

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-050 Procedures to be followed when changing primary date. If the date of the presidential primary is changed pursuant to RCW 29A.56.020 from the ~~((fourth))~~ second Tuesday in ~~((May))~~ March to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

AMENDATORY SECTION (Amending WSR 15-24-001, filed 11/18/15, effective 12/19/15)

WAC 434-219-120 Certification of candidates. (1) Per chapter 29A.56 RCW (section 2, chapter 7, Laws of 2019), the party chair for each major party must provide that party's official list of candidates to the secretary of state no later than sixty-three days prior to the primary. This list must include the full name of each candidate, the form of the candidate's name as it will appear on the ballot and a signature of the party chair certifying the list as the official party candidates.

(2) Per RCW 29A.56.040(4) each major party may request that the ballot for that party include a response position allowing the voter to indicate the voter's preference for having delegates to the party's national convention remain uncommitted.

(3) Immediately following the ~~((last day for candidates to withdraw))~~ receipt of each major party's official list of candidates, the secretary of state shall certify to the county auditors ~~((and state and national chairpersons of the major political parties))~~ the final list of candidates who will appear on the presidential primary ballot and a response position for uncommitted if requested by either party.

(4) Per chapter 29A.56 RCW (section 2, chapter 7, Laws of 2019), if a major party chooses to accept votes for write-in candidates in the primary, the party chair for that major party must provide that party's official list of write-in candidates no later than the seventh day prior to the primary. This list must include the full name of each write-in candidate, and a signature of the party chair certifying the list as the official party write-in candidates.

(5) Immediately following the last day for major political parties to submit write-in candidates, the secretary of state shall certify to the county auditors the final list of official write-in candidates to be counted for each party for the presidential primary.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-140 Party declarations. (1) No later than August 15th in the calendar year preceding the year in which the presidential preference primary is to be held, the state chair of each major party shall submit in writing to the secretary of state the exact wording of

any party declaration required by rules of the state or national party.

(2) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30th in the calendar year preceding the year in which the presidential preference primary is to be held.

~~((3) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration.))~~

AMENDATORY SECTION (Amending WSR 15-24-001, filed 11/18/15, effective 12/19/15)

WAC 434-219-155 Ballot materials. (1) Each county shall print declarations on the return envelopes in the same format and color as prescribed by the secretary of state which must include:

(a) The standard declaration per WAC 434-230-015 printed on the return envelope along with each political party declaration.

(b) Each political party declaration printed with a checkbox for voters to indicate the party declaration to which they subscribe.

(c) One signature line to serve as both the voter's standard ballot declaration and the signature for the voter's political party declaration.

(2) In addition to ballot requirements listed in WAC 434-230-015:

(a) County auditors must issue consolidated ballots that include the political party ballots printed on one side of a single sheet of paper.

(b) Each ballot must specify the election as "Presidential Primary."

(c) A political party checkbox must not be printed on the ballot.

(d) A "Democratic Party" heading within or under a blue shaded bar and a "Republican Party" heading within or under a red shaded bar printed immediately above the associated list of candidates. Other major political parties included in the primary must have similar headings and color.

(e) The ballot lists of candidates for president for each political party shall be printed in the following order:

The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election.

(f) Candidates shall be listed in alphabetical order within each political party as certified by the secretary of state.

(g) Following each list of candidates shall be a response position ~~((and a space for writing in the name of a candidate))~~ for a voter to indicate a preference for delegates to the party's national convention to remain uncommitted, if inclusion of the response position is requested by that political party.

(h) Following each list of candidates and any response position for uncommitted, shall be a space for writing in the name of a candidate.

(i) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space

provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.

(3) In addition to other instructions normally provided to voters, the county auditor shall include an insert. The insert must provide specific instructions on how to mark the ballot so the ballot will be counted in accordance with the political party declaration signed on the return envelope in substantially the same format as provided by the secretary of state.

(4) Provisional, service, overseas, special absentee and electronically delivered ballots must include political party declarations. If the political party declarations are not printed on the return envelopes, both the ballot and political party declaration must be printed on ((a)) separate sheets of paper. The voter must be instructed to sign and place the declaration sheet into the ballot return envelope, outside the security envelope. Signatures on both the ballot declaration and the political party declaration are required to count a ballot.

