

HOUSE BILL ANALYSIS

HB 2828

Title: AN ACT Relating to changing the date of the primary.

Brief Description: Changing the primary date.

Sponsor: Morris, Kessler.

BRIEF SUMMARY

- Moves the date of the primary back from one of two different Tuesdays in September to the second Tuesday in June.
- Moves other election-related dates back to accommodate the primary date change, including dates for filing declarations of candidacy and holding minor party and independent candidate conventions.
- Requires absentee ballots to be mailed to overseas voters and service voters at least 30 days prior to an election or primary.
- Requires the county canvassing board to certify election results 15 days after a primary or special election.
- Allows state officials and persons employed by state officials to solicit or accept contributions immediately after the date of final adjournment of a regular session.
- Allows legislators to expend public moneys for mailing newsletters to constituents during a period of from one day after the date of the primary through 15 days after the primary.

HOUSE STATE GOVERNMENT COMMITTEE

Staff: Steve Lundin (786-7127)

BACKGROUND:

1. Primary date and other related dates.

A primary election to nominate candidates is held at the earlier of the third Tuesday in September prior to a general election or the seventh Tuesday prior to a general election.

Declarations of candidacy for elective office are made with the filing officer during a regular five-day filing period beginning on the fourth Monday in July and ending on the following Friday, in the year in which the office is to be filled. A declaration of

candidacy during this regular five-day filing period may be withdraw by the close of business on the Thursday following the last day of the regular filing period.

If no one declares a candidacy for a non-partisan office during this regular filing period a void in candidacy occurs. If no one has filed a nomination as a candidate of a major political party for a partisan office, a vacancy on the major party ticket occurs. A special three-day filing period is opened when a void in candidacy occurs for a nonpartisan office, or if a vacancy on the major party ticket occurs for a partisan office. A special three-day filing period is also opened for filings to be made if an election is held to fill a vacancy.

If no one has filed for the nomination of a major political party by the business end of the Thursday following the end of the regular filing period, the major political party may nominate its candidate on the next day.

A lapse in a an election for a non-partisan office occurs if no one files a declaration of candidacy for that office during the regular or special filing period, and the office is stricken from the ballot. The incumbent continues to serve until a successor is elected at the next election when such a position is on the ballot.

A convention to nominate a person as a candidate of a minor political party for a partisan office, or to nominate a person an independent candidate for a partisan office, is held during the eight-day period from the last Saturday in June through the first Saturday in July, or during any seven days immediately preceding the first day declarations of candidacy may be filed during the regular filing period.

A presidential preference primary is held once every four years. Names of candidates for a major political party nomination for president are placed on the ballot by direction of the secretary of state or if a candidate files a petition for nomination that has been signed by at least 1000 registered voters.

2. Special election dates.

Special elections may be called at six different dates in any year, including a date in February, March, April, May, the September primary, and November general election. Notice for calling a special election must be made at least 45 days prior to a special election date.

3. Elections to fill vacancies.

Vacancies in partisan offices that occur before the fourth Tuesday prior to a primary are filled at the immediately following general election.

4. Mailing ballots.

Absentee ballots must be mailed to voters at least 20 days prior to a primary, special election, or general election.

5. Certification of election results.

The county canvassing board certifies election results 15 days after a general election but 10 days after a primary or special election.

6. Restriction on state officials soliciting or accepting contributions.

Among other restrictions, Initiative Measure No. 134 precludes state officials and persons employed by state officials from soliciting or accepting contributions to a public office fund, a candidate or authorized committee, or to retire a campaign debt from 13 days prior to the convening of a regular legislative session through 30 days past the date of adjournment, and during any special session.

7. Restrictions on legislators sending mailings.

Among other restrictions, Initiative Measure No. 134 precludes a legislator from using public money to mail newsletters to constituents more than 60 days after the end of a regular session in a year in which the legislator seeks election to an office.

8. Task force.

Legislation was enacted in 1999 creating a task force to study and make recommendations on the date of holding primaries.

SUMMARY:

This legislation is the recommendations of the task force created by the legislature in 1999 to study the date of holding primaries. The title of the bill is an act relating to changing the date of the primary.

1. Date of primary moved back.

The date of the primary is moved back from a date in September (the earlier of the third Tuesday in September or the seventh Tuesday preceding the general election) to the second Tuesday in June.

2. Regular five-day filing period, and special three-day filing period, moved back.

The dates of the regular filing period, when declarations of candidacy are filed with county auditors or the secretary of state, are moved back from a five-day period commencing on the fourth Monday in July to a five-day period commencing sixty-four days before the date of the primary.

Dates are moved back that are associated with the special three-day filing period that is opened if a void in candidacy in a non-partisan office or a vacancy in a major party ticket occurs. The special filing period is opened if a void in candidacy for a non-partisan office, or a vacancy in a major party ticket, occurs by the seventh Tuesday, rather than the fourth Tuesday, prior to a primary. Similar changes in dates are made

for the special three-day filing period if an election is held to fill a vacancy in office. Similar changes in dates are made when a non-partisan office lapses.

3. Special elections.

Dates for holding special elections are modified to eliminate the May special election date and to add a special election date on the first Tuesday after the second Wednesday in September. A special election may also be held at the June special election day. The minimum number of days prior to a special election date when a special election may be called is increased from 45 to 50 days.

4. Presidential preference primary.

The date by which a petition must be filed to place a candidate's name on the ballot for the presidential preference primary is moved back from 39, to the 50, days before the date of the presidential preference primary. The date by which a candidate may withdraw his or her name from the presidential preference primary ballot is moved back from 35, to 45, days prior to the date of the presidential preference primary.

5. Period holding conventions to nominate minor party candidates and independents moved back.

Dates are moved back when conventions must be held to nominate candidates from minor parties, or to nominate independent candidates, for partisan office and more days are allowed for holding these conventions. A convention must be held from 44 to 16 days prior the first day of filing declarations of candidacy during the regular filing period.

6. Mailing ballots to overseas and service voters.

Absentee ballots must be mailed to overseas voters and service voters at least 30, rather than 20, days prior to a primary or election.

7. Certification of election results.

The county canvassing board certifies election results 15, rather than 10, days after a primary or special election.

8. Elections to fill vacancies.

Vacancies in partisan offices that occur before the seventh Tuesday, rather than the fourth Tuesday, prior to a primary are filled at the immediately following general election.

9. Restriction on state officials soliciting or accepting contributions.

The prohibition in Initiative Measure No. 134 on state officials and persons employed by state officials soliciting or accepting contributions during periods associated with

regular legislative sessions is altered to allow such solicitation and acceptance immediately after the date of final adjournment of the regular session.

10. Restrictions on legislators sending mailings.

Restrictions in Initiative Measure No. 134 on legislators using public moneys to mail newsletters in the year in which they run for an office are modified to allow a mailing to be made no earlier than one day after the date of the primary and not later than 15 days after the primary.

Rule Making Authority: No express authority.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Bill: The bill takes effect January 1, 2001.