
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-7364.1/20

ATTY/TYPIST: KS:akl

BRIEF DESCRIPTION: Concerning voter participation in the
presidential primary.

1 AN ACT Relating to increasing voter participation in the
2 presidential primary; and amending RCW 29A.40.091, 29A.56.040, and
3 29A.56.050.

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

5 **Sec. 1.** RCW 29A.40.091 and 2019 c 161 s 3 are each amended to
6 read as follows:

7 (1) The county auditor shall send each voter a ballot, a security
8 envelope in which to conceal the ballot after voting, a larger
9 envelope in which to return the security envelope, a declaration that
10 the voter must sign, and instructions on how to obtain information
11 about the election, how to mark the ballot, and how to return the
12 ballot to the county auditor. For presidential primaries, the county
13 auditor shall include an additional envelope so that the voter's
14 declaration and party preference under RCW 29A.56.040(4) remain
15 private during transit.

16 (2) The voter must swear under penalty of perjury that he or she
17 meets the qualifications to vote, and has not voted in any other
18 jurisdiction at this election. The declaration must clearly inform
19 the voter that it is illegal to vote if he or she is not a United
20 States citizen; it is illegal to vote if he or she has been convicted
21 of a felony and has not had his or her voting rights restored; and it

1 is illegal to cast a ballot or sign a ballot declaration on behalf of
2 another voter. The ballot materials must provide space for the voter
3 to sign the declaration, indicate the date on which the ballot was
4 voted, and include a telephone number.

5 (3) For overseas and service voters, the signed declaration
6 constitutes the equivalent of a voter registration. Return envelopes
7 for overseas and service voters must enable the ballot to be returned
8 postage free if mailed through the United States postal service,
9 United States armed forces postal service, or the postal service of a
10 United States foreign embassy under 39 U.S.C. 3406.

11 (4) The voter must be instructed to either return the ballot to
12 the county auditor no later than 8:00 p.m. the day of the election or
13 primary, or mail the ballot to the county auditor with a postmark no
14 later than the day of the election or primary. Return envelopes for
15 all election ballots must include prepaid postage. Service and
16 overseas voters must be provided with instructions and a privacy
17 sheet for returning the ballot and signed declaration by fax or
18 email. A voted ballot and signed declaration returned by fax or email
19 must be received by 8:00 p.m. on the day of the election or primary.

20 (5) The county auditor's name may not appear on the security
21 envelope, the return envelope, or on any voting instructions or
22 materials included with the ballot if he or she is a candidate for
23 office during the same year.

24 (6) For purposes of this section, "prepaid postage" means any
25 method of return postage paid by the county or state.

26 **Sec. 2.** RCW 29A.56.040 and 2019 c 7 s 3 are each amended to read
27 as follows:

28 (1) Except where necessary to accommodate the national or state
29 rules of a major political party or where this chapter specifically
30 provides otherwise, the presidential primary must be conducted in
31 substantially the same manner as a state primary under this title.

32 (2) The arrangement and form of presidential primary ballots must
33 be established by administrative rule adopted under RCW 29A.04.620,
34 and in consultation with the major political parties. Only the
35 candidates who have been submitted under RCW 29A.56.031 may appear on
36 the ballots.

37 (3) Each party's ballot or portion of the ballot must list
38 alphabetically the names of all candidates for the office of
39 president for that party. The ballot must clearly indicate the

1 political party of each candidate. Additionally, each ballot must
2 contain a list of all candidates who have qualified for a place on
3 the ballot under RCW 29A.56.031 for use by voters that choose not to
4 declare a party affiliation. This list must be in alphabetical order
5 regardless of party, but the political party of each candidate must
6 be clearly indicated.

7 (4) If requested by a party chair, the ballot for that party must
8 contain a place for a voter to indicate a preference for having
9 delegates to the party's national convention remain uncommitted. A
10 request under this subsection must be submitted to the secretary of
11 state no later than sixty-three days before the presidential primary.

12 (5) A presidential primary ballot with votes for more than one
13 candidate is void, and notice to this effect, stated in clear, simple
14 language and printed in large type, must appear on the face of each
15 presidential primary ballot or on or about each voting device.

16 (6) Notice must be published in the manner required by RCW
17 29A.52.355.

18 **Sec. 3.** RCW 29A.56.050 and 2019 c 7 s 4 are each amended to read
19 as follows:

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

25 (2) If requested by a major political party, the secretary of
26 state shall adopt rules under RCW 29A.04.620 to provide for any
27 declaration required by that party.

28 (3) In addition to the party declaration provided by each party,
29 voters must be allowed to declare their intention not to affiliate
30 with a party.

31 (4) Voters who subscribe to a specific political party
32 declaration under this section may only vote for a candidate of that
33 party. Each list of candidates on ballots must be readily
34 distinguishable from the list of candidates for any other party, and
35 from the list of candidates to be used by voters that choose not to
36 declare a party affiliation. Votes cast by persons making these
37 declarations must be tabulated and reported separately from other
38 votes cast at the primary and may be used by a major political party
39 in its allocation of delegates under the rules of that party.

1 (~~(4)~~) (5) For a political party that requires a specific voter
2 declaration under this section, the secretary of state shall
3 prescribe rules for providing, to the state and county committees of
4 that political party, a copy of the declarations or a list of the
5 voters who participated in the presidential nominating process of
6 that party.

7 (6) Voters that do not subscribe to a party declaration, and
8 voters that declare that they do not wish to affiliate with a party,
9 may vote for any candidate under RCW 29A.56.031. Votes cast by voters
10 who declare that they do not wish to affiliate with a party and votes
11 cast by those who do not subscribe to a party oath must be tabulated
12 together and reported separately from the results of votes cast by
13 voters subscribing to a party oath.

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