

# HOUSE BILL REPORT

## ESHB 1018

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### As Passed Legislature

**Title:** An act relating to modifying the dates on which a special election may be held.

**Brief Description:** Modifying when a special election may be held.

**Sponsors:** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta).

### Brief History:

#### Committee Activity:

State Government & Tribal Affairs: 1/15/09, 2/5/09 [DPS].

#### Floor Activity:

Passed House: 3/3/09, 67-29.

Senate Amended.

Passed Senate: 4/7/09, 33-13.

House Refuses to Concur.

Senate Amended.

Passed Senate: 4/23/09, 37-9.

House Concurred.

Passed House: 4/24/09, 93-0.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Eliminates special elections held in March.
- Changes the date of the February special election.
- Allows May special elections in 2010 and 2011 only for tax levies that failed previously in that calendar year and new bond issues.
- Eliminates May special election date after 2011.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

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*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.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst and Miloscia.

**Staff:** Tracey O'Brien (786-7196)

**Background:**

By law, special elections may occur on the following dates:

- the first Tuesday after the first Monday in February;
- the second Tuesday in March;
- the fourth Tuesday in April;
- the third Tuesday in May;
- the day of the August primary; or
- the day of the general election.

In the year of a presidential election, if a presidential preference primary is conducted in February, March, April, or May, the date of the special election in that month shall be the date of the presidential primary.

County legislative authorities must submit a resolution calling for a special election to the county auditors 52 days prior to the special election date.

**Summary of Engrossed Substitute Bill:**

The special election held on the second Tuesday in March is eliminated. The date of the February special election is changed to the second Tuesday. The special election in May is for tax levies that failed previously in that calendar year and new bond issues only. After 2011, the May special election date is eliminated.

The requirement that a special election be held on the same date of the presidential preference primary is removed. Resolutions calling for a special election must be submitted to the county auditor 45 days prior to the special election date.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except sections 2 and 4, relating to eliminating the May special election date, which take effect July 1, 2011.

**Staff Summary of Public Testimony:**

(In support) County auditors and voters face up to four elections from February through May. As a result, county auditors can have two or more elections in different points of the process. This increases the technical and operational complexity of the elections and decreases the

opportunity to improve the integrity of the process. With 20 days or less without elections processing, county auditors have: little time for precinct redistricting or alterations; an inability to maintain voter rolls because of the need to freeze the rolls at a certain point in the election process, thus causing reconciliation issues; little time to test and implement software upgrades or new equipment prior to an election; to spread limited full-time staff too thin for optimal supervision; and multiple ballots for multiple elections on the processing floor. The four election dates threaten election integrity and are a waste of limited resources. Some county auditors have not been able to update the election software in over two years due to the election date overlaps. In addition, the multiple election dates create voter confusion and prevents the proper audit of the Secretary of State database and the county management systems. With six election dates in a calendar year, there are few time periods for training of election workers.

This is a compromise bill with the school district directors, counties, local governments and fire districts. With the recent authorization of the simple majority for school levies, no school district used more than two of the special election dates last year.

(Neutral) This is an election integrity issue. Less special elections increases the time for training election staff, voter roll updates and other work that leads to better run elections. Many voters view the multiple special elections as stealth elections. By consolidating the dates, it makes the election dates more consistent and predictable within a community and will increase voter participation.

(Opposed) This is an issue about adequate school funding. With an increase in the basic education burden onto the local school district, school levies and bond issuances are important. In fact, 20 to 25 percent of the education funding comes from the local level. Also, bond issuances still require a supermajority vote. Historically, many school districts run bond issuances in May. Having the May date is crucial to the education of students in Washington, especially since the fall dates are not useful as the school board must adopt a balanced budget by July and the levy or bond would be so far down the ballot. Also, school boards and districts are constrained from campaigning for a school levy. Therefore, a citizens' grassroots campaign must be utilized. These are usually poorly funded and get sparse media attention.

There may be room for a compromise of two special election dates, plus a third date in May only for bond issuances and previously failed school levies. This would provide the necessary time for a new citizens' campaign to be mobilized as well as allow time for the required outreach and re-examination required to run a new school levy after the first levy fails.

**Persons Testifying:** (In support) Representative Appleton, prime sponsor; Laird Hail, King County; Dan Steele, Washington State School Directors Association; Kim Wyman, Washington State Association of County Auditors; Jerry Pettit, Kittitas County Auditor; and Greg Kimsey, Clark County Auditor.

(Neutral) Trent England, Evergreen Freedom Foundation.

(Opposed) Lucinda Young, Washington Education Association; and Marcia Fromhold, Evergreen School District.

**Persons Signed In To Testify But Not Testifying:** None.