CHAPTER 4

[Initiative Measure No. 99]

PRESIDENTIAL PREFERENCE PRIMARY

AN ACT Relating to elections; providing for a presidential preference primary; amending RCW 29.13.010 and 29.13.020; and creating a new chapter in Title 29 RCW.

Be it enacted by the People of the State of Washington:

NEW SECTION. Sec. 1. 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 handicapped, evening workers, 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.

NEW SECTION. Sec. 2. On the fourth Tuesday in May of each year when a president of the United States is to be nominated and elected, or such other date as may be selected by the secretary of state to advance the concept of a regional primary, a presidential preference primary shall be held at which voters may express their preferences as to who should be the nominee of a major political party for the office of president.

NEW SECTION. Sec. 3. 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 the thirty–ninth day 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 29.79.200 and 29.79.210.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least thirty–five 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.

NEW SECTION. Sec. 4. The arrangement and form of presidential primary ballots shall be substantially as provided for any primary election within the state except as may be modified by this chapter or by rule of the secretary of state as provided for in section 7 of this act to adequately reflect the intent of this chapter.

A separate ballot shall be prepared for each major political party that has candidates whose names have been authorized for placement on presidential preference primary ballots under section 3 of this act. The names of all candidates for a party's nomination for the office of president shall be listed alphabetically in a column on that party's ballot. There shall be a printed box adjacent to the name of each candidate. A blank space to allow the voter to write in the name of another candidate shall also be included on each ballot.

The ballot, in providing for a choice of candidates for the office of president, shall set forth only those candidates, with their political party affiliation, who have qualified for a place on the ballot under section 3 of this act.

NEW SECTION. Sec. 5. Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state partisan primary, including the certification of the election returns by the secretary of state. The requirement of rotation of names on the ballot does not apply to the candidates listed on the presidential preference primary ballot.

County auditors may combine and consolidate two or more precincts for the purpose of conducting the presidential preference primary only if precinct vote totals for the primary can still be made available and the consolidation does not require a voter to go to a location different from that of the last regular election.

Each person desiring to vote in the presidential preference primary shall receive a ballot request form on which the voter shall sign his or her name and address and declare the party primary in which he or she wishes to participate.

The secretary shall prescribe rules for providing each party central committee a list of the voters who participated in the presidential primary of that party.

The signed ballot request forms shall be maintained in the centralized containers by the county auditor for a period of time as specified by rule of the secretary of state, after which time they shall be destroyed, unless otherwise directed by federal law.

At a presidential preference primary, a voter may cast no more than one vote on a ballot. Any presidential preference primary ballot with more than one vote is void, and notice to this effect, couched in clear, simple language, and printed in large type, shall appear on the face of each presidential preference primary ballot. Where voting machines or electronic voting devices are in use, the notice shall be displayed on or about each machine or device.

NEW SECTION. Sec. 6. (1) The results of the presidential preference primary shall determine the percentage of delegate positions to be allocated to each presidential candidate. Selection of individuals to delegate positions shall be in compliance with applicable state party rules, and to the extent practicable, delegates shall be apportioned among the state's congressional districts. Delegate positions shall be allocated to presidential candidates in the manner specified in subsection (3) of this section except as otherwise provided by national party rules.

(2) All votes cast for a particular presidential candidate in a party's primary shall be considered votes for delegate positions committed to that candidate.

Each candidate for a delegate position who is committed to a particular presidential candidate, before the selection of delegates, shall sign and submit to the appropriate party's state committee the following pledge:

Delegate Pledge

I, ..., do hereby swear that I am a supporter of ..... for the office of President of the United States; and that if elected as a delegate to the ..... Party National

Convention I pledge to cast my ballot as a delegate to the convention for that candidate on the first two ballots unless released by the candidate, and I pledge furthermore to do all that I can to advance the cause of that candidate at the national convention.

(3) Except as otherwise provided by national party rules, delegate positions shall be allocated from the state at–large among presidential candidates who receive at least fifteen percent of the total votes cast for candidates of the same political party, or such other percentage as national party rules may provide. Each candidate so qualified shall be allocated a percentage of delegate positions equal to as nearly as practicable that candidate's percentage of the total votes cast for candidates of the same political party in the presidential preference primary. The votes of candidates who do not receive at least fifteen percent of the total votes cast in their parties' presidential preference primary shall be proportionately allocated to those candidates who did receive fifteen percent or more of the total votes cast in their parties' presidential preference primary.

(4) If any presidential candidate, at any time after the presidential preference primary, formally releases the delegates holding positions committed to him or her under the formula established by subsection (3) of this section, the delegates shall be considered uncommitted. The delegates holding positions committed to a candidate shall be considered formally released when the candidate so notifies, in writing, the chair of his or her party's delegation.

(5) In the event of the death of a candidate to whom delegate positions have been committed, all such positions shall be considered uncommitted.

(6) If no ballot choice on a political party ballot receives fifteen percent or more of the total votes cast, the state committee of the political party shall determine how delegate positions allotted to the state by the national committee shall be committed.

(7) If a vacancy occurs in the position of delegate, the remaining delegates committed to the same preference as the vacating person shall name a person to fill the vacancy.

NEW SECTION. Sec. 7. The secretary of state as chief election officer may make rules in accordance with chapter 34.04 RCW or its statutory successor to facilitate the operation, accomplishment, and purpose of this chapter.

NEW SECTION. Sec. 8. Whenever a presidential preference primary election is held as provided by this chapter, the state of Washington shall assume all costs of holding the election if it is held alone. If any other election or elections are held at the same time, the state is liable only for its

prorated share. The county auditor shall determine the election costs, including the state's prorated share, if applicable, and shall file a certified claim therefore with the secretary of state. The secretary of state shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

Sec. 9. Section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 3, Laws of 1980 and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020 as now or hereafter amended, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer: PROVIDED HOWEVER, That the county legislative authority may, if they deem an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March((~~, except that if a state-wide political party caucus by a major political party is scheduled on the second~~

~~Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March~~));

(c) The first Tuesday after the first Monday in April;

(d) The ((~~third~~)) fourth Tuesday in May;

(e) The day of the primary as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to the dates set forth in (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a county to pass a special levy for the first time or from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home–rule charter adopted under Article XI, section 4 of the state Constitution.

Sec. 10. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1986 and RCW 29.13.020 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd–numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty–five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March((~~, except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March~~));

(c) The first Tuesday after the first Monday in April;

(d) The ((~~third~~)) fourth Tuesday in May;

(e) The day of the primary election as specified by RCW 29.13.070; or

(f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 13, 1989.
Passed the Senate March 31, 1989.
Filed in Office of Secretary of State March 31, 1989.

CHAPTER 5

[House Bill No. 1138]

HONEY BEE COMMISSION—ESTABLISHMENT

AN ACT Relating to honey bees; and adding a new chapter to Title 15 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The purpose of this chapter is to advance the public welfare and education and to promote the interest, products, services, and stabilization of Washington's honey bee industry.