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ENGROSSED SENATE BILL 5852

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State of Washington

54th Legislature

1995 Regular Session

By Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Read first time 02/09/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the presidential preference primary; amending  
2 RCW 29.19.020, 29.19.030, 29.19.040, 29.19.050, 29.19.060, 29.19.080,  
3 and 29.81.014; and adding new sections to chapter 29.19 RCW.

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

5 **Sec. 1.** RCW 29.19.020 and 1989 c 4 s 2 are each amended to read as  
6 follows:

7 (1) On the ((fourth)) second Tuesday in ((May)) March of each year  
8 ((when)) in which a president of the United States is to be nominated  
9 and elected, or such other date as may be ((selected)) proposed by the  
10 secretary of state, and approved under subsection (2) of this section,  
11 to advance the concept of a regional primary, a presidential preference  
12 primary shall be held at which voters may express their preferences as  
13 to who should be the nominee of ((a)) each major political party for  
14 the office of president.

15 (2) The committee on the presidential primary must approve, by a  
16 majority vote, any change in the date of the presidential preference  
17 primary proposed by the secretary of state. The committee consists of  
18 the majority leader and the minority leader of the senate, the speaker  
19 and the minority leader of the house of representatives, the chair and

1 the vice-chair of the state central committee of each major political  
2 party, and the secretary of state. The secretary of state shall  
3 convene the committee as needed and preside over its meetings. A  
4 committee member may appoint a designee to serve on his or her behalf.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.19 RCW  
6 to read as follows:

7 (1) On or before the first Tuesday in September of the calendar  
8 year before the year in which a president of the United States is to be  
9 nominated and elected, each major political party that will select some  
10 or all of the delegates from this state to the national nominating  
11 convention of that party shall submit to the secretary of state:

12 (a) A copy of the current rules of the national and state party;

13 (b) The call of convention for the national and state conventions  
14 (or similar document containing instructions and conditions for the  
15 conduct of the presidential nominating process by that party); and

16 (c) A plan or recommendations for participating in the presidential  
17 preference primary and implementing the rules and call of convention of  
18 that party in accordance with this chapter.

19 (2) The plan submitted by the party must include:

20 (a) The manner in and extent to which the party will employ the  
21 results of the presidential primary in determining the allocation of  
22 delegates to the national nominating convention; and

23 (b) The language of any declaration of party affiliation or other  
24 oath that a voter will be required to make under the rules of that  
25 party for his or her vote at the presidential preference primary to be  
26 counted with respect to the allocation of delegates to the national  
27 nominating convention of that party.

28 **Sec. 3.** RCW 29.19.030 and 1989 c 4 s 3 are each amended to read as  
29 follows:

30 The name of any candidate for a major political party nomination  
31 for president of the United States shall be printed on the presidential  
32 preference primary ballot (~~(of a major political party)~~) only:

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

36 (2) If members of the political party of the candidate have  
37 presented a petition for nomination of the candidate that has attached

1 to the petition a sheet or sheets containing the signatures of at least  
2 one thousand registered voters who declare themselves in the petition  
3 as being affiliated with the same political party as the presidential  
4 candidate. The petition shall be filed with the secretary of state not  
5 later than the (~~thirty-ninth~~) forty-fifth day before the presidential  
6 preference primary. The signature sheets shall also contain the  
7 printed name, residence address, and (~~name or number of the precinct~~)  
8 county of each registered voter whose signature appears thereon and  
9 shall be certified in the manner prescribed in RCW 29.79.200 and  
10 29.79.210.

11 The secretary of state shall place the name of the candidate on the  
12 ballot unless the candidate, at least (~~thirty-five~~) forty days before  
13 the presidential preference primary, executes and files with the  
14 secretary of state an affidavit stating without qualification that he  
15 or she is not now and will not become a candidate for the office of  
16 president of the United States at the forthcoming presidential  
17 election. The secretary of state shall certify the names of all  
18 candidates who will appear on the presidential preference primary  
19 ballot to the respective county auditors (~~on or before the fourth~~  
20 ~~Tuesday in April of each presidential election year~~) at least thirty-  
21 nine days before the presidential primary.

