
SENATE BILL 5851

State of Washington

67th Legislature

2022 Regular Session

By Senators Rivers and Das

1 AN ACT Relating to using ranked choice voting in the presidential
2 primary; amending RCW 29A.56.040, 29A.56.050, and 29A.12.080; and
3 adding a new section to chapter 29A.56 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.56
6 RCW to read as follows:

7 (1) The presidential primary shall be conducted using ranked
8 choice voting, unless a party has fielded two or fewer candidates, in
9 which case the presidential primary for that party shall be conducted
10 in substantially the same manner as a state primary under this title.

11 (2) A presidential primary conducted using ranked choice voting
12 must meet the following requirements:

13 (a) The ballot must allow a voter to rank candidates in order of
14 preference.

15 (b) The ballot must allow a voter to rank at least five
16 candidates per office. The secretary of state must adopt rules that
17 determine the maximum number of candidates that a voter is allowed to
18 rank on a ballot.

19 (c) County auditors are responsible for duplicating ballots and
20 resolving questions about the voter's intent as provided in RCW
21 29A.60.125. However, county auditors shall not tabulate the results

1 of the election. Instead, auditors shall collect and process ballots
2 and certify the cast vote record data, and auditors shall send the
3 certified cast vote record data to the secretary of state for
4 tabulation.

5 (d) The secretary of state shall tabulate the results of the
6 election using the instant runoff voting method as defined in this
7 section and further provided in rules of the secretary of state. The
8 secretary of state shall publish the results, including each round of
9 counting ballots.

10 (e) When tabulating ballots, the secretary of state must observe
11 the following rules:

12 (i) A ballot shall be counted regardless of how many candidates
13 the voter ranks. The secretary shall not assign votes for rankings
14 made by a voter that are greater than the maximum number of rankings
15 allowed.

16 (ii) If a voter skips one number in ranking candidates, the
17 secretary shall assign any votes after the skipped number to the
18 voter's next-highest ranked candidates as if the voter had not
19 skipped the number. If a voter skips two or more consecutive numbers,
20 the secretary shall not assign any votes after the skipped numbers.

21 (iii) If a voter provides the same number ranking to more than
22 one candidate, the secretary may not assign that vote ranking to any
23 candidate and may not assign a vote for any subsequent number ranking
24 for that office.

25 (3) The secretary of state shall adopt rules to administer this
26 section. The secretary's rules must address, at minimum:

27 (a) Procedures for tabulating votes under the instant runoff
28 voting method; and

29 (b) The maximum number of candidates a voter is allowed to rank
30 as provided in subsection (2) of this section.

31 (4) The secretary of state shall develop educational materials
32 for the public and provide training for county auditors to implement
33 ranked choice voting for the presidential primary.

34 (5) As used in this section:

35 (a) "Ranked choice voting" means a system of counting votes in
36 which votes are tabulated based on a voter's ranking of candidates in
37 order of preference as provided in this section.

38 (b) "Instant runoff voting method" means a system of counting
39 votes in which the ballots are counted in rounds simulating a series
40 of runoffs until the only candidates remaining have received

1 sufficient votes to pass the threshold to receive delegates set by
2 the parties in advance of the election under RCW 29A.56.050.

3 **Sec. 2.** RCW 29A.56.040 and 2019 c 7 s 3 are each amended to read
4 as follows:

5 ~~(1) ((Except where necessary to accommodate the national or state~~
6 ~~rules of a major political party or where this chapter specifically~~
7 ~~provides otherwise, the presidential primary must be conducted in~~
8 ~~substantially the same manner as a state primary under this title.~~

9 ~~(2))~~ The arrangement and form of presidential primary ballots
10 must be established by administrative rule adopted under RCW
11 29A.04.620, and in consultation with the major political parties. The
12 format of the ballot must comply with section 1 of this act. Only the
13 candidates who have been submitted under RCW 29A.56.031 may appear on
14 the ballots.

15 ~~((3))~~ (2) Each party's ballot or portion of the ballot must
16 list alphabetically the names of all candidates for the office of
17 president for that party. The ballot must clearly indicate the
18 political party of each candidate.

19 ~~((4))~~ (3) If requested by a party chair, the ballot for that
20 party must contain a place for a voter to indicate a preference for
21 having delegates to the party's national convention remain
22 uncommitted. A request under this subsection must be submitted to the
23 secretary of state no later than sixty-three days before the
24 presidential primary.

25 ~~((5) A presidential primary ballot with votes for more than one~~
26 ~~candidate is void, and notice to this effect, stated in clear, simple~~
27 ~~language and printed in large type, must appear on the face of each~~
28 ~~presidential primary ballot or on or about each voting device.~~

29 ~~(6))~~ (4) Notice for the presidential primary must be published
30 in the manner ~~((required))~~ described by RCW 29A.52.355.

31 **Sec. 3.** RCW 29A.56.050 and 2019 c 7 s 4 are each amended to read
32 as follows:

33 (1) A major political party may, under national or state party
34 rules, base the allocation of delegates from this state to the
35 national nominating convention of that party in whole or in part on
36 the participation in precinct caucuses and conventions conducted
37 under the rules of that party.

1 (2) If a political party is basing the allocation of delegates
2 from this state in whole or in part on the results of a presidential
3 primary conducted under this chapter, the political party must inform
4 the secretary of state, prior to the primary, what percentage of
5 votes a candidate must receive as a threshold to receive delegates.

6 (3) If requested by a major political party, the secretary of
7 state shall adopt rules under RCW 29A.04.620 to provide for any
8 declaration required by that party.

9 ~~((3))~~ (4) Voters who subscribe to a specific political party
10 declaration under this section may ~~((only))~~ vote only for a candidate
11 of that party. Each list of candidates on ballots must be readily
12 distinguishable from the list of candidates for any other party.
13 Votes cast by persons making these declarations must be tabulated and
14 reported separately from other votes cast at the primary and may be
15 used by a major political party in its allocation of delegates under
16 the rules of that party.

17 ~~((4))~~ (5) For a political party that requires a specific voter
18 declaration under this section, the secretary of state shall
19 prescribe rules for providing, to the state and county committees of
20 that political party, a copy of the declarations or a list of the
21 voters who participated in the presidential nominating process of
22 that party.

23 **Sec. 4.** RCW 29A.12.080 and 2013 c 11 s 22 are each amended to
24 read as follows:

25 No voting system or voting device shall be approved by the
26 secretary of state unless it:

27 (1) Secures to the voter secrecy in the act of voting;

28 (2) Permits the voter to vote for any person for any office and
29 upon any measure that he or she has the right to vote for;

30 (3) Correctly registers all votes cast for any and all persons
31 and for or against any and all measures;

32 (4) Provides that a vote for more than one candidate cannot be
33 cast by one single operation of the voting device or vote tally
34 system except when voting for president and vice president of the
35 United States or in an election using ranked choice voting; and

36 (5) ~~((Except for functions or capabilities unique to this state,~~
37 ~~has)) Has been tested and certified by an independent testing
38 authority designated by the United States election assistance
39 commission, except:~~

1 (a) For functions or capabilities unique to this state;
2 (b) For stand-alone components of voting systems that have been
3 tested by an independent testing authority designated by the United
4 States election assistance commission but that cannot be officially
5 "certified" because the authority can certify only complete voting
6 systems.

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