

SENATE BILL REPORT

ESB 5852

As Passed Senate, March 14, 1995

Title: An act relating to the presidential preference primary.

Brief Description: Revising the presidential primary.

Sponsors: Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations: 2/23/95, 3/1/95 [DP].
Passed Senate, 3/14/95, 49-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey and Winsley.

Staff: Rod McAulay (786-7754)

Background: A statewide initiative in 1989 established a presidential preference primary. The primary occurs in a presidential election year on the fourth Tuesday of May or on such other date as may be selected by the Secretary of State to advance the concept of a regional primary.

In the primary, a major political party candidate's name shall appear on a party ballot if (a) the Secretary of State determines that the person's candidacy is generally advocated and recognized in the national news media, or (b) the candidacy is supported by a petition signed by 1,000 registered voters of the same party and filed at least 39 days before the primary. The Secretary of State shall certify the names of all candidates to the county auditors on or before the fourth Tuesday of April of the year of the primary.

A separate ballot is prepared for each party that has candidates in the primary.

County auditors may consolidate precincts for a presidential primary if the consolidation does not require a voter to go to a location different from that of the last regular election.

To receive a ballot, a voter shall sign a ballot request form and declare the party primary in which he or she wishes to participate. The request forms are maintained in centralized containers by the county auditor for a period fixed by the Secretary of State or federal law.

The results of the primary shall determine the percentage of delegate positions to be allocated to each candidate. To the extent possible, delegates shall be apportioned among the state's congressional districts. Candidates for a delegate position committed to a particular

presidential candidate must sign a statutory pledge that they will vote for the nomination of that presidential candidate on the first two convention ballots and work to advance that presidential candidate's cause unless released by the candidate.

Unless national party rules provide otherwise, delegate positions to the national nominating convention shall be apportioned among those candidates receiving at least 15 percent of the vote on the basis of the percentage of vote they received of the total vote received by candidates of their party who received more than 15 percent of the vote. If no candidate on a political party ballot receives 15 percent or more of the total votes cast, the state committee of the party shall determine how to allot delegate positions.

Summary of Bill: A presidential preference primary is conducted on the second Tuesday in March of a presidential election year. The Secretary of State may propose an alternate date for the primary to advance the concept of a regional primary or to ensure that the primary has a meaningful impact on the presidential selection process. An alternate primary date must be approved by a committee on the presidential primary composed of the majority and minority leaders of both houses of the Legislature, the chair and vice chair of the central committee of each major political party, and the Secretary of State.

Before the first Tuesday in September in the year preceding a presidential election year, each major political party submits to the Secretary of State a copy of the current national and state party rules; the call of convention or instructions and conditions for the conduct of the presidential nominating process of that party; a plan or recommendations for participating in the presidential preference primary and implementing the party nominating process in accordance with the presidential primary statutes. The plan or recommendations must include the extent to which the party employs the results of the presidential primary in determining the allocation of delegates and the text of any declaration of party affiliation or other oath that a voter is required to make under the rules of that party for his or her vote to be counted with respect to the allocation of delegates.

A petition to place a candidate on the primary ballot must be submitted at least 45 days prior to the primary. Petition signature sheets must include the printed name of each signator and the county of residence, but is no longer required to include the name or number of a signator's precinct.

The Secretary of State is required to certify the names of all candidates who are to appear on the primary ballot to the county auditors at least 39 days before the primary.

The Secretary of State may, by rule, provide for variation in ballot arrangement and form to adequately reflect the requirements of the national rules of a major political party or to otherwise implement the intent of the law. The requirement that a separate ballot be prepared for each major political party is repealed. The names of all candidates for the office of president are listed alphabetically in a column on the ballot with the political party of each candidate indicated adjacent to the name.

County auditors may consolidate precincts for the primary regardless of whether or not the consolidation requires a voter to go to a location different from that of the last regular election so long as precinct vote totals are made available.

If a political party requires a voter's declaration, the party must provide a separate form for each precinct of the state containing the required declaration and spaces for voters to sign and record any other required information. When voting, a voter must sign a precinct list of registered voters and may, if he or she wishes, sign an additional declaration required by a political party. Voters who sign an additional party declaration are given ballots that are readily distinguishable from those given other voters. The Secretary of State must adopt rules for providing such declarations or a list of voters who participated in the presidential primary of that party to the state central committee. If the national rules of a major political party require an additional declaration for votes to be counted for delegate selection, the votes must be tabulated and reported separately.

Statutes pertaining to the allocation of delegates are amended to include alternates. Allocation of delegates and alternates based upon primary returns are determined solely by party rules. The statutory provision requiring a delegate pledge is repealed. If a vacancy occurs in the position of delegate or alternate to a nation party convention, the vacancy must be filled according to the rules of that party.

The Secretary of State must adopt rules to accommodate major political party requirements for declarations when balloting is conducted by mail.

The requirement that the state of Washington assume all costs of holding a presidential primary when no other measures or positions appear on the ballot is made "subject to available funds specifically appropriated for this purpose." The Secretary of State is required to include in his or her biennial budget a request of a specific appropriation to reimburse auditors for the cost of the primary.

A voter's pamphlet published in the year preceding a presidential primary includes a detachable section explaining the presidential preference primary as well as the precinct caucus and convention process utilized by each major political party. The explanation includes the formulas used to allocate delegates elected at the precinct, county, legislative district, congressional district and state levels.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It untangles conflict between party roles and state law. The existing law did not work in 1992. The date of the primary is moved to "super Tuesday."

Testimony Against: None.

Testified: Senator Drew, prime sponsor; Ralph Munro, Secretary of State; Paul Berendt, State Democrat Party Chairman.