

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

INITIATIVE 751

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 751 to the People is a true and correct copy as it was received by this office.

BLANKET PRIMARY INITIATIVE

Proposed Ballot Title: This measure readopts a Blanket Primary whereby each voter may vote in primary elections for any candidate for each office without declaration of political faith or party.

Complete Text of the Blanket Primary Initiative

AN ACT Relating to selection of partisan candidates for elective office; amending RCW 29.01.130, 29.42.010, 29.15.010, 29.18.150, 29.18.160, 29.27.020, 29.27.050, 29.30.020, 29.30.095, 29.62.010, 29.68.130, and 29.30.095; adding new sections to chapter 29.01 RCW; adding new sections to chapter 29.42 RCW; adding a new section to chapter 29.81 RCW; adding new sections to chapter 29.04 RCW; adding new sections to chapter 29.15 RCW; creating new sections; recodifying RCW 29.18.120, 29.18.200, 29.18.150, and 29.18.160; repealing RCW 29.18.010; and providing a contingent effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** PROTECTION OF VOTING RIGHTS AND BALLOT SECRECY. The people of the state of Washington assert their right to vote as provided by both the United States and Washington

constitutions. This includes the right to vote in primaries to select candidates for the general election ballot who have the most substantial support. Each voter has a right to vote in a primary for any candidate for each office without being forced to make a declaration of political faith or membership in a political party. The further right to absolute secrecy of the ballot is protected by Article VI, section 6 of the Washington Constitution. It is a violation of these constitutional rights to require identification of the party selected by any voter or to allow a record of the voter's choice of party to be disclosed to the public or to any political party.

NEW SECTION. **Sec. 2.** A new section is added to chapter 29.01 RCW to read as follows:

"Official candidate" means a candidate recognized as the representative of a party under rule of that party, which rule may include provisions for more than one official candidate for a single office.

NEW SECTION. **Sec. 3.** A new section is added to chapter 29.01 RCW to read as follows:

"Party affiliate" means a self-identification of party interest or allegiance made by a candidate on the declaration of candidacy.

Sec. 4. RCW 29.01.130 and 1965 c 9 s 29.01.130 are each amended to read as follows:

"Primary" or "primary election" means ((a)) the statutory procedure for ((nominating candidates to public office at the polls)) determining those candidates for each office with substantial support who qualify to have their names placed on the general election ballot.

Sec. 5. RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended to read as follows:

Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Nominate candidates to fill vacancies ((on the ticket)) under RCW 29.18.150 (as recodified by this act);
- (5) Provide for the nomination of partisan candidates to be official candidates of their party;

(6) Designate candidates who will be identified as official candidates of the party on the state election ballot or in the voters' pamphlet;

(7) Select presidential electors; and

~~((6)) (8) Perform all other functions inherent in such an organization((: PROVIDED, That only major political parties shall have the power to designate candidates to appear on the state primary election ballot as provided in RCW 29.18.150 as now or hereafter amended)).~~

NEW SECTION. Sec. 6. A new section is added to chapter 29.42 RCW to read as follows:

A political party may provide, through rules adopted at a state convention or meeting of the central committee of the party, a method for the nomination of official candidates or for identification of candidates in the voters' pamphlet as official candidates with respect to the following offices:

(1) Unites States representatives and senators;

(2) All statewide offices except those specified as non partisan by RCW 29.21.070 (judicial offices and the office of superintendent of public instruction);

(3) All state legislative offices;

(4) All county offices except those specified as nonpartisan by RCW 29.21.070 (judicial offices) and those offices specified as nonpartisan by a county charter.

A political party may adopt rules governing the determination of official candidates that allow any person to file for these offices with that official party designation. The party shall notify the secretary of state of that determination as part of its rules filing provided for in section 7 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 29.42 RCW to read as follows:

(1) Rules of a political party governing the nomination of candidates to public office may specify a procedure of caucuses and convention nominations, selection by state or county central committees, nominating petitions by party adherents, or other method through which a candidate of that party may be nominated for placement on the ballot as an official candidate for public office.

(2) A political party may nominate more than one official candidate to an office if the rules of that party governing the nomination of candidates to public office allow.

