

# SENATE BILL REPORT

## SB 5333

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As of February 2, 2018

**Title:** An act relating to the presidential primary.

**Brief Description:** Modifying presidential primary provisions.

**Sponsors:** Senators Miloscia, Liias, Zeiger and Pearson; by request of Secretary of State.

**Brief History:**

**Committee Activity:** State Government: 2/01/17, 2/08/17 [DP, DNP].  
State Government, Tribal Relations & Elections: 1/31/18, 2/02/18.

**Brief Summary of Bill**

- Moves the presidential primary to the second Tuesday in March, unless the Secretary of State moves it to a later date as part of a regional presidential primary.
- Allows voters to declare no party affiliation when voting in the presidential primary, with such ballots counted and tabulated separately.
- Removes option for voters to write in candidates at the presidential primary election.

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### SENATE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Miloscia, Chair; Zeiger, Vice Chair; Pearson.

**Minority Report:** Do not pass.

Signed by Senators Hunt, Ranking Minority Member; Kuderer.

**Staff:** Samuel Brown (786-7470)

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Staff:** Samuel Brown (786-7470)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Presidential Preference Primary Dates. Following the 1988 presidential election, an issue with the process for selecting delegates to the national political party conventions at which presidential candidates are nominated prompted an initiative which was adopted by the Legislature establishing a presidential preference primary. Presidential preference primaries were held in 1992, 1996, 2000, 2008, and 2016.

The presidential preference primary is usually held on the fourth Tuesday in May. The Secretary of State may propose an alternative date for the presidential preference primary by August 1st of the year before the election is held. The state committee of a major political party may propose an alternative date for the presidential preference primary by August 15th of the year before the election is held.

If an alternative date is proposed, a committee composed of the chair and vice chair of each major political party, the Secretary of State, the majority and minority leaders of the Senate, and the Speaker and minority leader of the House is convened. If the committee approves an alternative date by a two-thirds majority by October 1st of the year before the election is held, the primary date is changed accordingly.

Ballots for Presidential Preference Primary. The name of a candidate may appear on the presidential preference primary ballot by direction of the Secretary of State, if the candidacy is generally recognized in the news media, or if members of that candidate's party present a petition for nomination of the candidate signed by at least 1000 registered voters of the same political party as the candidate. A petition to nominate a candidate to appear on the presidential preference primary ballot must be submitted at least 75 days before the presidential preference primary. The Secretary of State must certify the names of candidates on the presidential primary ballot by the fourth Tuesday in April before the presidential primary.

The Secretary of State may adopt rules permitting major political parties to require that voters in the presidential preference primary declare an oath to the party. Each ballot must contain a space for a voter to write in a candidate if they so choose.

**Summary of Bill:** Presidential Primary Dates. The presidential preference primary is renamed as the presidential primary and moved to the second Tuesday in March. The Secretary of State may, by August 7th of the preceding year, change the date to a date later in the year to coordinate a regional presidential primary.

The Secretary of State may propose an alternative date for the presidential primary by July 1st of the previous year. The state committee of a major political party may propose an alternative date for the presidential primary by July 15th of the previous year. If an alternative date for the presidential primary is proposed, it must be approved by July 31st of the previous year.

Ballots for Presidential Preference Primary. The Secretary of State may remove the name of any candidate who has died, withdrawn, or suspended their campaign 67 days before the presidential primary election.

Voters must be allowed to declare that they choose not to affiliate with a party on the presidential primary ballot. Votes cast by unaffiliated voters must be tabulated and reported separately. The option for voters to write in candidates on the presidential primary ballot is removed.

Results Certification. Each county canvassing board must certify the results of a presidential primary election ten days after the election.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (State Government):** *Testimony from 2017 Regular Session.* PRO: Moving the presidential primary to an earlier date will make it more relevant and increase participation. Allowing voters to fill out unaffiliated ballots will also increase participation.

**Persons Testifying (State Government):** PRO: Toni McKinley, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying (State Government):** No one.

**Staff Summary of Public Testimony (State Government, Tribal Relations & Elections):** PRO: This will make Washington citizens relevant and more involved in the presidential primary process. The single biggest complaint from voters in the 2016 primary was that they had to pick a party, and this allows voters to participate while understanding that those results are not binding on the parties.

**Persons Testifying (State Government, Tribal Relations & Elections):** PRO: Senator Mark Miloscia, Prime Sponsor; Kim Wyman, Secretary of State.

**Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections):** No one.