

ESB 5273 - H AMD 30

By Representative Walsh

NOT ADOPTED 03/04/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to
4 read as follows:

5 (1) On the (~~fourth~~) second Tuesday in (~~May~~) March of each
6 year in which a president of the United States is to be nominated
7 and elected, a presidential primary shall be held at which voters
8 may vote for the nominee of a major political party for the office
9 of president.

10 (2)(a) The secretary of state may propose an alternative date
11 for the primary no later than the (~~first~~) fifteenth day of August
12 of the year before the year in which a president is to be nominated
13 and elected. The proposed date must not be prior to the fifteenth
14 day of February of the year in which a president is to be nominated
15 and elected. The proposed date does not need approval from the
16 committee described in subsection (3) of this section if:

17 (i) The date is chosen to coordinate a regional primary with
18 Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon,
19 or Utah; and

20 (ii) The proposed date is not more than twenty-one days
21 different than the date provided in subsection (1) of this section.

22 (~~(+2)~~) (b) No later than the (~~first~~) fifteenth day of
23 September of the year before the year in which a presidential
24 nominee is selected, the state committee of any major political
25 party that will use the primary results for candidates of that party
26 may propose an alternative date for that primary.

27

1 (3) If an alternative date is proposed under subsection ((~~1~~)
2 ~~or~~) (2) of this section, a committee consisting of the chair and
3 the vice chair of the state committee of each major political party,
4 the secretary of state, the majority leader and minority leader of
5 the senate, and the speaker and the minority leader of the house of
6 representatives shall meet and, if affirmed by a two-thirds vote of
7 the members of the committee, the date of the primary shall be
8 changed. The committee shall meet and decide on the proposed
9 alternate date not later than the first day of October of the year
10 before the year in which a presidential nominee is selected. The
11 secretary of state shall convene and preside over the meeting of the
12 committee. A committee member other than a legislator may appoint,
13 in writing, a designee to serve on his or her behalf. A legislator
14 who is a member of the committee may appoint, in writing, another
15 legislator to serve on his or her behalf.

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

20

21 **Sec. 2.** RCW 29A.56.030 and 2011 c 349 s 19 are each amended to
22 read as follows:

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

27 ((~~1~~)) (a) By direction of the secretary of state, who in the
28 secretary's sole discretion has determined that the candidate's
29 candidacy is generally advocated or is recognized in national news
30 media; or

31 ((~~2~~)) (b) If members of the political party of the candidate
32 have presented a petition for nomination of the candidate that has
33 attached to the petition a sheet or sheets containing the signatures
34 of at least one thousand registered voters, including a member of

1 that political party's state executive committee, who declare
2 themselves in the petition as being affiliated with the same
3 political party as the presidential candidate. The petition shall be
4 filed with the secretary of state not later than ~~((seventy-five))~~
5 seventy days before the presidential ~~((preference))~~ primary. The
6 signature sheets shall also contain the residence address and ~~((name~~
7 ~~or number of the precinct))~~ zip code of each registered voter whose
8 signature appears thereon and shall be certified in the manner
9 prescribed in RCW 29A.72.230 and 29A.72.240.

10 (2) The secretary of state shall place the name of the candidate
11 on the ballot unless:

12 (a) The executive committee of a major political party publicly
13 petitions to remove a name from the list of candidates for that
14 party. The petition for removal must be delivered to the secretary
15 of state at least sixty-five days before the presidential primary.
16 The petition must be signed by the state party chair and at least
17 three members of the state party central committee; or

18 (b) The candidate, at least ~~((sixty-seven))~~ sixty-five days
19 before the presidential ~~((preference))~~ primary, executes and files
20 with the secretary of state an affidavit stating without
21 qualification that he or she ~~((is not now and will not become a~~
22 ~~candidate for the office of president of the United States at the~~
23 ~~forthcoming presidential election))~~ wishes to be removed from the
24 state's presidential primary ballot.

25 (3) If, prior to the sixty-first day before the presidential
26 primary, a candidate has died, withdrawn from consideration, or
27 suspended his or her campaign, the secretary of state may, at the
28 secretary's sole discretion, remove the candidate's name from the
29 ballot upon the secretary's determination that information of the
30 candidate's death, withdrawal from consideration, or suspension of
31 campaign has been widely reported and recognized in the national
32 media.

33 (4) The secretary of state shall certify the names of all
34 candidates who will appear on the presidential ~~((preference))~~

1 primary ballot to the respective county auditors (~~on or before the~~
2 ~~fourth Tuesday in April of each presidential election year~~) at
3 least sixty days before the presidential primary.

4
5 **Sec. 3.** RCW 29A.56.040 and 2013 c 11 s 54 are each amended to
6 read as follows:

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

11 (2) The arrangement and form of presidential primary ballots
12 must be established by administrative rule adopted under RCW 29A.
13 04.620. Only the candidates who have qualified under RCW 29A.56.030
14 may appear on the ballots.

15 (3) Each party's ballot or portion of the ballot must list
16 alphabetically the names of all candidates for the office of
17 president for that party. Each ballot must also contain a list of
18 all candidates, in alphabetical order regardless of party, who have
19 qualified for a place on the ballot under RCW 29A.56.030 for use by
20 voters that choose not to declare a party affiliation. The ballot
21 must clearly indicate the political party of each candidate. (~~Each~~
22 ~~ballot must include a blank space to allow the voter to write in the~~
23 ~~name of any other candidate.~~)

24 (4) A presidential primary ballot with votes for more than one
25 candidate, or with votes for a candidate of a different political
26 party than the voter's declaration, is void, and notice to this
27 effect, stated in clear, simple language and printed in large type,
28 must appear on the face of each presidential primary ballot or on or
29 about each voting device.

