

Initiative Measure No. 1010

Filed

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SECRETARY OF STATE

1 AN ACT Relating to proportional allocation of Washington's
2 presidential electoral votes; amending RCW 29A.56.320; adding a new
3 section to chapter 29A.56 RCW; and creating new sections.

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

5 NEW SECTION. Sec. 1. The people of Washington find that the
6 winner-take-all system of awarding presidential electoral votes takes
7 the votes of approximately half of the voters in Washington state and
8 gives them to the party that gets slightly more than half of the votes.
9 This is inconsistent with the one person, one vote principle of our
10 nation's democratic system. Additionally, the winner-take-all system
11 impedes credible third party or independent candidacies for president.

12 The people further find that elimination of the winner-take-all
13 system of awarding Washington's presidential electoral votes will
14 encourage presidential candidates to campaign in Washington and to
15 address the unique political issues concerning Washington state.

16 NEW SECTION. Sec. 2. A new section is added to chapter 29A.56 RCW
17 to read as follows:

18 (1) The total number of electoral votes to which Washington is

1 entitled shall be divided among the candidates for president and vice
2 president on the general election ballot, based upon the popular
3 proportional share of the total statewide ballots cast for each
4 candidate for president and vice president, subject to subsections (2)
5 and (3) of this section. Each presidential elector shall vote for the
6 presidential candidate and, by separate ballot, vice presidential
7 candidate of the political party or political organization that
8 nominated that presidential elector.

9 (2) The allocation of a presidential or vice presidential
10 candidate's popular proportion of this state's electoral votes shall be
11 in whole numbers and shall be made in the following manner:

12 (a) The total number of ballots cast in this state for each
13 candidate for president and vice president at a general election shall
14 be divided by the total number of ballots cast for all candidates for
15 president and vice president that receive votes at that general
16 election; and

17 (b) The proportion of a presidential or vice presidential
18 candidate's popular vote, as determined in (a) of this subsection,
19 shall be multiplied by the number of electoral votes to which
20 Washington is entitled.

21 (3) The number of electoral votes that is attributable to the
22 ballots cast for any candidate for president or vice president, as
23 determined in subsection (2) of this section, shall be rounded to the
24 nearest whole number, subject to the following limitations:

25 (a) No candidate for president or vice president shall receive any
26 electoral votes from this state if its proportion of the total ballots
27 cast for all candidates for president and vice president would reflect
28 less than a full electoral vote after rounding to the nearest whole
29 number.

30 (b) If the sum of electoral votes allocated pursuant to (a) of this
31 subsection is greater than the number of electoral votes to which
32 Washington is entitled:

33 (i) The allocation of electoral votes to the candidate for
34 president or vice president receiving at least one electoral vote and
35 the fewest number of ballots cast shall be reduced by whole electoral
36 votes until only that number of electoral votes to which Washington is
37 entitled have been allocated; and

1 (ii) The process set forth in (b)(i) of this subsection shall be
2 repeated if, after the reduction of electoral votes as set forth in
3 (b)(i) of this subsection, the total number of electoral votes
4 allocated to all candidates for president and vice president remains
5 greater than the total number of electoral votes to which this state is
6 entitled, and such process shall be applied to the candidate for
7 president and vice president receiving at least one electoral vote and
8 the next fewest number of ballots cast until the total number of
9 electoral votes allocated to all candidates for president and vice
10 president is equal to the total number of electoral votes to which this
11 state is entitled.

12 (c) If the sum of all electoral votes allocated would be less than
13 the number of electoral votes to which Washington is entitled, the
14 candidate for president and vice president receiving the greatest
15 number of ballots cast shall receive any unallocated electoral votes
16 until all of the electoral votes to which Washington is entitled have
17 been allocated.

18 (d) If two or more candidates for president or vice president
19 receive the identical total number of ballots cast for all candidates
20 for president and vice president and the allocation of electoral votes
21 to which Washington is entitled cannot be proportionally allocated in
22 whole electoral votes to these candidates for president and vice
23 president, the secretary of state shall determine by lot which of these
24 candidates for president and vice president will have their number of
25 electoral votes increased or decreased by a whole electoral vote until
26 all of the electoral votes to which Washington is entitled have been
27 allocated.

28 (4) The secretary of state shall determine by lot which
29 presidential electors, nominated in conjunction with candidates for
30 president and vice president that qualify for at least one electoral
31 vote pursuant to this section, shall be entitled to cast electoral
32 votes. For each candidate for president and vice president, the
33 secretary of state shall then determine by lot the order of nominated
34 presidential electors for that candidate for president and vice
35 president to serve as alternates if any vacancies occur in the office
36 of presidential elector for that candidate for president and vice
37 president because of death, refusal to act, absence, or other cause.
38 Such determinations by lot performed by the secretary of state shall be

1 made before 3:00 p.m. of the twenty-fourth day following the election
2 if no recount is ordered or requested and before 3:00 p.m. of the
3 thirty-first day following such election if a recount is ordered or
4 requested. If the number of nominated presidential electors for a
5 candidate for president and vice president is insufficient to allow the
6 secretary of state to fill a vacancy in the office of presidential
7 elector by lot, the political party or political organization of the
8 candidate for president and vice president for which the vacancy
9 remains shall nominate the number of additional presidential electors
10 necessary to fill the vacancy. The secretary of state shall prepare a
11 certificate of election for each presidential elector entitled to cast
12 an electoral vote. The governor shall sign and affix the seal of the
13 state to the certificates and deliver one certificate to each elector
14 on the first Monday after the second Wednesday of December following a
15 general election.

16 (5) The supreme court shall have original jurisdiction for the
17 adjudication of all contests concerning presidential electors and shall
18 prescribe rules for practice and proceedings for such contests.
19 Contests concerning the election of presidential electors shall be
20 given the highest priority on the court's calendar and shall be
21 expedited in all respects, including hearing and decision. The court
22 shall render its final decision in any contest concerning presidential
23 electors not later than the first Friday after the second Wednesday of
24 December following a general election. No justice of the court who is
25 a contestor in the election contest shall be permitted to hear and
26 determine the matter.

27 (6) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

29 (a) "Rounded to the nearest whole number" means:

30 (i) Increased to the next whole number if the fractional proportion
31 of an electoral vote allocated is equal to or greater than .5; and

32 (ii) Decreased to the preceding whole number if the fractional
33 proportion of an electoral vote allocated is less than .5.

34 (b) "Whole number" means a positive integer, including zero.

35 **Sec. 3.** RCW 29A.56.320 and 2003 c 111 s 1425 are each amended to
36 read as follows:

37 In the year in which a presidential election is held, each major

1 political party and each minor political party or independent candidate
2 convention held under chapter 29A.20 RCW that nominates candidates for
3 president and vice president of the United States shall nominate
4 presidential electors for this state. The party or convention shall
5 file with the secretary of state a certificate signed by the presiding
6 officer of the convention at which the presidential electors were
7 chosen, listing the names and addresses of the presidential electors.
8 Each presidential elector shall execute and file with the secretary of
9 state a pledge that, as an elector, he or she will vote for the
10 candidates nominated by that party. The names of presidential electors
11 shall not appear on the ballots. (~~The votes cast for candidates for~~
12 ~~president and vice president of each political party shall be counted~~
13 ~~for the candidates for presidential electors of that political party~~)
14 Final appointment of presidential electors must be in accordance with
15 section 2 of this act.

16 NEW SECTION. **Sec. 4.** This act shall be liberally construed to
17 effectuate its purposes.

18 NEW SECTION. **Sec. 5.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

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