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**SENATE BILL 5229**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Zeiger, Hunt, Mullet, Palumbo, and Saldaña; by request of Secretary of State

AN ACT Relating to the presidential primary; amending RCW 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050, 29A.60.190, 29A.08.161, and 29A.04.206; and decodifying RCW 29A.56.010.

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

**Sec.**  RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to read as follows:

(1) On the ((~~fourth~~)) second Tuesday in ((~~May~~)) March of each year in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may vote for the nominee of a major political party for the office of president.

(2)(a) The secretary of state may propose an alternative date for the primary no later than the first day of ((~~August~~)) September of the year before the year in which a president is to be nominated and elected. The proposed date must not be prior to the fifteenth day of February of the year in which a president is to be nominated and elected.

((~~(2)~~)) (b) No later than the ((~~first~~)) fifteenth day of September of the year before the year in which a presidential nominee is selected, the state committee of any major political party that will use the primary results for candidates of that party may propose an alternative date for that primary.

(c) The secretary of state may change the date of the presidential primary to another date in the calendar year in order to coordinate a regional primary with any of the following states: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Utah. Any change in the date must be made on or before the fifteenth day of August of the year before the year in which presidential nominees are selected. The proposed date must not be prior to the fifteenth day of February of the year in which a president is to be nominated and elected. If the proposed date is more than twenty-one days different than the date found in subsection (1) of this section the committee described in subsection (3) of this section must approve the date change.

(3) If an alternative date is proposed under subsection ((~~(1) or~~)) (2)(a) or (b) of this section, or a date change greater than twenty-one days is proposed under subsection (2)(c) of this section, a committee consisting of the chair and the vice chair of the state committee of each major political party, the secretary of state, the majority leader and minority leader of the senate, and the speaker and the minority leader of the house of representatives shall meet and, if affirmed by a two-thirds vote of the members of the committee, the date of the primary shall be changed. The committee shall meet and decide on the proposed alternate date not later than the first day of October of the year before the year in which a presidential nominee is selected. The secretary of state shall convene and preside over the meeting of the committee. A committee member other than a legislator may appoint, in writing, a designee to serve on his or her behalf. A legislator who is a member of the committee may appoint, in writing, another legislator to serve on his or her behalf.

(4) If an alternate date is approved under this section, the secretary of state shall adopt rules under RCW 29A.04.620 to adjust the deadlines in RCW 29A.56.030 and related provisions of this chapter to correspond with the date that has been approved.

**Sec.**  RCW 29A.56.030 and 2011 c 349 s 19 are each amended to read as follows:

(1) The name of any candidate for a major political party nomination for president of the United States shall be ((~~printed~~)) included on the presidential ((~~preference~~)) primary ballot of a major political party, or the list of candidates used by voters who choose not to declare a party affiliation, only:

((~~(1)~~)) (a) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or

((~~(2)~~)) (b) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters, including a member of that political party's state executive committee, who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than ((~~seventy-five~~)) seventy days before the presidential ((~~preference~~)) primary. The signature sheets shall also contain the residence address and ((~~name or number of the precinct~~)) zip code of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240.

(2) The secretary of state shall place the name of the candidate on the ballot unless:

(a) The executive committee of a major political party publicly petitions to remove a name from the list of candidates for that party. The petition for removal must be delivered to the secretary of state naming the candidate, or candidates, they wish to remove at least sixty-five days before the presidential primary. The petition must contain the signatures of the state party chair and at least three members of the state party central committee; or

(b) The candidate, at least ((~~sixty-seven~~)) sixty-five days before the presidential ((~~preference~~)) primary, executes and files with the secretary of state an affidavit stating without qualification that he or she ((~~is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election~~)) wishes to have his or her name removed from the state's presidential primary ballot.

(3) If, prior to the sixty-first day before the presidential primary, a candidate has died, withdrawn from consideration, or suspended his or her campaign, the secretary of state may, at the secretary's sole discretion, remove the candidate's name from the ballot upon the secretary's determination that information of the candidate's death, withdrawal from consideration, or suspension of campaign has been widely reported and recognized in the national media.

(4) The secretary of state shall certify the names of all candidates who will appear on the presidential ((~~preference~~)) primary ballot to the respective county auditors ((~~on or before the fourth Tuesday in April of each presidential election year~~)) at least sixty days before the presidential primary.

**Sec.**  RCW 29A.56.040 and 2013 c 11 s 54 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. Only the candidates who have qualified under RCW 29A.56.030 may appear on the ballots.

(3) Each party's ballot or portion of the ballot must list alphabetically the names of all candidates for the office of president for that party. The ballot must clearly indicate the political party of each candidate. ((~~Each ballot must include a blank space to allow the voter to write in the name of any other candidate.~~)) Additionally, each ballot must contain a list of all candidates who have qualified for a place on the ballot under RCW 29A.56.030 for use by voters that choose not to declare a party affiliation. This list must be in alphabetical order regardless of party, but the political party affiliation of each candidate must be clearly indicated.

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

(5) Notice must be published in the manner required by RCW 29A.52.355.

(6) A presidential primary conducted under this chapter is not subject to recount under RCW 29A.64.021.

**Sec.**  RCW 29A.56.050 and 2003 c 111 s 1405 are each amended to read as follows:

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

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

(3) In addition to the party declaration provided by each party, voters must be allowed to declare their intention not to affiliate with a party.

(4) Voters who subscribe to a specific political party declaration under this section may only vote for a candidate of that party. Each list of candidates on ballots must be ((~~given ballots that are~~)) readily distinguishable from ((~~those given to other voters~~)) the list of candidates for the other party, and from the list of candidates to be used by voters that choose not to declare a party affiliation. Votes cast by persons making these declarations must be tabulated and reported separately from other votes cast at the primary and may be used by a major political party in its allocation of delegates under the rules of that party.

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

(6) Voters that do not subscribe to a party declaration, and voters that declare that they do not wish to affiliate with a party, may vote for any candidate qualified under RCW 29A.56.030 using the list of all candidates to be used by undeclared voters. Votes cast by voters who declare that they do not wish to affiliate with a party and votes cast by voters who do not subscribe to a party oath must be tabulated together and reported separately from the results of votes cast by voters subscribing to a party oath.

**Sec.**  RCW 29A.60.190 and 2015 c 146 s 4 are each amended to read as follows:

Ten days after a special election held in February or April, ten days after a presidential primary held pursuant to chapter 29A.56 RCW, fourteen days after a primary, or twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each ballot that was returned before 8:00 p.m. on the day of the special election, general election, or primary, and each ballot bearing a postmark on or before the date of the special election, general election, or primary and received no later than the day before certification, must be included in the canvass report.

**Sec.**  RCW 29A.08.161 and 2004 c 271 s 107 are each amended to read as follows:

No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot((~~, including the choice that a voter makes on a partisan primary ballot regarding political party affiliation~~)).

**Sec.**  RCW 29A.04.206 and 2005 c 2 s 3 are each amended to read as follows:

(1) The rights of Washington voters are protected by its constitution and laws and include the following fundamental rights:

((~~(1)~~)) (a) The right of qualified voters to vote at all elections;

((~~(2)~~)) (b) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote;

((~~(3)~~)) (c) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

(2) Nothing in subsection (1)(b) or (c) of this section alters or supersedes RCW 29A.56.020 through 29A.56.050, which govern presidential primary elections.

NEW SECTION. **Sec.**  RCW 29A.56.010 (Intent) is decodified.

**--- END ---**