
SENATE BILL 5852

State of Washington

54th Legislature

1995 Regular Session

By Senators Drew, Sheldon, Wood, Prince, Oke and Winsley; by request of Secretary of State

Read first time 02/09/95. Referred to Committee on Government Operations.

1 AN ACT Relating to the presidential preference primary; amending
2 RCW 29.19.020, 29.19.030, 29.19.040, 29.19.050, 29.19.060, 29.19.080,
3 and 29.81.014; and adding new sections to chapter 29.19 RCW.

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

5 **Sec. 1.** RCW 29.19.020 and 1989 c 4 s 2 are each amended to read as
6 follows:

7 On the ((~~fourth~~)) second Tuesday in ((~~May~~)) March of each year
8 ((~~when~~)) in which a president of the United States is to be nominated
9 and elected, or such other date as may be selected by the secretary of
10 state to advance the concept of a regional primary or to ensure that
11 the primary has a meaningful impact on the presidential candidate
12 selection process, a presidential preference primary shall be held at
13 which voters may express their preferences as to who should be the
14 nominee of ((a)) each major political party for the office of
15 president.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.19 RCW
17 to read as follows:

1 (1) On or before the first Tuesday in September of the calendar
2 year before the year in which a president of the United States is to be
3 nominated and elected, each major political party that will select some
4 or all of the delegates from this state to the national nominating
5 convention of that party shall submit to the secretary of state:

6 (a) A copy of the current rules of the national and state party;

7 (b) The call of convention for the national and state conventions
8 (or similar document containing instructions and conditions for the
9 conduct of the presidential nominating process by that party); and

10 (c) A plan or recommendations for participating in the presidential
11 preference primary and implementing the rules and call of convention of
12 that party in accordance with this chapter.

13 (2) The plan submitted by the party must include:

14 (a) The manner in and extent to which the party will employ the
15 results of the presidential primary in determining the allocation of
16 delegates to the national nominating convention; and

17 (b) The language of any declaration of party affiliation or other
18 oath that a voter will be required to make under the rules of that
19 party for his or her vote at the presidential preference primary to be
20 counted with respect to the allocation of delegates to the national
21 nominating convention of that party.

22 **Sec. 3.** RCW 29.19.030 and 1989 c 4 s 3 are each amended to read as
23 follows:

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

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

30 (2) If members of the political party of the candidate have
31 presented a petition for nomination of the candidate that has attached
32 to the petition a sheet or sheets containing the signatures of at least
33 one thousand registered voters who declare themselves in the petition
34 as being affiliated with the same political party as the presidential
35 candidate. The petition shall be filed with the secretary of state not
36 later than the (~~((thirty-ninth))~~) forty-fifth day before the presidential
37 preference primary. The signature sheets shall also contain the
38 printed name, residence address, and (~~((name or number of the precinct))~~)

1 county of each registered voter whose signature appears thereon and
2 shall be certified in the manner prescribed in RCW 29.79.200 and
3 29.79.210.

4 The secretary of state shall place the name of the candidate on the
5 ballot unless the candidate, at least (~~((thirty-five))~~) forty days before
6 the presidential preference primary, executes and files with the
7 secretary of state an affidavit stating without qualification that he
8 or she is not now and will not become a candidate for the office of
9 president of the United States at the forthcoming presidential
10 election. The secretary of state shall certify the names of all
11 candidates who will appear on the presidential preference primary
12 ballot to the respective county auditors (~~((on or before the fourth
13 Tuesday in April of each presidential election year))~~) at least thirty-
14 nine days before the presidential primary.

15 **Sec. 4.** RCW 29.19.040 and 1989 c 4 s 4 are each amended to read as
16 follows:

17 The arrangement and form of presidential primary ballots shall be
18 substantially as provided for any primary (~~((election))~~) within the state
19 except as (~~((may be modified by))~~) provided under this chapter or by rule
20 of the secretary of state (~~((as provided for in))~~) under RCW 29.19.070 to
21 adequately reflect the requirements of the national party rules of a
22 major political party or to implement the intent of this chapter.

23 (~~((A separate ballot shall be prepared for each major political
24 party that has candidates whose names have been authorized for
25 placement on presidential preference primary ballots under RCW
26 29.19.030.))~~) The names of all candidates for (~~((a party's nomination
27 for))~~) the office of president shall be listed alphabetically in a
28 column on (~~((that party's))~~) the ballot. (~~((There shall be a printed
29 box))~~) The political party of each candidate shall be indicated adjacent
30 to the name of ((each)) that candidate. A blank space to allow the
31 voter to write in the name of another candidate shall also be included
32 on each ballot.

