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**HOUSE BILL 1265**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Rude, Chapman, Griffey, Walsh, Graham, Eslick, Jacobsen, Chase, and Robertson; by request of Secretary of State

AN ACT Relating to the presidential primary; amending RCW 29A.56.031, 29A.56.040, and 29A.56.050.

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

**Sec.**  RCW 29A.56.031 and 2019 c 7 s 2 are each amended 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) At least 60 days before the presidential primary, the secretary of state shall certify the names of all candidates who will appear on the presidential primary ballot, and information about uncommitted delegates, if a party has requested inclusion of an uncommitted choice under RCW 29A.56.040(4), to the respective county auditors. The name of the candidates for each major political party nomination for president of the United States shall be included on the presidential primary ballot of the associated major political party, and on the list of candidates on the ballot used by voters who choose not to declare a party affiliation.

(3) 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.**  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 affiliation 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 qualified under RCW 29A.56.031 using the list of all candidates to be used by unaffiliated voters. Votes cast by voters who declare that they do not wish to affiliate with a party and votes cast by voters 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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