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**SENATE BILL 5273**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Hunt, Kuderer, Wellman, Cleveland, McCoy, Dhingra, Saldaña, Billig, Mullet, Lias, Conway, Das, Frockt, Keiser, and Palumbo

Read first time 01/16/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to the presidential primary; amending RCW  
2 29A.56.020, 29A.56.040, 29A.56.050, 29A.60.190, 29A.08.161, and  
3 29A.04.206; adding a new section to chapter 29A.56 RCW; decodifying  
4 RCW 29A.56.010; and repealing RCW 29A.56.030.

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

6 **Sec. 1.** RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to  
7 read as follows:

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

13 (2)(a) The secretary of state may propose an alternative date for  
14 the primary, including to coordinate a regional primary with any of  
15 the following states: Alaska, Arizona, California, Hawaii, Idaho,  
16 Montana, Nevada, Oregon, and Utah, no later than the first day of  
17 (~~August~~) September of the year before the year in which a president  
18 is to be nominated and elected. The proposed date must not be prior  
19 to the earliest date permitted by the national rules of the major  
20 political parties.

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

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

21       (4) If an alternate date is approved under this section, the  
22 secretary of state shall adopt rules under RCW 29A.04.620 to adjust  
23 the deadlines in (~~(RCW 29A.56.030)~~) section 2 of this act and related  
24 provisions of this chapter to correspond with the date that has been  
25 approved.

26       NEW SECTION.   **Sec. 2.** A new section is added to chapter 29A.56  
27 RCW to read as follows:

28       (1) Each party must determine which candidates are to be placed  
29 on the presidential primary ballot for that party. The chair of each  
30 party must submit to the secretary of state the names of the  
31 candidates to appear on the ballot for that party no later than  
32 sixty-three days before the presidential primary. Once submitted,  
33 changes must not be made to the candidates that will appear on the  
34 ballot.

35       (2) No later than the seventh day before the presidential  
36 nomination primary, the chair of each party must submit to the  
37 secretary of state the names of write-in candidates, if any, to be  
38 counted for that party.

1       **Sec. 3.** RCW 29A.56.040 and 2013 c 11 s 54 are each amended to  
2 read as follows:

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

7       (2) The arrangement and form of presidential primary ballots must  
8 be established by administrative rule adopted under RCW 29A.04.620,  
9 and in consultation with the major political parties. Only the  
10 candidates who have (~~qualified under RCW 29A.56.030~~) been submitted  
11 under section 2 of this act may appear on the ballots.

12       (3) Each party's ballot or portion of the ballot must list  
13 alphabetically the names of all candidates for the office of  
14 president for that party. The ballot must clearly indicate the  
15 political party of each candidate. (~~Each ballot must include a blank~~  
16 ~~space to allow the voter to write in the name of any other~~  
17 ~~candidate.~~)

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

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

27       (6) Notice must be published in the manner required by RCW  
28 29A.52.355.

29       **Sec. 4.** RCW 29A.56.050 and 2003 c 111 s 1405 are each amended to  
30 read as follows:

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

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

1 (3) Voters who subscribe to a specific political party  
2 declaration under this section may only vote for a candidate of that  
3 party. Each list of candidates on ballots must be (~~given ballots~~  
4 ~~that are~~) readily distinguishable from (~~those given to other~~  
5 ~~voters~~) the list of candidates for any other party. Votes cast by  
6 persons making these declarations must be tabulated and reported  
7 separately from other votes cast at the primary and may be used by a  
8 major political party in its allocation of delegates under the rules  
9 of that party.

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

16 **Sec. 5.** RCW 29A.60.190 and 2015 c 146 s 4 are each amended to  
17 read as follows:

18 Ten days after a special election held in February or April, ten  
19 days after a presidential primary held pursuant to chapter 29A.56  
20 RCW, fourteen days after a primary, or twenty-one days after a  
21 general election, the county canvassing board shall complete the  
22 canvass and certify the results. Each ballot that was returned before  
23 8:00 p.m. on the day of the special election, general election, or  
24 primary, and each ballot bearing a postmark on or before the date of  
25 the special election, general election, or primary and received no  
26 later than the day before certification, must be included in the  
27 canvass report.

28 **Sec. 6.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to  
29 read as follows:

30 No record may be created or maintained by a state or local  
31 governmental agency or a political organization that identifies a  
32 voter with the information marked on the voter's ballot, (~~including~~  
33 ~~the choice that a voter makes on a partisan primary ballot regarding~~  
34 ~~political party affiliation~~) except the declarations made under RCW  
35 29A.56.050(2).

36 **Sec. 7.** RCW 29A.04.206 and 2005 c 2 s 3 are each amended to read  
37 as follows:

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

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

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

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

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

14        NEW SECTION. Sec. 8. RCW 29A.56.010 (Intent) is decodified.

15        NEW SECTION. Sec. 9. RCW 29A.56.030 (Ballot—Names included) and  
16 2011 c 349 s 19, 2006 c 344 s 15, & 2003 c 111 s 1403 are each  
17 repealed.

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