 NEW SECTION. **Sec. 19.** Sections 1 through 12 and 18 of this act
8 constitute a new chapter in Title 29A RCW.

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