33 The ballot, in providing for a choice of candidates for the office
34 of president, shall set forth only those candidates, with their
35 political party affiliation, who have qualified for a place on the
36 ballot under RCW 29.19.030.

1 **Sec. 5.** RCW 29.19.050 and 1989 c 4 s 5 are each amended to read as
2 follows:

3 (~~Insofar as is practicable, and~~) Except where necessary to
4 accommodate the national rules of a major political party or where the
5 provisions of this chapter do not specifically indicate otherwise, the
6 presidential preference primary shall be conducted in the same manner
7 as a state partisan primary, including the certification of the
8 election returns by the secretary of state. The requirement of
9 rotation of names on the ballot does not apply to the candidates listed
10 on the presidential preference primary ballot. County auditors may
11 combine and consolidate two or more precincts for the purpose of
12 conducting the presidential preference primary only if precinct vote
13 totals for the primary can still be made available (~~and the~~
14 consolidation does not require a voter to go to a location different
15 from that of the last regular election)).

16 If a political party provides for a declaration under section
17 2(2)(b) of this act, the political party shall provide a separate form
18 for each precinct of the state containing the declaration required by
19 the rules of that party and a space or spaces for voters to sign and
20 record any other information required by the rules of that party. Each
21 person desiring to vote in the presidential preference primary shall
22 (~~receive a ballot request form on which the voter shall sign his or~~
23 her name and address and declare the party primary in which he or she
24 wishes to participate)) sign a precinct list of registered voters as
25 required under RCW 29.51.060. A voter who wishes to subscribe to the
26 additional declaration required by a political party shall also sign
27 the form provided by that party.

28 The secretary shall prescribe rules for providing (~~each party~~) to
29 the state central committee of a political party that requires a
30 separate declaration under section 2(2)(b) of this act, a copy of those
31 declarations or a list of the voters who participated in the
32 presidential primary of that party.

33 (~~The signed ballot request forms shall be maintained in the~~
34 centralized containers by the county auditor for a period of time as
35 specified by rule of the secretary of state, after which time they
36 shall be destroyed, unless otherwise directed by federal law.))

37 Voters who subscribe to an additional party declaration under
38 section 2(2)(b) of this act shall be given ballots that are readily
39 distinguishable from those given to other voters. The secretary of

1 state shall provide by rule for uniform ballot formats and procedures
2 for each type of voting equipment.

3 At a presidential preference primary, a voter may cast no more than
4 one vote on a ballot. Any presidential preference primary ballot with
5 more than one vote is void, and notice to this effect, couched in
6 clear, simple language, and printed in large type, shall appear on the
7 face of each presidential preference primary ballot. Where (~~voting~~
8 ~~machines or~~) electronic voting devices are in use, the notice shall be
9 displayed on or about each (~~machine or~~) device.

10 NEW SECTION. Sec. 6. A new section is added to chapter 29.19 RCW
11 to read as follows:

12 If the national rules of a major political party require an
13 additional declaration for those voters who participate in the
14 selection of some or all of the delegates from this state to the
15 national nominating convention of that party, the votes cast by persons
16 making this declaration must be tabulated and reported separately from
17 other votes cast at the primary.

18 **Sec. 7.** RCW 29.19.060 and 1989 c 4 s 6 are each amended to read as
19 follows:

20 (1) The (~~results of the presidential preference primary shall~~
21 ~~determine the percentage~~) number of delegate and alternate positions
22 to be allocated by a major political party to each presidential
23 candidate of that party must be determined according to the national
24 rules of that political party. Selection of individuals to delegate
25 and alternate positions shall be in compliance with applicable national
26 and state party rules (~~, and to the extent practicable, delegates shall~~
27 ~~be apportioned among the state's congressional districts. Delegate~~
28 ~~positions shall be allocated to presidential candidates in the manner~~
29 ~~specified in subsection (3) of this section except as otherwise~~
30 ~~provided by national party rules~~)).

31 (2) All votes cast for a particular presidential candidate in a
32 major political party's primary shall be considered votes for delegate
33 positions committed to that candidate.

34 (~~Each candidate for a delegate position who is committed to a~~
35 ~~particular presidential candidate, before the selection of delegates,~~
36 ~~shall sign and submit to the appropriate party's state committee the~~
37 ~~following pledge:~~

Delegate Pledge

I,, do hereby swear that I am a supporter of for the office of President of the United States; and that if elected as a delegate to the Party National Convention I pledge to cast my ballot as a delegate to the convention for that candidate on the first two ballots unless released by the candidate, and I pledge furthermore to do all that I can to advance the cause of that candidate at the national convention.

