
SENATE BILL 6452

State of Washington

58th Legislature

2004 Regular Session

By Senators Swecker, Spanel and Kohl-Welles

Read first time 01/21/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to a private choice open primary election; amending
2 RCW 29A.04.007, 29A.36.120, 29A.12.080, and 29A.20.200; adding new
3 sections to chapter 29A.52 RCW; repealing RCW 29A.52.130; and providing
4 an effective date.

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

6 **Sec. 1.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
7 read as follows:

8 As used in this title:

9 (1) "Ballot" means, as the context implies, either:

10 (a) The issues and offices to be voted upon in a jurisdiction or
11 portion of a jurisdiction at a particular primary, general election, or
12 special election;

13 (b) A facsimile of the contents of a particular ballot whether
14 printed on a paper ballot or ballot card or as part of a voting machine
15 or voting device;

16 (c) A physical or electronic record of the choices of an individual
17 voter in a particular primary, general election, or special election;

18 ((~~or~~))

1 (d) The physical document on which the voter's choices are to be
2 recorded; or

3 (e) The set of ballots given to each voter in a primary election
4 that includes the nonpartisan ballot, if prepared, and all party
5 ballots;

6 (2) "Paper ballot" means a piece of paper on which the ballot for
7 a particular election or primary has been printed, on which a voter may
8 record his or her choices for any candidate or for or against any
9 measure, and that is to be tabulated manually;

10 (3) "Ballot card" means any type of card or piece of paper of any
11 size on which a voter may record his or her choices for any candidate
12 and for or against any measure and that is to be tabulated on a vote
13 tallying system;

14 (4) "Sample ballot" means a printed facsimile of all the issues and
15 offices on the ballot in a jurisdiction and is intended to give voters
16 notice of the issues, offices, and candidates that are to be voted on
17 at a particular primary, general election, or special election;

18 (5) "Provisional ballot" means a ballot issued to a voter at the
19 polling place on election day by the precinct election board, for one
20 of the following reasons:

21 (a) The voter's name does not appear in the poll book;

22 (b) There is an indication in the poll book that the voter has
23 requested an absentee ballot, but the voter wishes to vote at the
24 polling place;

25 (c) There is a question on the part of the voter concerning the
26 issues or candidates on which the voter is qualified to vote.

27 NEW SECTION. Sec. 2. Each major political party shall nominate
28 its candidates for public office, except for presidential electors by
29 a primary election as provided in this chapter.

30 A minor political party may qualify to nominate its candidates by
31 primary election by presenting a petition, in a form prescribed by the
32 secretary of state, requesting the primary election and signed by the
33 lesser of a number of registered voters equal to five percent or more
34 of the total votes cast for the successful candidate for governor at
35 the last general election, or a total of five thousand registered
36 voters. The total must include registered voters equal to five percent
37 or more of the total votes cast for the successful candidate for

1 governor at the last general election from more than one-third of the
2 legislative districts, or one hundred fifty registered voters from
3 those districts, whichever is less.

4 The petition must be presented to the county auditor in which the
5 signatures were gathered. The county auditor shall check the petition
6 and canvass the signatures on the petition to determine if the
7 requirements of this section have been met. Once the determination has
8 been made, the county auditor shall forward the verified petition to
9 the secretary of state. The petition must be submitted to the county
10 auditor by the close of business on the last day for candidates to file
11 for office.

12 NEW SECTION. **Sec. 3.** In all partisan primary elections, separate
13 ballots must be prepared for each political party entitled to
14 participate. The name of the political party must appear at the top of
15 the separate ballot for that party and need not appear opposite each
16 candidate's name.

17 The separate ballots for each political party must have the same
18 appearance. Each set of party ballots must bear the same number.

19 A primary ballot for a political party need not be prepared if the
20 party does not have candidates for more than half of the offices to
21 appear on the ballot; and no more than one candidate files for
22 nomination by that party for any of the offices to appear on the
23 ballot. If a primary ballot for a political party is not prepared, the
24 secretary of state shall certify that a primary election is unnecessary
25 for that party and shall instruct the county auditor to certify the
26 names of the candidates for that party for the general election ballot
27 only.

28 NEW SECTION. **Sec. 4.** Nonpartisan offices and ballot issues to be
29 voted on at a primary election must either be prepared on separate
30 ballots or appear on the same ballot as partisan offices if:

- 31 (1) Each section is clearly identified as separate; and
32 (2) The nonpartisan offices and ballot issues appear on each
33 political party ballot.

34 If prepared as a separate ballot, the nonpartisan ballot must have
35 a different appearance than the party ballots but must be numbered in
36 the same order as the party ballots.

