
SENATE BILL 5333

State of Washington

65th Legislature

2017 Regular Session

By Senators Miloscia, Liias, Zeiger, and Pearson; by request of Secretary of State

Read first time 01/20/17. Referred to Committee on State Government.

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

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

6 **Sec. 1.** RCW 29A.56.010 and 2003 c 111 s 1401 are each amended to
7 read as follows:

8 In 1989, the people of the state of Washington ((declare))
9 declared that:

10 (1) The current presidential nominating caucus system in
11 Washington state is unnecessarily restrictive of voter participation
12 in that it discriminates against ((~~the elderly, the infirm, women,~~
13 ~~the~~)) persons who are disabled, evening workers, persons who are
14 retired, members of the armed services, and others who are unable to
15 attend caucuses and therefore unable to fully participate in this
16 most important quadrennial event that occurs in our democratic system
17 of government.

18 (2) It is the intent of this chapter to make the presidential
19 selection process more open and representative of the will of the
20 people of our state, to update the primary process to provide an

1 earlier default date, and to provide the flexibility needed to
2 promote a regional presidential primary.

3 (3) A presidential primary (~~((will))~~) affords the maximum
4 opportunity for voter access (~~((at regular polling places during the~~
5 ~~daytime and evening hours))~~) with voting by mail convenient to the
6 most people.

7 (4) This state's participation in the selection of presidential
8 candidates shall be in accordance with the will of the people as
9 expressed in a presidential (~~((preference))~~) primary.

10 (5) It is the intent of this chapter, to the maximum extent
11 practicable, to continue to reserve to the political parties the
12 right to conduct their delegate selection as prescribed by party
13 rules insofar as it reflects the will of the people as expressed in a
14 presidential primary election conducted every four years in the
15 manner described by this chapter.

16 **Sec. 2.** RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to
17 read as follows:

18 (1) On the (~~((fourth))~~) second Tuesday in (~~((May))~~) March of each
19 year in which a president of the United States is to be nominated and
20 elected, a presidential primary shall be held at which voters may
21 vote for the nominee of a major political party for the office of
22 president. The secretary of state may propose an alternative date for
23 the primary no later than the first day of (~~((August))~~) July of the
24 year before the year in which a president is to be nominated and
25 elected.

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

31 (3) If an alternative date is proposed under subsection (1) or
32 (2) of this section, a committee consisting of the chair and the vice
33 chair of the state committee of each major political party, the
34 secretary of state, the majority leader and minority leader of the
35 senate, and the speaker and the minority leader of the house of
36 representatives shall meet and, if affirmed by a two-thirds vote of
37 the members of the committee, the date of the primary shall be
38 changed. The committee shall meet and decide on the proposed
39 alternate date not later than the (~~((first))~~) thirty-first day of

1 (~~October~~) July of the year before the year in which a presidential
2 nominee is selected. The secretary of state shall convene and preside
3 over the meeting of the committee. A committee member other than a
4 legislator may appoint, in writing, a designee to serve on his or her
5 behalf. A legislator who is a member of the committee may appoint, in
6 writing, another legislator to serve on his or her behalf.

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

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.56
12 RCW to read as follows:

13 (1) The secretary of state may change the date of the
14 presidential primary to a date later in the calendar year in order to
15 coordinate a regional primary with other western states. Any change
16 in the date must be made on or before the seventh day of August of
17 the year before the year in which presidential nominees are selected.

18 (2) If an alternate date is selected under this section, the
19 secretary of state shall adopt rules under RCW 29A.04.620 to adjust
20 the deadlines in RCW 29A.56.030 and related provisions of this
21 chapter to correspond with the selected date.

