

# SENATE BILL REPORT

## ESB 5273

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As Passed Senate, January 30, 2019

**Title:** An act relating to the presidential primary.

**Brief Description:** Concerning the presidential primary.

**Sponsors:** Senators Hunt, Kuderer, Wellman, Cleveland, McCoy, Dhingra, Saldaña, Billig, Mullet, Liias, Conway, Das, Frockt, Keiser and Palumbo.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/18/19, 1/23/19  
[DPS, DNP, w/oRec].

**Floor Activity:**

Passed Senate: 1/30/19, 29-18.

**Brief Summary of Engrossed Bill**

- Moves the presidential primary to the second Tuesday in March, with certain exceptions.
- Gives complete authority to major political parties to determine which candidates appear on the presidential primary ballot under the party's banner.
- Allows voters to indicate a preference for uncommitted delegates in the presidential primary.

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**SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS**

**Majority Report:** That Substitute Senate Bill No. 5273 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

**Minority Report:** Do not pass.

Signed by Senator Hawkins.

**Minority Report:** That it be referred without recommendation.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senator Bailey.

**Staff:** Samuel Brown (786-7470)

**Background:** Presidential Preference Primary Dates. Following the 1988 presidential election, an issue with the process for selecting delegates to the national political party conventions at which presidential candidates are nominated prompted an initiative which was adopted by the Legislature establishing a presidential preference primary. Presidential preference primaries were held in 1992, 1996, 2000, 2008, and 2016.

The presidential preference primary is usually held on the fourth Tuesday in May. The Secretary of State may propose an alternative date for the presidential preference primary by August 1st of the year before the election is held. The state committee of a major political party may propose an alternative date for the presidential preference primary by August 15th of the year before the election is held.

If an alternative date is proposed, a committee composed of the chair and vice chair of each major political party, the Secretary of State, the majority and minority leaders of the Senate, and the speaker and minority leader of the House of Representatives (the Committee) is convened. If the Committee approves an alternative date by a two-thirds majority by October 1st of the year before the election is held, the primary date is changed accordingly.

Ballots for Presidential Preference Primary. The name of a candidate may appear on the presidential preference primary ballot by direction of the Secretary of State, if the candidacy is generally recognized in the news media, or if members of that candidate's party present a petition for nomination of the candidate signed by at least 1000 registered voters of the same political party as the candidate. A petition to nominate a candidate to appear on the presidential preference primary ballot must be submitted at least 75 days before the election. The Secretary of State must certify the names of candidates on the presidential preference primary ballot by the fourth Tuesday in April before the election.

**Summary of Engrossed Bill:** Presidential Primary Dates. The presidential preference primary is renamed as the presidential primary and moved to the second Tuesday in March. The Secretary of State may, by September 1st of the preceding year, propose an alternative date, no earlier than permitted by the national rules of major political parties. The state committee of a major political party may propose an alternative date for the presidential primary by September 15th of the year before the election is held.

Names on the Presidential Primary Ballot. Each party determines which names are placed on the presidential primary ballot under that party's banner. The chair of each party must submit the names of candidates to the Secretary of State 63 days before the presidential primary. The chair of each party must submit the names of any write-in candidates whose votes will be counted for that party seven days before the presidential primary.

Ballots for Presidential Preference Primary. If requested by a party chair 63 days before the election, the presidential primary ballot must include a place for voters to indicate a preference for having delegates to that party's convention remain uncommitted. The

arrangement and form of presidential ballots must be established by rule in consultation with major political parties.

Results Certification. Each county canvassing board must certify the results of a presidential primary election ten days after the election.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The goal here is to have a primary that the parties will use for allocation of delegates to national and state conventions and avoid the mishmash at caucuses. Unaffiliated voters should have no impact on who gets selected. The primary must coincide with national party rules because they are the ones who govern selection of delegates. The caucus system is not supported by the public. We need to listen to what the parties say is going to work so that we do not create a system that has the possibility of caucuses continuing. People want to vote, and voters deserve to have their votes counted. This bill has no issues keeping it from being qualified as a state primary for use by the Democratic Party. Many of the advantages of caucuses are gone because of changes to election laws in the state. This bill will create a statute that the Democratic Party can use to allocate delegates.

OTHER: In a taxpayer-funded election, we need to provide protection to voters who do not want to declare with a party. Our office received many complaints from voters who did not want to declare with a party, and those complaints are also reflected in turnout.

**Persons Testifying:** PRO: Senator Sam Hunt, Prime Sponsor; Steve Zemke, citizen; Bill Harrington, citizen; Paddy McGuire, Mason County Auditor; Andrew Villeneuve, Washington State Democratic Party; David McDonald, Democratic National Committee.

OTHER: Jay Jennings, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** No one.