1 NEW SECTION. **Sec. 5.** At the primary election, each voter shall
2 receive a set of ballots that includes the nonpartisan and issue
3 ballot, if prepared, and all party ballots. The voter shall cast votes
4 on the nonpartisan ballot and only one of the party ballots. After
5 casting votes the voter shall either: (1) Remove the numbered stub
6 from the nonpartisan and voted party ballots, place the ballots in the
7 ballot box, and return the number and all nonvoted party ballots to the
8 precinct election officers; or (2) deliver the entire set of ballots to
9 the precinct election officers, who shall remove the numbered stub from
10 the nonpartisan and party ballot and place the ballots in the ballot
11 box. All nonvoted party ballots shall be placed in a separate ballot
12 box.

13 NEW SECTION. **Sec. 6.** Except as otherwise provided in this
14 section, election officers at the primary election shall prepare for a
15 count of votes cast on paper ballots in the manner prescribed in
16 chapter 29A.60 RCW.

17 In preparing for a count of paper ballots, the election officers
18 shall:

19 (1) Separate the ballots for each political party and count each
20 party's ballots separately;

21 (2) Reconcile the total number of party ballots and the separate
22 total number of other ballots used at the election with the number of
23 electors voting;

24 (3) List each party's candidates separately in the tally books; and

25 (4) Bundle the voted ballots for each party separately for return
26 to the election officer. The unvoted ballots must be bundled in
27 accordance with rules established pursuant to RCW 29A.04.610.

28 The election officers shall prepare for the counting of primary
29 nonpaper ballots in the manner prescribed under rules adopted pursuant
30 to RCW 29A.04.610.

31 **Sec. 7.** RCW 29A.36.120 and 2003 c 111 s 912 are each amended to
32 read as follows:

33 (1) The positions or offices on a primary ballot shall be arranged
34 in substantially the following order: United States senator; United
35 States representative; governor; lieutenant governor; secretary of
36 state; state treasurer; state auditor; attorney general; commissioner

1 of public lands; superintendent of public instruction; insurance
2 commissioner; state senator; state representative; county officers;
3 justices of the supreme court; judges of the court of appeals; judges
4 of the superior court; and judges of the district court. For all other
5 jurisdictions on the primary ballot, the offices in each jurisdiction
6 shall be grouped together and be in the order of the position numbers
7 assigned to those offices, if any.

8 (2) The order of the positions or offices on an election ballot
9 shall be substantially the same as on a primary ballot except that the
10 offices of president and vice president of the United States shall
11 precede all other offices on a presidential election ballot. State
12 ballot issues shall be placed before all offices on an election ballot.
13 The positions on a ballot to be assigned to ballot measures regarding
14 local units of government shall be established by the secretary of
15 state by rule.

16 (3) The political party or independent candidacy of each candidate
17 for partisan office shall be indicated next to the name of the
18 candidate on the ((~~primary and~~)) election ballot. A candidate shall
19 file a written notice with the filing officer within three business
20 days after the close of the filing period designating the political
21 party to be indicated next to the candidate's name on the ballot if
22 either: (a) The candidate has been nominated by two or more minor
23 political parties or independent conventions; or (b) the candidate has
24 both filed a declaration of candidacy declaring an affiliation with a
25 major political party and been nominated by a minor political party or
26 independent convention. If no written notice is filed the filing
27 officer shall give effect to the party designation shown upon the first
28 document filed. A candidate may be deemed nominated by a minor party
29 or independent convention only if all documentation required by chapter
30 29A.20 RCW has been timely filed.

31 **Sec. 8.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to
32 read as follows:

33 No voting device shall be approved by the secretary of state unless
34 it:

- 35 (1) Secures to the voter secrecy in the act of voting;
36 (2) Permits the voter to vote at any general or special election

1 for any person for any office and upon any measure that he or she has
2 the right to vote for;

3 (3) Permits the voter to vote at any general or special election
4 for all the candidates of one party or in part for the candidates of
5 one or more other parties;

6 (4) Correctly registers all votes cast for any and all persons and
7 for or against any and all measures;

8 (5) Provides that a vote for more than one candidate cannot be cast
9 by one single operation of the voting device or vote tally system
10 except when voting for president and vice president of the United
11 States; and

12 (6) Except for functions or capabilities unique to this state, has
13 been tested, certified, and used in at least one other state or
14 election jurisdiction.

15 **Sec. 9.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to
16 read as follows:

17 Not later than the Friday immediately preceding the first day for
18 candidates to file, the secretary of state shall notify the county
19 auditors of the names and designations of all minor party and
20 independent candidates who have filed valid convention certificates and
21 nominating petitions with that office. Except for the offices of
22 president and vice president, persons nominated under this chapter
23 shall file declarations of candidacy as provided by RCW 29A.24.030 and
24 29A.24.070. The name of a candidate nominated at a convention shall
25 not be printed upon the primary ballot (~~(unless he or she pays the fee~~
26 ~~required by law to be paid by candidates for the same office to be~~
27 ~~nominated at a primary)~~).

28 NEW SECTION. **Sec. 10.** RCW 29A.52.130 (Blanket primary authorized)
29 and 2003 c 111 s 1304 are each repealed.

30 NEW SECTION. **Sec. 11.** Sections 2 through 6 of this act are each
31 added to chapter 29A.52 RCW.

32 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2004.

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