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**SENATE BILL 5229**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Zeiger, Hunt, Mullet, Palumbo, and Saldaña; by request of Secretary of State

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.56.030, 29A.56.040, 29A.56.050, 29A.60.190,  
3 29A.08.161, and 29A.04.206; and decodifying RCW 29A.56.010.

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

5 **Sec. 1.** RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to  
6 read as follows:

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

12 (2)(a) The secretary of state may propose an alternative date for  
13 the primary no later than the first day of ~~((August))~~ September of  
14 the year before the year in which a president is to be nominated and  
15 elected. The proposed date must not be prior to the fifteenth day of  
16 February of the year in which a president is to be nominated and  
17 elected.

18 ~~((+2))~~ (b) No later than the ~~((first))~~ fifteenth day of  
19 September of the year before the year in which a presidential nominee  
20 is selected, the state committee of any major political party that

1 will use the primary results for candidates of that party may propose  
2 an alternative date for that primary.

3 (c) The secretary of state may change the date of the  
4 presidential primary to another date in the calendar year in order to  
5 coordinate a regional primary with any of the following states:  
6 Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon,  
7 and Utah. Any change in the date must be made on or before the  
8 fifteenth day of August of the year before the year in which  
9 presidential nominees are selected. The proposed date must not be  
10 prior to the fifteenth day of February of the year in which a  
11 president is to be nominated and elected. If the proposed date is  
12 more than twenty-one days different than the date found in subsection  
13 (1) of this section the committee described in subsection (3) of this  
14 section must approve the date change.

15 (3) If an alternative date is proposed under subsection (~~(1)~~  
16 ~~or~~) (2)(a) or (b) of this section, or a date change greater than  
17 twenty-one days is proposed under subsection (2)(c) of this section,  
18 a committee consisting of the chair and the vice chair of the state  
19 committee of each major political party, the secretary of state, the  
20 majority leader and minority leader of the senate, and the speaker  
21 and the minority leader of the house of representatives shall meet  
22 and, if affirmed by a two-thirds vote of the members of the  
23 committee, the date of the primary shall be changed. The committee  
24 shall meet and decide on the proposed alternate date not later than  
25 the first day of October of the year before the year in which a  
26 presidential nominee is selected. The secretary of state shall  
27 convene and preside over the meeting of the committee. A committee  
28 member other than a legislator may appoint, in writing, a designee to  
29 serve on his or her behalf. A legislator who is a member of the  
30 committee may appoint, in writing, another legislator to serve on his  
31 or her behalf.

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

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

38 (1) The name of any candidate for a major political party  
39 nomination for president of the United States shall be (~~printed~~)

1 included on the presidential ((preference)) primary ballot of a major  
2 political party, or the list of candidates used by voters who choose  
3 not to declare a party affiliation, only:

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

8 ~~((2))~~ (b) If members of the political party of the candidate  
9 have presented a petition for nomination of the candidate that has  
10 attached to the petition a sheet or sheets containing the signatures  
11 of at least one thousand registered voters, including a member of  
12 that political party's state executive committee, who declare  
13 themselves in the petition as being affiliated with the same  
14 political party as the presidential candidate. The petition shall be  
15 filed with the secretary of state not later than ((seventy-five))  
16 seventy days before the presidential ((preference)) primary. The  
17 signature sheets shall also contain the residence address and ((name  
18 or number of the precinct)) zip code of each registered voter whose  
19 signature appears thereon and shall be certified in the manner  
20 prescribed in RCW 29A.72.230 and 29A.72.240.

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

23 (a) The executive committee of a major political party publicly  
24 petitions to remove a name from the list of candidates for that  
25 party. The petition for removal must be delivered to the secretary of  
26 state naming the candidate, or candidates, they wish to remove at  
27 least sixty-five days before the presidential primary. The petition  
28 must contain the signatures of the state party chair and at least  
29 three members of the state party central committee; or

30 (b) The candidate, at least ((sixty-seven)) sixty-five days  
31 before the presidential ((preference)) primary, executes and files  
32 with the secretary of state an affidavit stating without  
33 qualification that he or she ((is not now and will not become a  
34 candidate for the office of president of the United States at the  
35 forthcoming presidential election)) wishes to have his or her name  
36 removed from the state's presidential primary ballot.

37 (3) If, prior to the sixty-first day before the presidential  
38 primary, a candidate has died, withdrawn from consideration, or  
39 suspended his or her campaign, the secretary of state may, at the  
40 secretary's sole discretion, remove the candidate's name from the

1 ballot upon the secretary's determination that information of the  
2 candidate's death, withdrawal from consideration, or suspension of  
3 campaign has been widely reported and recognized in the national  
4 media.

5 (4) The secretary of state shall certify the names of all  
6 candidates who will appear on the presidential ((preference)) primary  
7 ballot to the respective county auditors ((on or before the fourth  
8 Tuesday in April of each presidential election year)) at least sixty  
9 days before the presidential primary.

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

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

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

20 (3) Each party's ballot or portion of the ballot must list  
21 alphabetically the names of all candidates for the office of  
22 president for that party. The ballot must clearly indicate the  
23 political party of each candidate. ((Each ballot must include a blank  
24 space to allow the voter to write in the name of any other  
25 candidate.)) Additionally, each ballot must contain a list of all  
26 candidates who have qualified for a place on the ballot under RCW  
27 29A.56.030 for use by voters that choose not to declare a party  
28 affiliation. This list must be in alphabetical order regardless of  
29 party, but the political party affiliation of each candidate must be  
30 clearly indicated.

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

35 (5) Notice must be published in the manner required by RCW  
36 29A.52.355.

37 (6) A presidential primary conducted under this chapter is not  
38 subject to recount under RCW 29A.64.021.

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

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

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

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

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

24       (~~(4)~~) (5) For a political party that requires a specific voter  
25 declaration under this section, the secretary of state shall  
26 prescribe rules for providing, to the state and county committees of  
27 that political party, a copy of the declarations or a list of the  
28 voters who participated in the presidential nominating process of  
29 that party.

30       (6) Voters that do not subscribe to a party declaration, and  
31 voters that declare that they do not wish to affiliate with a party,  
32 may vote for any candidate qualified under RCW 29A.56.030 using the  
33 list of all candidates to be used by undeclared voters. Votes cast by  
34 voters who declare that they do not wish to affiliate with a party  
35 and votes cast by voters who do not subscribe to a party oath must be  
36 tabulated together and reported separately from the results of votes  
37 cast by voters subscribing to a party oath.

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

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

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

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

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

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

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

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

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

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

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

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