

SENATE BILL REPORT

SB 5229

As of January 21, 2019

Title: An act relating to the presidential primary.

Brief Description: Concerning the presidential primary.

Sponsors: Senators Zeiger, Hunt, Mullet, Palumbo and Saldaña; by request of Secretary of State.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 1/18/19.

Brief Summary of Bill

- Moves the presidential primary to the second Tuesday in March, with certain exceptions.
- Allows voters to declare no party affiliation when voting in the presidential primary, with such ballots counted and tabulated separately.
- Modifies deadlines for requesting the addition to or removal of a candidate from the presidential primary ballot.
- Removes option for voters to write in candidates at the presidential primary election.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Samuel Brown (786-7470)

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

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.

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 of Representatives (the Committee) 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 election. The Secretary of State must certify the names of candidates on the presidential preference primary ballot by the fourth Tuesday in April before the election.

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 September 1st of the preceding year, change the date to an alternative date, no earlier than February 15th. The state committee of a major political party may propose an alternative date for the presidential primary by September 15th of the year before the election is held.

An alternative date for the presidential primary must be approved by the Committee unless the alternative is part of a regional primary and is 21 days or less from the second Tuesday in March.

Names on the Presidential Primary Ballot. Party petitions for a candidate to appear on the presidential primary ballot must include a member of the party's executive committee and may be submitted up to 70 days before the presidential primary. The executive committee of a political party may petition for the removal of a candidate affiliated with that party from the ballot up to 65 days before the presidential primary. The Secretary of State may remove the name of any candidate who has died, withdrawn, or suspended their campaign 61 days before the presidential primary. The Secretary of State must certify the names of candidates on the presidential primary ballot 60 days before the presidential primary.

Ballots for Presidential Preference Primary. Voters must be allowed to declare that they choose not to affiliate with a party on the presidential primary ballot. Unaffiliated voters cast their vote from a list of candidates from all parties. 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: Requested on January 16, 2019.

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: PRO: Moving the primary date will make the state more attractive to candidates. There are a lot of unaffiliated voters who want to vote in a presidential primary. We should give them that option, and the parties should have the option to consider those votes. This provides access to all eligible voters, even those uncomfortable declaring with a party, while respecting parties' rights of association. The reluctance to affiliate with a party stems from a perceived fear of retribution. People want to vote in the presidential primary, and voters deserve to have their votes counted. If unaffiliated voters are not allowed to participate in any manner, even symbolically, they will be frustrated.

CON: The state does not need to be spending money on what is essentially a straw poll. A plan for a presidential primary under this bill might not be approved by the national Democratic Party. It eliminates the possibility of a recount, which is a national Democratic Party requirement. This bill does not provide for voters to select an uncommitted delegate preference. There is a high risk of confusion between unaffiliated voters and uncommitted delegates.

Persons Testifying: PRO: Jay Jennings, Office of the Secretary of State; Bill Harrington, citizen; Paddy McGuire, Mason County Auditor.

CON: Andrew Villeneuve, Washington State Democratic Party; David McDonald, Democratic National Committee.

Persons Signed In To Testify But Not Testifying: No one.