22 **Sec. 4.** RCW 29.19.040 and 1989 c 4 s 4 are each amended to read as  
23 follows:

24 The arrangement and form of presidential primary ballots shall be  
25 substantially as provided for any primary (~~election~~) within the state  
26 except as (~~may be modified by~~) provided under this chapter or by rule  
27 of the secretary of state (~~as provided for in~~) under RCW 29.19.070 to  
28 adequately reflect the requirements of the national party rules of a  
29 major political party or to implement the intent of this chapter.

30 (~~A separate ballot shall be prepared for each major political~~  
31 ~~party that has candidates whose names have been authorized for~~  
32 ~~placement on presidential preference primary ballots under RCW~~  
33 ~~29.19.030.~~) The names of all candidates for (~~a party's nomination~~  
34 ~~for~~) the office of president shall be listed alphabetically in a  
35 column on (~~that party's~~) the ballot. (~~There shall be a printed~~  
36 ~~box~~) The political party of each candidate shall be indicated adjacent  
37 to the name of (~~each~~) that candidate. A blank space to allow the

1 voter to write in the name of another candidate shall also be included  
2 on each ballot.

3 The ballot, in providing for a choice of candidates for the office  
4 of president, shall set forth only those candidates, with their  
5 political party affiliation, who have qualified for a place on the  
6 ballot under RCW 29.19.030.

7 **Sec. 5.** RCW 29.19.050 and 1989 c 4 s 5 are each amended to read as  
8 follows:

9 ~~((Insofar as is practicable, and))~~ Except where necessary to  
10 accommodate the national rules of a major political party or where the  
11 provisions of this chapter do not specifically indicate otherwise, the  
12 presidential preference primary shall be conducted in the same manner  
13 as a state partisan primary, including the certification of the  
14 election returns by the secretary of state. The requirement of  
15 rotation of names on the ballot does not apply to the candidates listed  
16 on the presidential preference primary ballot. County auditors may  
17 combine and consolidate two or more precincts for the purpose of  
18 conducting the presidential preference primary only if precinct vote  
19 totals for the primary can still be made available ~~((and the~~  
20 ~~consolidation does not require a voter to go to a location different~~  
21 ~~from that of the last regular election))~~.

22 If a political party provides for a declaration under section  
23 2(2)(b) of this act, the political party shall provide a separate form  
24 for each precinct of the state containing the declaration required by  
25 the rules of that party and a space or spaces for voters to sign and  
26 record any other information required by the rules of that party. Each  
27 person desiring to vote in the presidential preference primary shall  
28 ~~((receive a ballot request form on which the voter shall sign his or~~  
29 ~~her name and address and declare the party primary in which he or she~~  
30 ~~wishes to participate))~~ sign a precinct list of registered voters as  
31 required under RCW 29.51.060. A voter who wishes to subscribe to the  
32 additional declaration required by a political party shall also sign  
33 the form provided by that party.

34 The secretary shall prescribe rules for providing ~~((each party))~~ to  
35 the state central committee of a political party that requires a  
36 separate declaration under section 2(2)(b) of this act, a copy of those  
37 declarations or a list of the voters who participated in the  
38 presidential primary of that party.

1       (~~The signed ballot request forms shall be maintained in the~~  
2 ~~centralized containers by the county auditor for a period of time as~~  
3 ~~specified by rule of the secretary of state, after which time they~~  
4 ~~shall be destroyed, unless otherwise directed by federal law.~~)

5       Voters who subscribe to an additional party declaration under  
6 section 2(2)(b) of this act shall be given ballots that are readily  
7 distinguishable from those given to other voters. The secretary of  
8 state shall provide by rule for uniform ballot formats and procedures  
9 for each type of voting equipment.