(3) The rules of a political party may specify procedures for identifying a candidate as "official candidate of (insert name) party" for use on election ballots and in the voters' pamphlet. These rules may allow any person to identify his or her party affiliation on the declaration of candidacy.

(4) Parties must make any nominations of official candidates before the first day for filing candidate declarations. Parties must forward each such nomination to the filing officer for that office by the first day for candidate filings. Each candidate must also file a declaration of candidacy.

NEW SECTION. **Sec. 8.** A new section is added to chapter 29.42 RCW to read as follows:

(1) The executive officer of a party where rules are adopted by central committee or the presiding officer of the state convention at which a political party adopts rules governing the nomination or designation of official candidates shall file a copy of those rules with the secretary of state within thirty days after adoption of the rules.

(2) Rules governing the nomination of official candidates of a political party to public office under RCW 29.42.010 become effective thirty days after they are filed with the secretary of state and apply to all subsequent nominations of that party until thirty days after new or amended rules are filed with the secretary of state.

(3) The secretary of state shall cause to be published rules filed by political parties under this section in the Washington State Register and in the voters' pamphlet.

Sec. 9. RCW 29.15.010 and 1990 c 59 s 82 are each amended to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice-president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration and affidavit of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates

for all other offices filing under this chapter. Included on the standard form shall be:

(1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;

(2) A place for the candidate to indicate the position for which he or she is filing;

(3) A place for the candidate to indicate ((a)) the name of the political party ((designation)) that has nominated that candidate as an official candidate of a party or that allows any person to identify himself or herself as an official candidate, if applicable, or the political party affiliation of that candidate as the candidate determines that affiliation;

(4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under RCW 29.15.050;

(5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

Sec. 10. RCW 29.18.150 and 1990 c 59 s 102 are each amended to read as follows:

~~((Should a place on the ticket))~~ If, in an office for which an official candidate of a major political party ((be vacant because)) is qualified to file, no person has filed ((for nomination)) a declaration of candidacy as the official candidate of that major political party, after the last day allowed for candidates to withdraw as provided by RCW 29.15.120, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify ((a)) an official candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the major political party may select and certify ((a)) an official candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he or she is nominated and other pertinent information required in an ordinary certificate of nomination

and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy.

Sec. 11. RCW 29.18.160 and 1977 ex.s. c 329 s 13 are each amended to read as follows:

A vacancy caused by the death or disqualification of any official candidate (~~(or nominee)~~) of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

Should such vacancy occur no later than the third Tuesday prior to the state primary or general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state primary or general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, he or she shall, in certifying official candidates (~~(or nominations)~~) to the various county officers insert the name of the person appointed to fill a vacancy.

In the event that the secretary of state has already sent forth (~~(his)~~) the certificate when the appointment to fill a vacancy is filed (~~(with him)~~), (~~(he)~~) the secretary shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which (~~(he is~~

a)) the person is an official candidate (~~((or nominee))~~), the party he or she represents, and all other pertinent facts pertaining to the vacancy.

Sec. 12. RCW 29.27.020 and 1990 c 59 s 8 are each amended to read as follows:

On or before the day following the last day for political parties to fill vacancies (~~((in the ticket as provided by))~~) under RCW 29.18.150 (as recodified by this act), the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and (~~((his or her party))~~) the official candidate or affiliate candidate designation, if any.

Sec. 13. RCW 29.27.050 and 1990 c 59 s 9 are each amended to read as follows:

No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors, the names of all persons (~~((nominated))~~) qualified to appear on the general election ballot for offices, the returns of which have been canvassed by the secretary of state.

Sec. 14. RCW 29.30.020 and 1990 c 59 s 11 are each amended to read as follows:

The positions or offices on a primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

The order of the positions or offices on an election ballot shall be substantially the same as on a primary ballot except that the offices of president and vice-president of the United States shall precede all other offices on a presidential election ballot. State ballot issues shall be placed before all offices on an election ballot.

The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.

