CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5273

Chapter 7, Laws of 2019

66th Legislature
2019 Regular Session

PRESIDENTIAL PRIMARY

EFFECTIVE DATE: July 28, 2019

Passed by the Senate January 30, 2019
  Yeas 29 Nays 18

KAREN KEISER

President of the Senate

Passed by the House March 4, 2019
  Yeas 54 Nays 42

FRANK CHOPP

Speaker of the House of Representatives

Approved March 14, 2019 4:01 PM

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **ENGROSSED SENATE
BILL 5273** as passed by Senate and
the House of Representatives on the
dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 15, 2019

JAY INSLEE

Governor of the State of Washington

Secretary of State
State of Washington

ENGROSSED SENATE BILL 5273

Passed Legislature - 2019 Regular Session

State of Washington   66th Legislature   2019 Regular Session

By Senators Hunt, Kuderer, Wellman, Cleveland, McCoy, Dhingra, Saldaña, Billig, Mullet, Liias, Conway, Das, Frockt, Keiser, and Palumbo

Read first time 01/16/19. Referred to Committee on State Government, Tribal Relations & Elections.

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

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

6   **Sec. 1.** RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to
7   read as follows:
8   (1) On the ((fourth)) second Tuesday in ((May)) March of each
9   year in which a president of the United States is to be nominated and
10 elected, a presidential primary shall be held at which voters may
11 vote for the nominee of a major political party for the office of
12 president.
13   (2)(a) The secretary of state may propose an alternative date for
14 the primary, including to coordinate a regional primary with any of
15 the following states: Alaska, Arizona, California, Hawaii, Idaho,
16 Montana, Nevada, Oregon, and Utah, no later than the first day of
17 ((August)) September of the year before the year in which a president
18 is to be nominated and elected. The proposed date must not be prior
19 to the earliest date permitted by the national rules of the major
20 political parties.

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

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

(4) If an alternate date is approved under this section, the secretary of state shall adopt rules under RCW 29A.04.620 to adjust the deadlines in ((~~RCW 29A.56.030~~)) <u>section 2 of this act</u> and related provisions of this chapter to correspond with the date that has been approved.

<u>NEW SECTION.</u> **Sec. 2.** A new section is added to chapter 29A.56 RCW to read as follows:

(1) Each party must determine which candidates are to be placed on the presidential primary ballot for that party. The chair of each party must submit to the secretary of state the names of the candidates to appear on the ballot for that party no later than sixty-three days before the presidential primary. Once submitted, changes must not be made to the candidates that will appear on the ballot.

(2) No later than the seventh day before the presidential nomination primary, the chair of each party must submit to the secretary of state the names of write-in candidates, if any, to be counted for that party.

Sec. 3. RCW 29A.56.040 and 2013 c 11 s 54 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 ((qualified under RCW 29A.56.030)) been submitted
under section 2 of this act 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. ((Each ballot must include a blank
space to allow the voter to write in the name of any other
candidate.))

(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. 4. RCW 29A.56.050 and 2003 c 111 s 1405 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) 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 ((given ballots that are)) readily distinguishable from ((those given to other voters)) the list of candidates for any other party. 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) 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.

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

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

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

No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot, ((including the choice that a voter makes on a partisan primary ballot regarding political party affiliation)) except the declarations made under RCW 29A.56.050(2).

1   **Sec. 7.** RCW 29A.04.206 and 2005 c 2 s 3 are each amended to read
2   as follows:
3   (1) The rights of Washington voters are protected by its
4   constitution and laws and include the following fundamental rights:
5   ((~~(1)~~)) (a) The right of qualified voters to vote at all
6   elections;
7   ((~~(2)~~)) (b) The right of absolute secrecy of the vote. No voter
8   may be required to disclose political faith or adherence in order to
9   vote;
10   ((~~(3)~~)) (c) The right to cast a vote for any candidate for each
11 office without any limitation based on party preference or
12 affiliation, of either the voter or the candidate.
13   (2) Nothing in subsection (1)(b) or (c) of this section alters or
14 supersedes RCW 29A.56.020 through 29A.56.050, which govern
15 presidential primary elections.

16   NEW SECTION. **Sec. 8.** RCW 29A.56.010 (Intent) is decodified.

17   NEW SECTION. **Sec. 9.** RCW 29A.56.030 (Ballot—Names included) and
18 2011 c 349 s 19, 2006 c 344 s 15, & 2003 c 111 s 1403 are each
19 repealed.

        Passed by the Senate January 30, 2019.
        Passed by the House March 4, 2019.
        Approved by the Governor March 14, 2019.
        Filed in Office of Secretary of State March 15, 2019.

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