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**SENATE BILL 6697**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators O'Ban, Zeiger, Becker, Schoesler, and Wilson, L.

AN ACT Relating to increasing voter participation in the presidential primary; and amending RCW 29A.40.091, 29A.56.040, and 29A.56.050.

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

**Sec.**  RCW 29A.40.091 and 2019 c 161 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. For presidential primaries, the county auditor shall include an additional envelope so that the voter's declaration and party preference under RCW 29A.56.040(4) remain private during transit.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec.**  RCW 29A.56.040 and 2019 c 7 s 3 are each amended to read as follows:

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

(2) The arrangement and form of presidential primary ballots must be established by administrative rule adopted under RCW 29A.04.620, and in consultation with the major political parties. Only the candidates who have been submitted under RCW 29A.56.031 may appear on the ballots.

(3) Each party's ballot or portion of the ballot must list alphabetically the names of all candidates for the office of president for that party. The ballot must clearly indicate the political party of each candidate. Additionally, each ballot must contain a list of all candidates who have qualified for a place on the ballot under RCW 29A.56.031 for use by voters that choose not to declare a party affiliation. This list must be in alphabetical order regardless of party, but the political party of each candidate must be clearly indicated.

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

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

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

**Sec.**  RCW 29A.56.050 and 2019 c 7 s 4 are each amended to read as follows:

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

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

(3) In addition to the party declaration provided by each party, voters must be allowed to declare their intention not to affiliate with a party.

(4) Voters who subscribe to a specific political party declaration under this section may only vote for a candidate of that party. Each list of candidates on ballots must be readily distinguishable from the list of candidates for any other party, and from the list of candidates to be used by voters that choose not to declare a party affiliation. Votes cast by persons making these declarations must be tabulated and reported separately from other votes cast at the primary and may be used by a major political party in its allocation of delegates under the rules of that party.

((~~(4)~~)) (5) For a political party that requires a specific voter declaration under this section, the secretary of state shall prescribe rules for providing, to the state and county committees of that political party, a copy of the declarations or a list of the voters who participated in the presidential nominating process of that party.

(6) Voters that do not subscribe to a party declaration, and voters that declare that they do not wish to affiliate with a party, may vote for any candidate under RCW 29A.56.031. Votes cast by voters who declare that they do not wish to affiliate with a party and votes cast by those who do not subscribe to a party oath must be tabulated together and reported separately from the results of votes cast by voters subscribing to a party oath.

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