(5) The following WAC sections do not apply to presidential primaries: WAC 434-230-025, 434-230-035, 434-230-045, 434-230-055, ((434-230-085,)) 434-230-090, and 434-230-110.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-190 Special election held in conjunction with the presidential primary. If a presidential primary occurs ((at the same election as a special election)) on an election date described in RCW 29A.04.330, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

AMENDATORY SECTION (Amending WSR 15-24-001, filed 11/18/15, effective 12/19/15)

WAC 434-219-230 Processing of ballots. (1) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration in order for their vote to be counted.

(2) If the voter selected a political party declaration, a notation of the party selected must be made in the voter's registration file.

((2)) (3) If the voter fails to submit a marked and signed political party declaration on the return ballot envelope, the auditor shall send at least one notice by either mail or email and advise the voter of the correct procedures for completing the declaration. If a voter submits a marked and signed political party declaration by the

day before the primary is certified, the voter's ballot may be counted if all other requirements are met.

Exception: A political party selection on a federal write-in absentee ballot form substitutes for the political party declaration.

~~((3) The ballot)~~ (4) Ballots must be sorted according to major party declaration choice before ~~((it is removed))~~ removal from the return envelope. Once ~~((the))~~ a ballot is removed from the return envelope and secrecy envelope, it must be inspected and processed consistent with the party declaration. Ballots that have been removed from the return and secrecy envelopes must be processed and stored by party.

(5) If the voter writes in a candidate name, the ballot should be processed in the same manner as WAC 434-262-160, however only votes for candidates contained on an official party list of write-in candidates may be counted.

AMENDATORY SECTION (Amending WSR 15-24-001, filed 11/18/15, effective 12/19/15)

WAC 434-219-235 Statewide standards on what is a vote—Presidential primary. The following standards determine the validity of political party declarations on a presidential primary return envelope and ballot. All standards listed in WAC 434-261-086 apply to ballots.

(1) ~~((The first returned marked and signed political party declaration is the determining factor;))~~ In order for a ballot to be valid and included in the ballot count, the ballot must contain one marked political party declaration, if a declaration has been provided by the party, a valid voter signature, and meet other requirements in law and rule. Only a vote on the ballot within the party the voter selected shall be ~~((counted))~~ included in the ballot count. Ballots must be rejected by the county canvassing board for the following reasons:

(a) Political party declarations.

(i) The voter selects both political party declarations.

(ii) The voter fails to provide a marked and signed political party declaration by the day before certification of the primary.

(b) Ballots.

(i) The voter votes for a candidate on the ballot not matching the political party declaration.

(ii) The voter votes for candidates in more than one party.

(2) When the voter modifies a party name or wording of a selected political party declaration, the party checkbox is considered unmarked and the voter must be contacted per WAC 434-219-230. Such alterations may include:

(a) Modification of a party name or wording of a selected political party declaration.

(b) A strike through a party name or wording of a selected party declaration without also making another party choice.

(3) When a voter makes a correction to a political party selection, the canvassing board shall consider the voter's intent.

(a) If the voter strikes through a party name or wording of a party declaration, it is considered a correction only when the voter clearly selects another party declaration. Corrections may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(c), (d), and (e).

(b) If the voter does not mark inside a party checkbox, a mark or written instruction made outside the party checkbox may still indicate a choice when one declaration is clearly selected. Voter intent issues for marks made outside the party checkbox may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(b) and (e).

Exception: One mark that strikes through a party name or wording of the party declaration does not indicate a selection.

AMENDATORY SECTION (Amending WSR 16-11-038, filed 5/11/16, effective 5/11/16)

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary (~~fourteen~~) ten days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than seventeen days following the presidential primary, the secretary of state shall certify the results of the presidential primary and notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for all candidates listed on the ballot.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-310 Mandatory statutory recount provisions do not apply. The provisions of (~~chapter 29A.64~~) RCW 29A.64.021 regarding mandatory statutory recounts do not apply to a presidential primary.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-219-060 Designation of candidates by secretary of state.
- WAC 434-219-080 Petition process for ballot access.
- WAC 434-219-090 Form of the nominating petition.
- WAC 434-219-100 Verification of signatures by secretary of state.
- WAC 434-219-110 Determination of sufficiency.
- WAC 434-219-115 Withdrawal.