(3) Except as otherwise provided by national party rules, delegate positions shall be allocated from the state at-large among presidential candidates who receive at least fifteen percent of the total votes cast for candidates of the same political party, or such other percentage as national party rules may provide. Each candidate so qualified shall be allocated a percentage of delegate positions equal to as nearly as practicable that candidate's percentage of the total votes cast for candidates of the same political party in the presidential preference primary. The votes of candidates who do not receive at least fifteen percent of the total votes cast in their parties' presidential preference primary shall be proportionately allocated to those candidates who did receive fifteen percent or more of the total votes cast in their parties' presidential preference primary.

(4)) (3) If any presidential candidate, at any time after the presidential preference primary, formally releases the delegates or alternates holding positions committed to him or her ((under the formula established by subsection (3) of this section, the)), those delegates or alternates shall be considered uncommitted. The delegates or alternates holding positions committed to a candidate shall be considered formally released when the candidate so notifies, in writing, the chair of his or her party's delegation.

((5)) (4) In the event of the death of a candidate to whom delegate or alternate positions have been committed, ((all such)) those positions shall be considered uncommitted.

((6) If no ballot choice on a political party ballot receives fifteen percent or more of the total votes cast, the state committee of the political party shall determine how delegate positions allotted to the state by the national committee shall be committed.

1 ~~(7))~~ (5) If a vacancy occurs in the position of delegate or
2 alternate, the ~~((remaining delegates committed to the same preference~~
3 ~~as the vacating person shall name a person to fill the))~~ vacancy must
4 be filled according to the national and state rules of that major
5 political party.

6 NEW SECTION. Sec. 8. A new section is added to chapter 29.19 RCW
7 to read as follows:

8 Where this chapter does not specifically indicate otherwise, mail
9 ballot voting and absentee voting must be conducted as provided in
10 chapter 29.36 RCW. If the national rules of a political party provide
11 for an oath under section 2(2)(b) of this act, the secretary of state
12 shall provide by rule for a form or other device containing the oath
13 that the voter may complete and return along with the security envelope
14 required under RCW 29.36.045. The secretary of state shall provide by
15 rule for suitable instructions about this additional declaration to be
16 provided to each absentee voter or mail ballot voter.

17 **Sec. 9.** RCW 29.19.080 and 1989 c 4 s 8 are each amended to read as
18 follows:

19 Subject to available funds specifically appropriated for this
20 purpose, whenever a presidential preference primary election is held as
21 provided by this chapter, the state of Washington shall assume all
22 costs of holding the election if it is held alone. If any other
23 election or elections are held at the same time, the state is liable
24 only for ((its)) a prorated share. The county auditor shall determine
25 the election costs, including the state's prorated share, if
26 applicable, in the manner provided under RCW 29.13.045 and shall file
27 a certified claim ((therefore)) with the secretary of state. The
28 secretary of state shall ((compile such claims for presentation to the
29 next succeeding legislature in the same manner as other legislative
30 relief claims)) include in his or her biennial budget requests
31 sufficient funds to carry out this section. Reimbursements for
32 election costs shall be from appropriations specifically provided by
33 law for that purpose.

34 **Sec. 10.** RCW 29.81.014 and 1977 c 56 s 1 are each amended to read
35 as follows:

1 (1) In each odd-numbered year immediately preceding a year in which
2 a president of the United States is to be nominated and elected, the
3 voter's pamphlet shall contain an insert or a detachable section
4 explaining the presidential preference primary and the precinct caucus
5 and convention process utilized by each major political party to
6 ~~((elect))~~ select delegates to its national ~~((presidential candidate))~~
7 nominating convention. The information to be provided shall include,
8 but not be limited to: (a) The dates of precinct caucuses, (b)
9 instructions as to how to ascertain the names of current precinct
10 ~~((committeepersons))~~ committee officers, precinct caucus chairpersons,
11 the locations of precinct caucus meeting places, and the dates of
12 county, district, and state conventions, (c) a description of the rules
13 of procedure which will be used at caucuses and conventions, (d) the
14 formulas utilized to allocate delegates elected at the precinct
15 caucuses and at county, legislative district, congressional district,
16 and state caucuses or conventions, and (e) a description of the other
17 actions which may be taken at the caucuses and conventions in addition
18 to selecting delegates. The content and format of this section of the
19 voter's pamphlet shall be established by the secretary of state after
20 consultation with the chairperson of the state central committee of
21 each major political party, or his or her designated representative.

22 (2) The voter's pamphlet shall also provide a description of the
23 statutory procedures by which minor political parties are formed and
24 the statutory methods utilized by such parties to nominate candidates
25 for president. The content and format of this description shall be
26 established by the secretary of state.

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