10       At a presidential preference primary, a voter may cast no more than  
11 one vote on a ballot. Any presidential preference primary ballot with  
12 more than one vote is void, and notice to this effect, couched in  
13 clear, simple language, and printed in large type, shall appear on the  
14 face of each presidential preference primary ballot. Where (~~voting~~  
15 ~~machines or~~) electronic voting devices are in use, the notice shall be  
16 displayed on or about each (~~machine or~~) device.

17       NEW SECTION. Sec. 6. A new section is added to chapter 29.19 RCW  
18 to read as follows:

19       If the national rules of a major political party require an  
20 additional declaration for those voters who participate in the  
21 selection of some or all of the delegates from this state to the  
22 national nominating convention of that party, the votes cast by persons  
23 making this declaration must be tabulated and reported separately from  
24 other votes cast at the primary.

25       **Sec. 7.** RCW 29.19.060 and 1989 c 4 s 6 are each amended to read as  
26 follows:

27       (1) The (~~results of the presidential preference primary shall~~  
28 ~~determine the percentage~~) number of delegate and alternate positions  
29 to be allocated by a major political party to each presidential  
30 candidate of that party must be determined according to the national  
31 rules of that political party. Selection of individuals to delegate  
32 and alternate positions shall be in compliance with applicable national  
33 and state party rules(~~, and to the extent practicable, delegates shall~~  
34 ~~be apportioned among the state's congressional districts. Delegate~~  
35 ~~positions shall be allocated to presidential candidates in the manner~~  
36 ~~specified in subsection (3) of this section except as otherwise~~  
37 ~~provided by national party rules~~)).

1 (2) All votes cast for a particular presidential candidate in a  
2 major political party's primary shall be considered votes for delegate  
3 positions committed to that candidate.

4 (~~Each candidate for a delegate position who is committed to a~~  
5 ~~particular presidential candidate, before the selection of delegates,~~  
6 ~~shall sign and submit to the appropriate party's state committee the~~  
7 ~~following pledge:~~

8 Delegate Pledge

9 I, . . . . ., do hereby swear that I am a supporter of  
10 . . . . . for the office of President of the United States;  
11 and that if elected as a delegate to the . . . . . Party  
12 National Convention I pledge to cast my ballot as a delegate to  
13 the convention for that candidate on the first two ballots  
14 unless released by the candidate, and I pledge furthermore to  
15 do all that I can to advance the cause of that candidate at the  
16 national convention.

17 ~~(3) Except as otherwise provided by national party rules, delegate~~  
18 ~~positions shall be allocated from the state at-large among presidential~~  
19 ~~candidates who receive at least fifteen percent of the total votes cast~~  
20 ~~for candidates of the same political party, or such other percentage as~~  
21 ~~national party rules may provide. Each candidate so qualified shall be~~  
22 ~~allocated a percentage of delegate positions equal to as nearly as~~  
23 ~~practicable that candidate's percentage of the total votes cast for~~  
24 ~~candidates of the same political party in the presidential preference~~  
25 ~~primary. The votes of candidates who do not receive at least fifteen~~  
26 ~~percent of the total votes cast in their parties' presidential~~  
27 ~~preference primary shall be proportionately allocated to those~~  
28 ~~candidates who did receive fifteen percent or more of the total votes~~  
29 ~~cast in their parties' presidential preference primary.~~

30 ~~(4))~~ (3) If any presidential candidate, at any time after the  
31 presidential preference primary, formally releases the delegates or  
32 alternates holding positions committed to him or her (~~under the~~  
33 ~~formula established by subsection (3) of this section, the~~), those  
34 delegates or alternates shall be considered uncommitted. The delegates  
35 or alternates holding positions committed to a candidate shall be  
36 considered formally released when the candidate so notifies, in  
37 writing, the chair of his or her party's delegation.

