
State Government & Tribal Relations Committee

HB 1262

Brief Description: Concerning the presidential primary.

Sponsors: Representatives Walsh, Irwin, Mosbrucker, Stokesbary and Van Werven; by request of Secretary of State.

Brief Summary of Bill

- Changes the date of the presidential primary from late May to the second Tuesday in March.
- Allows voters to declare an intent not to affiliate with a party, and allows those voters to vote for one candidate from a list of all parties' candidates.
- Alters procedures to remove a candidate's name from the ballot.
- Makes changes or clarifications to other aspects of presidential primaries.

Hearing Date: 2/1/19

Staff: Jason Zolle (786-7124).

Background:

Washington holds a presidential primary to allow voters to express a preference for the presidential nominee of the major political parties. Political parties are not required to use the primary results to allocate their delegates to the national convention for naming a party nominee. Political parties may instead allocate delegates based on the results of precinct caucuses and conventions. In 2016 the Republican Party used primary results to select the state's delegates, while the Democratic Party used caucus results.

Primary date. The primary is scheduled for the fourth Tuesday in May of the year in which a president will be elected. The Secretary of State (Secretary) may propose an alternative date for

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the primary no later than August 1 of the preceding year. The state committee of a major political party may also propose an alternative date for the primary by September 1 of the preceding year. An alternative date must be approved by a 2/3 majority vote of a bipartisan committee comprised of the Secretary, state party leadership, and state legislative leadership.

Names on the ballot. Major political party candidates are placed on the ballot in one of two ways. The Secretary may include the name of a candidate who is "generally advocated" or is recognized in national news media. Political parties may also file a petition with at least 1,000 party members to include a candidate on the ballot. The Secretary must include these candidates unless the candidate files an affidavit declaring that he or she is not and will not become a candidate for president.

Ballot form and arrangement. Voters who subscribe to a specific political party must be given ballots that are readily distinguishable from those given to other voters. Under rules adopted by the Secretary, however, each ballot must have a blue shaded bar with a "Democratic Party" heading and a red shaded bar with a "Republican Party" heading, and the candidates for each party are to be printed immediately below. Ballots must contain a space where voters may indicate the political party to which they subscribe. Also pursuant to the Secretary's rules, the Secretary only counts votes cast for candidates that match the voter's party declaration.

Record retention. Neither government agencies nor political parties may create or maintain records that link voters' names to information marked on their ballots, including the choice that a voter makes regarding political party affiliation. Under rules adopted by the Secretary, a voter's political party declaration is noted in the voter's registration file, but it must be removed 60 days after the Secretary certifies primary results.

Summary of Bill:

Primary date. The date for the presidential primary in Washington is changed to the second Tuesday in March. The deadline for the Secretary to propose an alternative date for the primary is changed to September 1. A proposed alternative date may not be before February 15 of the year in which the presidential election will be held. If the Secretary proposes an alternative date to coordinate a regional primary with any of nine western states that is within 21 days of the original primary date, the alternative date does not need committee approval. Notice of the primary must be published in the same manner as with other elections.

Names on the ballot. For a candidate to be added to the ballot via a signed petition, one of the petition's signatories must be a member of the political party's state executive committee. Petitions are due 70, rather than 75, days before the primary.

Procedures for the Secretary to remove a candidate from the ballot are altered. Rather than requiring an affidavit from the candidate declaring that he or she is not and will not become a candidate for president, the affidavit must state that the candidate wishes to be removed from the ballot. In addition, the executive committee of a major political party may petition for removal of a candidate of that party. The Secretary may also remove the name of a candidate that has died, withdrawn from consideration, or suspended a campaign, so long as it has been widely reported and recognized in the national media.

Ballot form and arrangement. The requirement that ballots be distinguishable based on the voter's political party is removed. Voters who subscribe to a political party are permitted to vote only for a candidate of that party.

In addition to the two sections for Democratic and Republican candidates, each ballot must include an alphabetized list of all candidates who have qualified for the ballot, with the political party affiliation of each candidate clearly indicated. Voters must be allowed to declare an intent not to affiliate with a party. Voters who declare an intent not to affiliate with a party, as well as voters who do not subscribe to a party oath, may vote by selecting a candidate from the list of all candidates.

Record retention. The provision that neither government agencies nor political parties may create or maintain records that link voters' names to information marked on their ballots no longer specifies that voters' information includes their political party affiliation.

Miscellaneous changes. The Secretary must certify results of a primary 10, rather than 14, days after the primary is held. The Secretary's rule that there may be no recount for a primary is codified into statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.