The (~~political~~) official candidacy, party affiliation, or independent (~~candidacy~~) status of each candidate for partisan office shall be indicated next to the name of the candidate on the primary and election ballot. The candidate will be identified as (1) "(insert party) official candidate" where the candidate has been nominated by the party or where party rules allow any person to file as an official candidate, (2) "(insert party) affiliated" where identified by the candidate in candidacy filing documents, or (3) an "independent candidate."

NEW SECTION. Sec. 15. A new section is added to chapter 29.81 RCW to read as follows:

The voters' pamphlet must include on the same page as the candidate's statement allowed by RCW 29.81.310 a short notation identifying each official candidate of a party, and noting the selection was "according to rule adopted by the (insert named party). These rules are found at page" The voters' pamphlet must also include the rules of each party that provide for the determination of official candidates. For all other candidates, the voters' pamphlet must show party affiliation or independent status as indicated on the declaration of candidacy.

Sec. 16. RCW 29.30.095 and 1990 c 59 s 96 are each amended to read as follows:

The name of a candidate for (~~a partisan~~) an office for which a primary was conducted shall not be printed on the general election ballot for that office at the subsequent general election unless the candidate receives a number of votes equal to at least one percent of the total number cast for all candidates for that position sought (~~and~~). An official candidate must receive a plurality of the votes cast for the official candidates of (~~his or her~~) the party for that office at the (~~preceding~~) primary, and an affiliate candidate must receive a plurality of the votes cast for affiliates of a party.

Sec. 17. RCW 29.62.010 and 1990 c 59 s 62 are each amended to read as follows:

Every canvassing board or officer responsible for canvassing and certifying the returns of any primary or election shall:

(1) Adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction;

(2) For each primary and election, prepare and sign a statement of the returns for each office, candidate, and issue voted on in that jurisdiction;

(3) If, at a (~~partisan~~) primary, two or more official candidates of the same party receive the greatest, and identical, number of votes for an office, resolve the tie vote by lot;

(4) If, at a primary, two or more affiliate candidates of the same party receive the greatest, and identical, number of votes for an office, resolve the tie vote by lot; and

(5) If, at a nonpartisan or judicial primary, two or more candidates receive the second greatest, and identical, number of votes for that office or position, resolve the tie vote by lot.

Sec. 18. RCW 29.68.130 and 1985 c 45 s 7 are each amended to read as follows:

The (~~general election laws and~~) laws relating to (~~partisan~~) primaries and general elections shall apply to the special primaries and vacancy elections provided for in RCW 29.68.080 through 29.68.120 to the extent that they are not inconsistent with the provisions of these sections. Statutory time deadlines relating to nomination of candidates, candidate filings, availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29.04.080.

Sec. 19. RCW 29.30.095 and 1990 c 59 s 96 are each amended to read as follows:

The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless the candidate receives a number of votes equal to at least one percent of the total number cast for all candidates for that position (~~sought and a plurality of the~~). Only the names of the candidate who received the greatest number of votes, the candidate who received the second greatest number of votes, and the candidate who received the third greatest number of votes cast for the candidates (~~of his or her party~~) for that office at the (~~preceding~~) primary may appear on the general election ballot under the title of that office.

NEW SECTION. **Sec. 20.** Sections 1 through 18 of this act are not severable, and if any of those provisions are held invalid by a court of competent jurisdiction, all will be invalid. Section 19 of this act requires implementation of the system referenced and approved by the United States Supreme Court decision in *California Democratic Party v. Jones*, 530 U.S. ____ (June 26, 2000), and is effective if a court of competent jurisdiction invalidates any portion of sections 1 through 18 of this act.

NEW SECTION. **Sec. 21.** (1) RCW 29.18.120 and 29.18.200 are recodified in chapter 29.04 RCW.

(2) RCW 29.18.150 and 29.18.160 are recodified in chapter 29.15 RCW.

NEW SECTION. **Sec. 22.** RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 & 1965 c 9 s 29.18.010 are each repealed.

NEW SECTION. **Sec. 23.** This act must be liberally construed so as to allow all properly registered voters to vote for their choice at any primary election, for any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter.

NEW SECTION. **Sec. 24.** Captions used in this act are not part of the law.

--- END ---