1       ~~((5))~~ (4) In the event of the death of a candidate to whom  
2 delegate or alternate positions have been committed, ~~((all such))~~ those  
3 positions shall be considered uncommitted.

4       ~~((6) If no ballot choice on a political party ballot receives~~  
5 ~~fifteen percent or more of the total votes cast, the state committee of~~  
6 ~~the political party shall determine how delegate positions allotted to~~  
7 ~~the state by the national committee shall be committed.~~

8       ~~(7))~~ (5) If a vacancy occurs in the position of delegate or  
9 alternate, the ~~((remaining delegates committed to the same preference~~  
10 ~~as the vacating person shall name a person to fill the))~~ vacancy must  
11 be filled according to the national and state rules of that major  
12 political party.

13       NEW SECTION. Sec. 8. A new section is added to chapter 29.19 RCW  
14 to read as follows:

15       Where this chapter does not specifically indicate otherwise, mail  
16 ballot voting and absentee voting must be conducted as provided in  
17 chapter 29.36 RCW. If the national rules of a political party provide  
18 for an oath under section 2(2)(b) of this act, the secretary of state  
19 shall provide by rule for a form or other device containing the oath  
20 that the voter may complete and return along with the security envelope  
21 required under RCW 29.36.045. The secretary of state shall provide by  
22 rule for suitable instructions about this additional declaration to be  
23 provided to each absentee voter or mail ballot voter.

24       Sec. 9. RCW 29.19.080 and 1989 c 4 s 8 are each amended to read as  
25 follows:

26       Subject to available funds specifically appropriated for this  
27 purpose, whenever a presidential preference primary election is held as  
28 provided by this chapter, the state of Washington shall assume all  
29 costs of holding the election if it is held alone. If any other  
30 election or elections are held at the same time, the state is liable  
31 only for ((its)) a prorated share. The county auditor shall determine  
32 the election costs, including the state's prorated share, if  
33 applicable, in the manner provided under RCW 29.13.045 and shall file  
34 a certified claim ((therefore)) with the secretary of state. The  
35 secretary of state shall ((compile such claims for presentation to the  
36 next succeeding legislature in the same manner as other legislative  
37 relief claims)) include in his or her biennial budget requests

1 sufficient funds to carry out this section. Reimbursements for  
2 election costs shall be from appropriations specifically provided by  
3 law for that purpose.

4 **Sec. 10.** RCW 29.81.014 and 1977 c 56 s 1 are each amended to read  
5 as follows:

6 (1) In each odd-numbered year immediately preceding a year in which  
7 a president of the United States is to be nominated and elected, the  
8 voter's pamphlet shall contain an insert or a detachable section  
9 explaining the presidential preference primary and the precinct caucus  
10 and convention process utilized by each major political party to  
11 ~~((elect))~~ select delegates to its national ~~((presidential candidate))~~  
12 nominating convention. The information to be provided shall include,  
13 but not be limited to: (a) The dates of precinct caucuses, (b)  
14 instructions as to how to ascertain the names of current precinct  
15 ~~((committeepersons))~~ committee officers, precinct caucus chairpersons,  
16 the locations of precinct caucus meeting places, and the dates of  
17 county, district, and state conventions, (c) a description of the rules  
18 of procedure which will be used at caucuses and conventions, (d) the  
19 formulas utilized to allocate delegates elected at the precinct  
20 caucuses and at county, legislative district, congressional district,  
21 and state caucuses or conventions, and (e) a description of the other  
22 actions which may be taken at the caucuses and conventions in addition  
23 to selecting delegates. The content and format of this section of the  
24 voter's pamphlet shall be established by the secretary of state after  
25 consultation with the chairperson of the state central committee of  
26 each major political party, or his or her designated representative.

27 (2) The voter's pamphlet shall also provide a description of the  
28 statutory procedures by which minor political parties are formed and  
29 the statutory methods utilized by such parties to nominate candidates  
30 for president. The content and format of this description shall be  
31 established by the secretary of state.

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