30 (5) A presidential primary conducted under this chapter is not
31 subject to recount under RCW 29A.64.021.

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33 **Sec. 4.** RCW 29A.56.050 and 2003 c 111 s 1405 are each amended
34 to read as follows:

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

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

9 (3) Voters who subscribe to a specific political party
10 declaration under this section may vote only for a candidate of that
11 party. Each list of candidates on ballots must be ((given ballots
12 ~~that are~~)) readily distinguishable from ((those given to other
13 ~~voters~~)) the list of candidates for the other party and from the
14 list of candidates to be used by voters who choose not to declare a
15 party affiliation. Votes cast by persons making these declarations
16 must be tabulated and reported separately from other votes cast at
17 the primary and may be used by a major political party in its
18 allocation of delegates under the rules of that party.

19 (4)((~~For a political party that requires a specific voter~~
20 ~~declaration under this section, the secretary of state shall~~
21 ~~prescribe rules for providing, to the state and county committees of~~
22 ~~that political party, a copy of the declarations or a list of the~~
23 ~~voters who participated in the presidential nominating process of~~
24 ~~that party.~~)) Voters must also be allowed to declare an intention to
25 not affiliate with a party. Voters who declare that they do not
26 affiliate with a party or do not subscribe to a party declaration
27 may vote for any candidate from the list of all candidates described
28 in section 3(3) of this act. Votes cast under this subsection must
29 be tabulated together and reported separately from the results of
30 voters who declare a party affiliation. A major political party may
31 choose whether or not to use these votes in its allocation of
32 delegates under the rules of that party.

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1 **Sec. 5.** RCW 29A.60.190 and 2015 c 146 s 4 are each amended to
2 read as follows:

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

12
13 **Sec. 6.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to
14 read as follows:

15 No record may be created or maintained by a state or local
16 governmental agency or a political organization that identifies a
17 voter with the information marked on the voter's ballot(~~(, including~~
18 ~~the choice that a voter makes on a partisan primary ballot regarding~~
19 ~~political party affiliation)~~).

20
21 **Sec. 7.** RCW 29A.04.206 and 2005 c 2 s 3 are each amended to
22 read as follows:

23 (1) The rights of Washington voters are protected by its
24 constitution and laws and include the following fundamental rights:

25 ~~((1))~~ (a) The right of qualified voters to vote at all
26 elections;

27 ~~((2))~~ (b) The right of absolute secrecy of the vote. No voter
28 may be required to disclose political faith or adherence in order to
29 vote;

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

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34

1 (2) Nothing in subsection (1)(b) or (c) of this section alters
2 or supersedes RCW 29A.56.020 through 29A.56.050, which govern
3 presidential primary elections.

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5 **Sec. 8.** RCW 29A.52.355 and 2013 c 11 s 53 are each amended to
6 read as follows:

7 (1) Notice for any presidential, state, county, district, or
8 municipal primary or election, whether special or general, must be
9 given by the county auditor between five and fifteen days prior to
10 the deadline for mail-in registrations. The notice must be published
11 in one or more newspapers of general circulation and must contain,
12 at a minimum, the last date to register online or through the mail,
13 the last date to transfer or update an existing registration, the
14 last date to register in person for first-time voters, information
15 on where a person can register, the type of election, the date of
16 the election, how a voter can obtain a ballot, a list of all
17 jurisdictions involved in the election, including positions and
18 short titles for ballot measures appearing on the ballot, and the
19 times and dates of any public meetings associated with the election.
20 The notice shall also include where additional information regarding
21 the election may be obtained. The notice of a primary held in an
22 evennumbered year must indicate that the office of precinct
23 committee officer is on the ballot. This is the only notice required
24 for a state, county, district, or municipal primary or special or
25 general election.

26 (2) If the county or city chooses to mail a local voters'
27 pamphlet as described in RCW 29A.32.210 to each residence, the
28 notice required in this section need only include the last date to
29 register online or through the mail, the last date to transfer or
30 update an existing registration, the last date to register in person
31 for first-time voters, information on where a person can register,
32 and the times and dates of any public meetings associated with the
33 election.

1 NEW SECTION. **Sec. 9.** RCW 29A.56.010 (Intent) is decodified."

2

3 Correct the title.

EFFECT: Permits unaffiliated voters to vote for a candidate from a list of all candidates, and changes the ballot format accordingly. Removes provisions in the underlying bill that allow political parties to choose which candidates appear on the ballot. Modifies procedures for removing a candidate from the ballot to give the Secretary of State discretion to remove a candidate under certain circumstances and to allow parties to petition for removal of a candidate. Provides that the Secretary of State does not need committee approval to move the primary date 21 days or fewer in order to hold a regional primary. Removes provisions in the underlying bill that allow parties to request an option for voters to indicate a preference for having delegates to the party's national convention remain uncommitted. Codifies into statute the Secretary of State's rule that statutory recounts are unavailable for the presidential primary. Provides that the earliest date to which the Secretary of State may move the primary is February 15, rather than as permitted by party rules (in the underlying bill) or without limitation (in current law). Effectuates the prohibition on parties maintaining records of voters' party affiliations by removing provisions for the Secretary of State to send party declarations to the parties.

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