

SENATE BILL REPORT

SB 5050

As of February 20, 2025

Title: An act relating to maintaining the privacy of party selections during presidential primaries.

Brief Description: Concerning the privacy of party selections during presidential primaries.

Sponsors: Senators Wilson, J., Christian, McCune, Schoesler, Holy, Dozier, Short, Torres, Chapman and Fortunato.

Brief History:

Committee Activity: State Government, Tribal Affairs & Elections: 1/28/25, 2/07/25 [DP-WM].

Ways & Means: 2/20/25.

Brief Summary of Bill

- Requires the political party declaration required to vote in a presidential primary be placed inside the return ballot envelope.
- Requires the return ballot envelope for a presidential primary include a prominently placed reminder that a political party declaration is required for the ballot to be counted.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Wilson, J., Ranking Member; Fortunato, Hasegawa, Kauffman, McCune, Riccelli and Short.

Staff: William Bridges (786-7312)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Samuel Brown (786-7470)

Background: Presidential Primary. Washington holds a presidential primary to allow voters to express a preference for the presidential nominee of the major political parties. Political parties are not required to use the primary results to allocate their delegates to the national convention for naming a party nominee, but may instead allocate delegates based on the results of precinct caucuses and conventions.

Prior to the presidential primary, the state chair of each major party must submit in writing to the secretary of state (SOS) the exact wording of any party declaration required by rules of the state or national party. SOS must certify the language of each major party's declaration to the county auditors.

Presidential Primary Ballot Form and Return Envelope. Voters who subscribe to a specific political party must be given ballots that are readily distinguishable from those given to other voters. Under rules adopted by the SOS, each primary ballot must have a blue-shaded bar with a Democratic Party heading and a red shaded-bar with a Republican Party heading, and the candidates for each party are to be printed immediately below. The ballot return envelope must contain a checkbox where voters may indicate the political party to which they subscribe. The return envelope must also include one-signature line to serve as both the standard ballot declaration and party affiliation declaration.

Summary of Bill: Requires the Political Party Declaration for a Presidential Primary Ballot to be Inside the Return Ballot Envelope. In presidential primaries, when a voter is required to mark a political party on a ballot or ballot envelope: (1) the declaration must be placed such that the ballot envelope must be opened in order for anyone to see the declaration, and (2) the ballot envelope must include a prominently placed reminder to the voter that a political party declaration is required for the ballot to be counted.

Expresses Legislative Findings. Legislative findings are made expressing privacy concerns about the visibility of the party preference selections on the outside of presidential primary ballot envelopes and the necessity to protect the secrecy of the party preference selection.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (State Government, Tribal Affairs & Elections):

PRO: Over 47,000 ballots were rejected during the last presidential primary election. Among the reasons was a failure to check the party-selection box. This bill seeks to protect and preserve the voting process by addressing a recurring problem in presidential primary elections of voters failing to select a party.

OTHER: The Secretary of State's Office is ready and willing to improve the voting process. The office does receive concerns from citizens regarding the privacy of their party selection during presidential primary season; however, a voter's choice of party is a public record.

Persons Testifying (State Government, Tribal Affairs & Elections): PRO: Senator Jeff Wilson, Prime Sponsor.

OTHER: Shawn Merchant, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying (State Government, Tribal Affairs & Elections): No one.

Staff Summary of Public Testimony (Ways & Means): OTHER: The secretary of state is ready and willing to implement this process. We receive many complaints about the presidential primary election and welcome efforts to address them. However, this will prove costly and cumbersome. Voters will need to understand that their party choice is still a matter of public record. Counties bear the upfront costs, which rural counties struggle with, but the state will still pay its proportionate share on the back end.

Persons Testifying (Ways & Means):

OTHER: Brian Hatfield, Office of Secretary of State; Michael Shaw, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.