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**HOUSE BILL 2139**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives S. Hunt, Kretz, and Muri; by request of Secretary of State

AN ACT Relating to the presidential primary; and amending RCW 29A.56.010, 29A.56.020, 29A.56.030, and 29A.56.050.

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

**Sec.**  RCW 29A.56.010 and 2003 c 111 s 1401 are each amended to read as follows:

The people of the state of Washington declare that:

(1) The current presidential nominating caucus system in Washington state is unnecessarily restrictive of voter participation in that it discriminates against ((~~the elderly, the infirm, women, the~~)) persons who are disabled, evening workers, persons who are retired, members of the armed services, and others who are unable to attend caucuses and therefore unable to fully participate in this most important quadrennial event that occurs in our democratic system of government.

(2) It is the intent of this chapter to make the presidential selection process more open and representative of the will of the people of our state.

(3) A presidential primary will afford the maximum opportunity for voter access at regular polling places during the daytime and evening hours convenient to the most people.

(4) This state's participation in the selection of presidential candidates shall be in accordance with the will of the people as expressed in a presidential ((~~preference~~)) primary.

(5) It is the intent of this chapter, to the maximum extent practicable, to continue to reserve to the political parties the right to conduct their delegate selection as prescribed by party rules insofar as it reflects the will of the people as expressed in a presidential primary election conducted every four years in the manner described by this chapter.

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

(1) On the ((~~fourth~~)) second Tuesday in ((~~May~~)) March of each year in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may vote for the nominee of a major political party for the office of president. The secretary of state may propose an alternative date for the primary no later than the first day of ((~~August~~)) June of the year before the year in which a president is to be nominated and elected.

(2) No later than the ((~~first~~)) fifteenth day of ((~~September~~)) June of the year before the year in which a presidential nominee is selected, the state committee of any major political party that will use the primary results for candidates of that party may propose an alternative date for that primary.

(3) If an alternative date is proposed under subsection (1) or (2) of this section, a committee consisting of the chair and the vice chair of the state committee of each major political party, the secretary of state, the majority leader and minority leader of the senate, and the speaker and the minority leader of the house of representatives shall meet and, if affirmed by a two-thirds vote of the members of the committee, the date of the primary shall be changed. The committee shall meet and decide on the proposed alternate date not later than the ((~~first~~)) thirtieth day of ((~~October~~)) June of the year before the year in which a presidential nominee is selected. The secretary of state shall convene and preside over the meeting of the committee. A committee member other than a legislator may appoint, in writing, a designee to serve on his or her behalf. A legislator who is a member of the committee may appoint, in writing, another legislator to serve on his or her behalf.

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

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

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

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

(2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than ((~~seventy-five~~)) one hundred four days before the presidential ((~~preference~~)) primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least ((~~sixty-seven~~)) ninety-seven days before the presidential ((~~preference~~)) primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential ((~~preference~~)) primary ballot to the respective county auditors ((~~on or before the fourth Tuesday in April of each presidential election year~~)) at least ninety days before the presidential primary.

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

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

(2) If by the first Tuesday in October of the year before the year in which a presidential nominee is selected, both of the major political parties provide documentation of state and national party rules to the secretary of state that the results of the presidential primary will be used in allocation of delegates, and if requested by a major political party, the secretary of state shall adopt rules under RCW 29A.04.620 to provide for any declaration required by that party. In the absence of such party documentation, the presidential primary ballot must use a single ballot list and no party declaration or oath is required of the voter or recorded by election officers.

(3) Pursuant to subsection (2) of this section, voters who subscribe to a specific political party declaration under this section must be given ballots that are readily distinguishable from those given to other voters. Votes cast by persons making these declarations must be tabulated and reported separately from other votes cast at the primary and may be used by a major political party in its allocation of delegates under the rules of that party.

(4) For a political party that provides documentation pursuant to subsection (2) of this section and requires a specific voter declaration under this section, the secretary of state shall prescribe rules for providing, to the state and county committees of that political party, a copy of the declarations or a list of the voters who participated in the presidential nominating process of that party.

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