

# SENATE BILL REPORT

## SB 6199

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As of June 19, 2001

**Title:** An act relating to an open private choice primary.

**Brief Description:** Revising procedures for primary elections.

**Sponsors:** Senators Constantine, Morton, Roach, Patterson, Jacobsen, Snyder, Franklin, Kohl-Welles and Spanel.

**Brief History:**

**Committee Activity:** State & Local Government: 6/19/01.

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### SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

**Staff:** Eugene Green (786-7405)

**Background:** Washington currently has a blanket partisan primary. In a blanket primary, the candidate with the most votes for an office within his or her political party is the party's nominee. Any voter may vote for any one candidate for a partisan office regardless of the candidate's or the voter's party affiliation. A voter may vote for candidates affiliated with one political party for one office and vote for a candidate affiliated with another political party for another office.

A minor political party's candidate must receive 1 percent of the vote for that office at the primary in order to advance to the general election.

**Summary of Bill:** Application: This act creates a primary for all partisan elected offices except for president and vice president, precinct committee officer, and an office exempt from the primary to fill an unexpired term.

Political Party Affiliation: Under no circumstances may an individual be required to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote.

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 provided on the voter's ballot, including the declaration that the voter makes regarding political party affiliation.

Primary Ballot: Each primary ballot that includes one or more partisan offices must include a party identification checkoff box that allows a voter to declare an affiliation with any of the major political parties, or the option to not declare an affiliation with any major political party. If a voter makes no selection or selects more than one option, then the voter is presumed to have not declared an affiliation with any major political party. A voter may not cast more than one vote for candidates for a given office.

The party identification checkoff box must appear on the primary ballot before any offices and ballot measures. Clear and concise instructions to the voters must include: (1) a question asking the voter to indicate the major political party, if any, with which the voter chooses to declare an affiliation; (2) a statement that all votes cast will be counted regardless of the voter's declared party affiliation, if any, or the candidate's party designation; (3) an explanation, for each political party, of whether or not votes cast by a voter who declares an affiliation with a different major political party or who chooses not to declare an affiliation with any major political party will be used to determine the major political party's nominees; and (4) an explanation that any candidate who receives a plurality that exceeds 40 percent of all votes cast, but who does not qualify to be a political party's nominee, will advance to the general election as an unaffiliated candidate.

Major Political Parties: A political party of which no nominee received at least 10 percent of the total vote cast may forgo its status as a major political party by filing with the Secretary of State an appropriate party rule within 60 days of attaining major party status or 30 days of the effective date of this act, whichever is later.

A major political party may choose, by rule, to allow voters who declare an affiliation with a different major political party, or who choose not to declare an affiliation with any major political party, to cast votes that will be used to determine the major political party's nominees. The major political party shall have the option to accept votes cast by voters who have declared an affiliation with a specific and different major political party or parties, or who have chosen not to declare an affiliation with any major political party, or both. The rules shall be made on a statewide basis, shall be applied evenly to all votes cast by the voters within any given party affiliation category, and shall not be specific to any district, office, or candidate. This rule may be repealed at any time. However, the adoption of a rule or the repeal of the rule must occur on or before July 1 in order to be in effect at any primary conducted between September 1 of the same year and August 30 of the following year. A major political party must provide the Secretary of State with written notification of such action before the end of the first business day that immediately follows the day during which the action is taken.

If a major political party adopts an appropriate rule, then the major political party's nominee is the candidate of that party who receives a plurality from the aggregation of votes cast by voters who declare an affiliation with that major political party and votes cast by any other specific category of voter so authorized by the party. Otherwise, the major political party's nominee will be the candidate who receives a plurality of votes cast by only those voters who declare an affiliation with that major political party. The decision by a major political party to accept votes cast by any specific categories of voters does not affect the rights of any other major political party.

Notification of Major Party Rule Regarding Voters Who Choose Not to Affiliate with Any Major Party: For each major political party, prominent notification regarding whether or not the major political party will allow voters who declare an affiliation with a different major political party or who choose not to declare an affiliation with any major political party to participate in the major political party's nomination process must be made, without limitation, in: (1) any primary voters' pamphlet prepared by the Secretary of State or a local government; (2) instructions that accompany any ballot sent by a county auditor to an absentee voter; (3) legal notices of a primary; (4) sample ballots prepared by a county

auditor; (5) the content of the web site of the Office of Secretary of State; and (6) the content of each county auditor's existing web site.

Ballot Rotation: The current rotation of candidates' names on primary ballots is eliminated. The order in which the names of the candidates appears on all primary ballots (including sample and absentee ballots) is determined by lot.

Tabulating and Reporting of Votes Cast: Votes cast for any candidate for partisan office are reported by specific category of voter so that votes cast by voters who declare an affiliation with a major political party are reported separately from votes cast by voters who declare an affiliation with a different major political party or who choose not to declare an affiliation with any major political party.

If a major political party has adopted a rule allowing a voter who declares an affiliation with a different major political party or who chooses not to declare an affiliation with any major political party to participate in its nomination process, the votes cast by all voters who have declared an affiliation with that party for candidates who indicated that major political party designation when filing a declaration of candidacy must be aggregated with votes cast by the other specific categories of voters so authorized by the party before comparing vote totals in order to determine a plurality. If not, then a plurality is determined by comparing only the tabulations of votes cast by voters who declared any affiliation with that major political party.

A candidate who does not receive a plurality of the votes cast for the candidate of his or her party for that office as determined above but does receive a plurality that exceeds 40 percent of all votes cast for that office qualifies to have his or her name placed on the general election ballot as an unaffiliated candidate. Any candidate for partisan offices who is nominated or qualified at a primary may remove his or her name for consideration at the subsequent general election. If appropriate action is taken by the candidate less than 24 hours after certification of the primary results, then the candidate's name shall not appear on the general election ballot. The Secretary of State must adopt rules to facilitate this removal.

County Chairs/Precinct Captains: All county chairs of major political parties for the county with the largest number of precincts within the legislative district must call separate meetings of all elected precinct committee officers in each legislative district for the purpose of electing a legislative district chair in the district.

Secretary of State: The Secretary of State as chief election officer must adopt rules, under the Administrative Procedure Act, to facilitate the operation, accomplishment, and purpose of this chapter.

Transition: Any primary held prior to July 1, 2002, may be implemented with existing systems currently in use by each county auditor. Each county auditor may design a ballot and utilize procedures other than those detailed in this act when conducting a partisan primary provided that the design of the ballot and the procedures are specifically allowed by rule adopted by the Secretary of State.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.