22 **Sec. 4.** RCW 29A.56.030 and 2011 c 349 s 19 are each amended to
23 read as follows:

24 (1) The name of any candidate for a major political party
25 nomination for president of the United States shall be printed on the
26 presidential (~~preference~~) primary ballot of a major political party
27 only:

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

32 (~~(2)~~) (b) If members of the political party of the candidate
33 have presented a petition for nomination of the candidate that has
34 attached to the petition a sheet or sheets containing the signatures
35 of at least one thousand registered voters who declare themselves in
36 the petition as being affiliated with the same political party as the
37 presidential candidate. The petition shall be filed with the
38 secretary of state not later than seventy-five days before the

1 presidential ((preference)) primary. The signature sheets shall also
2 contain the residence address and ((name or number of the precinct))
3 zip code of each registered voter whose signature appears thereon and
4 shall be certified in the manner prescribed in RCW 29A.72.230 and
5 29A.72.240.

6 (2) The secretary of state shall place the name of the candidate
7 on the ballot unless the candidate, at least sixty-seven days before
8 the presidential ((preference)) primary, executes and files with the
9 secretary of state an affidavit stating without qualification that he
10 or she ((is not now and will not become a candidate for the office of
11 president of the United States at the forthcoming presidential
12 election)) wishes to have his or her name removed from the state's
13 presidential primary ballot.

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

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

27 **Sec. 5.** RCW 29A.56.040 and 2013 c 11 s 54 are each amended to
28 read as follows:

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

33 (2) The arrangement and form of presidential primary ballots must
34 be established by administrative rule adopted under RCW 29A.04.620.
35 Only the candidates who have qualified under RCW 29A.56.030 may
36 appear on the ballots.

37 (3) Each party's ballot or portion of the ballot must list
38 alphabetically the names of all candidates for the office of
39 president. The ballot must clearly indicate the political party of

1 each candidate. (~~Each ballot must include a blank space to allow the~~
2 ~~voter to write in the name of any other candidate.~~)

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

7 **Sec. 6.** RCW 29A.56.050 and 2003 c 111 s 1405 are each amended to
8 read as follows:

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

14 (2) If requested by a major political party, the secretary of
15 state shall adopt rules under RCW 29A.04.620 to provide for any
16 declaration required by that party. In addition to party declaration,
17 voters must be allowed to declare that they do not wish to affiliate
18 with a party.

19 (3) Voters who subscribe to a specific political party
20 declaration under this section must be given ballots that are readily
21 distinguishable from those given to other voters. Votes cast by
22 persons making these declarations must be tabulated and reported
23 separately from other votes cast at the primary and may be used by a
24 major political party in its allocation of delegates under the rules
25 of that party.

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

32 (5) Voters that do not subscribe to a party declaration, and
33 voters that declare that they do not wish to affiliate with a party,
34 may vote for any candidate qualified under RCW 29A.56.030. Votes cast
35 by voters that do not subscribe to a party oath must be tabulated and
36 reported separately.

37 **Sec. 7.** RCW 29A.60.190 and 2015 c 146 s 4 are each amended to
38 read as follows:

1 Ten days after a special election held in February or April, ten
2 days after a presidential primary held pursuant to chapter 29A.56
3 RCW, fourteen days after a primary, or twenty-one days after a
4 general election, the county canvassing board shall complete the
5 canvass and certify the results. Each ballot that was returned before
6 8:00 p.m. on the day of the special election, general election, or
7 primary, and each ballot bearing a postmark on or before the date of
8 the special election, general election, or primary and received no
9 later than the day before certification, must be included in the
10 canvass report.

11 **Sec. 8.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to
12 read as follows:

13 No record may be created or maintained by a state or local
14 governmental agency or a political organization that identifies a
15 voter with the information marked on the voter's ballot, including
16 the choice that a voter makes on a partisan primary ballot regarding
17 political party affiliation. This section does not apply to voter
18 party declaration information under RCW 29A.56.050.

19 **Sec. 9.** RCW 29A.04.206 and 2005 c 2 s 3 are each amended to read
20 as follows:

21 The rights of Washington voters are protected by its constitution
22 and laws and include the following fundamental rights:

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

24 (2) The right of absolute secrecy of the vote. No voter may be
25 required to disclose political faith or adherence in order to vote,
26 except for the presidential primary conducted under chapter
27 29A.56 RCW;

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

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