

# SENATE BILL REPORT

## SB 6733

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As of February 6, 2004

**Title:** An act relating to an open primary with voluntary partisan registration.

**Brief Description:** Creating an open primary with voluntary partisan registration.

**Sponsors:** Senators Jacobsen, Swecker, Kline, Prentice and Thibaudeau.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/6/04.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Diane Smith (786-7410)

**Background:** The method used in Washington to nominate candidates for the general election ballot is called the "blanket primary." This primary allows the votes of voters who are not members of a major political party to be counted in determining what candidate will run in the general election as the major political party's candidate or standard bearer. This feature of the Washington blanket primary was held unconstitutional by the federal Court of Appeals because, in the court's opinion, the major political parties' First Amendment right of free association was violated. The Secretary of State has petitioned the United States Supreme Court to review the lower federal court's decision. The Supreme Court has said that it will issue its decision on this petition on February 23, 2004.

**Summary of Bill:** Opt out. Major political parties that do not receive at least 10 percent of the total votes cast at the last preceding even-year election may opt out of major party status.

Minor party and independent candidates' access to the general election ballot. Minor parties and independent candidates achieve access to the general election ballot only by means of nominating conventions. These conventions must be attended by at least 100 voters. For candidates for state-wide and federal office, 1000 voters must sign a nominating petition. For candidates for other offices, 100 voters must sign a nominating petition. Minor party and independent candidates do not appear on the primary ballot.

Only major party candidates are nominated by primary. The primary for partisan office is a nominating primary only for major party candidates. Major party candidates must be nominated at a primary. The nominating petition for major party candidates to be placed on the primary ballot has the same signature requirements as does that for minor parties and independent candidates. The candidate's name goes on the general election ballot if the candidate receives at least 1 percent of the total votes cast for all candidates for that office and a plurality of the votes cast for candidates of his or her party for that office in the preceding primary.

The physically separate ballot and public choice. There are separate ballots for each major party. Only the candidates of that party may appear on that primary ballot, along with nonpartisan offices and ballot measures. Only one ballot may be voted by each voter. The voter's choice of ballot is recorded as an inference of the voter's affiliation with the party of the ballot the voter voted.

Open primary. Upon registering to vote, a person may voluntarily affiliate with a major political party, only. This affiliation at the time of voter registration is not mandatory.

Elimination of ballot rotation. The rotation of candidates' names on the primary ballot is eliminated. The order of candidates' names is determined by lot.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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