## HOUSE BILL 1592

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 as provided in this section. However, if a party fields
9  two or fewer candidates, the presidential primary for that party
10  shall be conducted in substantially the same manner as a state
11  primary under this title.
12      (2) A presidential primary conducted using ranked choice voting
13  must meet the following requirements:
14      (a) The ballot must be designed such that a voter may rank
15  candidates in order of preference.
16      (b) The ballot must be designed such that a voter may rank at
17  least five candidates per office. The secretary of state must adopt
18  rules that determine the maximum number of candidates that a voter is
19  permitted to rank on a ballot.
20      (c) County auditors must collect and process ballots as in an
21  election held under this title. As necessary, county auditors shall

1  duplicate ballots and resolve questions about a voter's intent as
2  provided in RCW 29A.60.125. However, county auditors shall not
3  tabulate the election results. County auditors instead must prepare
4  and send preliminary cast vote record data to the secretary of state
5  for preliminary tabulation, and certify and send certified cast vote
6  record data to the secretary of state for final tabulation.
7      (d) Using the cast vote record data sent by the county auditors,
8  the secretary of state shall tabulate the preliminary and final
9  results of the election using the instant runoff voting method as
10  defined in this section and further provided in rules adopted by the
11  secretary of state. The secretary of state shall publish the
12  preliminary and final results, including each round of counting
13  ballots. The secretary of state shall also publish the preliminary
14  and certified cast vote record data in a publicly accessible,
15  electronic format, in a manner identifiable by precinct, except when
16  precinct identification would violate a voter's right to cast a
17  secret ballot.
18      (e) When tabulating ballots, the secretary of state must observe
19  the following rules:
20      (i) In each round of counting, a ballot shall be counted for its
21  highest ranked candidate who has not been eliminated, except as
22  provided in (e)(ii) through (iv) of this subsection.
23      (ii) If a voter skips one number when ranking candidates, the
24  ballot shall be counted for the voter's next highest ranked candidate
25  who has not been eliminated, as if the voter had not skipped the
26  number. If a voter skips two or more consecutive numbers, the ballot
27  shall not be counted for any candidates after the skipped numbers.
28      (iii) If a voter provides the same number ranking to more than
29  one candidate, the ballot shall not be counted for any candidate at
30  that ranking or any candidate at any subsequent number ranking for
31  that office.
32      (iv) If a party has chosen to permit voters to indicate a
33  preference for having delegates to the party's national convention
34  remaining uncommitted, as provided under RCW 29A.56.040, the
35  tabulation must treat a preference ranking for having delegates
36  remain uncommitted in the same manner as a preference ranking for a
37  candidate.
38      (3) The secretary of state shall adopt rules to administer this
39  section. The rules must address, at minimum:

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

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

(c) Procedures for facilitating the release of preliminary round-by-round results and preliminary cast vote record data as soon as feasible after the polls close and at regular intervals thereafter until the counting of ballots is complete. Preliminary cast vote record data shall be published in a publicly accessible, electronic format, in a manner identifiable by precinct, except when precinct identification would violate a voter's right to cast a secret ballot;

(d) Procedures for resolving ties and determining which candidate is eliminated when two or more candidates are tied for having the fewest number of votes at the end of a round; and

(e) Procedures to enable a candidate to withdraw from consideration before the election and have their votes treated as if they were eliminated.

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

(5) As used in this section:

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

(b) "Instant runoff voting method" means a system of counting votes in which the ballots are counted in rounds simulating a series of runoffs until the only candidates remaining have received sufficient votes to pass the threshold to receive delegates set by the parties in advance of the election under RCW 29A.56.050.

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

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

(2))) The arrangement and form of presidential primary ballots must be established by administrative rule adopted under RCW 29A.04.620, and in consultation with the major political parties. For elections conducted using ranked choice voting, the format of the

1  ballot must comply with the requirements in section 1 of this act.
2  Only the candidates who have been submitted under RCW 29A.56.031 may
3  appear on the ballots.

4  ((<del>(3)</del>)) (2) Each party's ballot or portion of the ballot must
5  list alphabetically the names of all candidates for the office of
6  president for that party. The ballot must clearly indicate the
7  political party of each candidate.

8  ((<del>(4)</del>)) (3) If requested by a party chair, the ballot for that
9  party must contain a place for a voter to indicate a preference for
10 having delegates to the party's national convention remain
11 uncommitted. A request under this subsection must be submitted to the
12 secretary of state no later than sixty-three days before the
13 presidential primary.

14 ((<del>(5)</del>)) A presidential primary ballot with votes for more than
15 one candidate is void, and notice to this effect, stated in clear,
16 simple language and printed in large type, must appear on the face of
17 each presidential primary ballot or on or about each voting device.

18 ((<del>(6)</del>)) (4) Notice for the presidential primary must be published
19 in the manner ((<del>required by</del>)) described in RCW 29A.52.355.

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

22    (1) A major political party may, under national or state party
23 rules, base the allocation of delegates from this state to the
24 national nominating convention of that party in whole or in part on
25 the participation in precinct caucuses and conventions conducted
26 under the rules of that party.

27    (2) If a political party is basing its allocation of delegates on
28 the results of a presidential primary conducted under this chapter,
29 the party must inform the secretary of state, prior to the primary,
30 what percentage of votes a candidate must receive as a threshold to
31 be allocated delegates.

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

35    ((<del>(3)</del>)) (4) Voters who subscribe to a specific political party
36 declaration under this section may ((<del>only</del>)) vote only for a candidate
37 of that party. Each list of candidates on ballots must be readily
38 distinguishable from the list of candidates for any other party.
39 Votes cast by persons making these declarations must be tabulated and

1  reported separately from other votes cast at the primary and may be
2  used by a major political party in its allocation of delegates under
3  the rules of that party.

4      (((4))) (5) For a political party that requires a specific voter
5  declaration under this section, the secretary of state shall
6  prescribe rules for providing, to the state and county committees of
7  that political party, a copy of the declarations or a list of the
8  voters who participated in the presidential nominating process of
9  that party.

10     **Sec. 4.**  RCW 29A.12.080 and 2013 c 11 s 22 are each amended to
11  read as follows:
12     No voting system or voting device shall be approved by the
13  secretary of state unless it:
14     (1) Secures to the voter secrecy in the act of voting;
15     (2) Permits the voter to vote for any person for any office and
16  upon any measure that he or she has the right to vote for;
17     (3) Correctly registers all votes cast for any and all persons
18  and for or against any and all measures;
19     (4) Provides that a vote for more than one candidate cannot be
20  cast by one single operation of the voting device or vote tally
21  system, except when voting for president and vice president of the
22  United States or in an election using ranked choice voting; and
23     (5) ((Except for functions or capabilities unique to this state,
24  has)) Has been tested and certified by an independent testing
25  authority designated by the United States election assistance
26  commission, except:
27     (a) For functions or capabilities unique to this state; or
28     (b) For stand-alone components of voting systems that have been
29  tested by an independent testing authority designated by the United
30  States election assistance commission but that cannot be officially
31  "certified" because the authority can certify only complete voting
32  systems.

33     NEW SECTION.  **Sec. 5.**   If any provision of this act or its
34  application to any person or circumstance is held invalid, the
35  remainder of the act or the application of the provision to other
36  persons or circumstances is not affected.

**--- END ---**