

HOUSE BILL REPORT

HB 1230

As Reported by House Committee On:

State Government

Title: An act relating to changing primary dates and associated election procedures.

Brief Description: Changing the primary date.

Sponsors: House Committee on State Government (originally sponsored by Representatives Schmidt, McMorris, Miloscia, Dunshee, Pearson, Talcott, Kessler, Pennington, Clements, Ogden, Sump, Linville, Darneille, Wood, Cooper, Gombosky, Skinner and Edmonds).

Brief History:

Committee Activity:

State Government: 2/8/02 [DP2S].

Brief Summary of Second Substitute Bill

- Moves the date of the primary back from the third Tuesday 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 county canvassing boards to certify election results 15 days after a primary or special election.
- Allows county auditors to conduct primaries using mail ballots.
- Moves the period back when candidates must file weekly reports with the Public Disclosure Commission.
- Moves the freeze on soliciting or accepting campaign contributions back to the day the regular session adjourns

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McDermott, Schindler, Schmidt and Upthegrove.

Staff: Catherine Blinn (786-7114).

Background:

The primary to nominate candidates is held the earlier of the third Tuesday in September, or the seventh Tuesday prior to the general election. Declarations of candidacy for elective office are made with the filing officer during a regular five-day filing period beginning the fourth Monday in July and ending the following Friday. A declaration of candidacy during this regular five-day filing period may be withdrawn by the close of business on Thursday of the following week.

If no one files a declaration of candidacy for a non-partisan office during the regular filing period, a void in candidacy occurs. If no one has filed a nomination as a major party candidate 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 for a nonpartisan office or a vacancy on the major party ticket for a partisan office occurs. If no one has filed for a major party by the end of the special three-day filing period, which is the close of business on Thursday of the following week, the major political party may nominate its candidate the next day.

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

Minor party and independent candidate conventions are held between the last Saturday in June and 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 following their nomination by a major or minor political party.

Special elections may be called at six different times during the year: 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. Vacancies in partisan offices that occur before the sixth Tuesday prior to a primary are filled at the immediately following general election. Absentee ballots must be mailed to voters at least 20 days prior to a primary, special election, or general election. The county canvassing board certifies election results 15 days after a general election, but 10 days after a primary or special election.

A candidate or political committee must file weekly contribution reports with the Public Disclosure Commission (PDC) beginning the fourth month before the general election. State officials and their employees are prohibited from soliciting or accepting political contributions for the period beginning 30 days prior to the regular legislative session, and ending 30 days after adjournment of the regular legislative session, and during any special sessions. During an election year, a legislator is precluded from using public money to mail a newsletter to constituents beyond 60 days after the end of the regular session.

Summary of Second Substitute Bill:

The date of the primary is moved back from the third Tuesday in September to the second Tuesday in June. The dates of the regular filing period are moved back from a five-day period commencing on the fourth Monday in July to a five-day period commencing 64 days before the June primary.

A special three-day filing period is opened if a void in candidacy in a non-partisan office or a vacancy in a major party ticket occurs by the seventh Tuesday, rather than the sixth 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, or when a non-partisan office lapses.

Dates are moved back when minor party and independent candidate conventions must be held and more days are allowed for holding these conventions. A convention must be held sometime between 44 and 16 days prior the regular filing period, rather than between the last Saturday in June and the last Saturday in July.

Dates for holding special elections are modified to eliminate the May special election date. A special election may also be held at the new June date for the primary. The minimum number of days prior to a special election date when a special election may be called is increased from 45 to 52 days.

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 52 days before 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 presidential preference primary.

County auditors may conduct primary as well as special elections by mail ballot. Absentee ballots must be mailed to overseas voters and service voters at least 30, rather than 20, days prior to a general, primary, or special election. The requirement remains 20 days for all other absentee and mail ballot votes. Election results are certified 15 days, rather than 10 days, after a general, primary, or special election.

The period when a candidate or political committee must file weekly reports with the PDC is moved back from the fourth month before the general election to the seventh month before the general election, and the day for filing them is moved from Friday to Monday. The prohibition on soliciting or accepting contributions is moved back to end the day the regular session adjourns. Legislators may mail a newsletter to constituents no earlier than the day after the primary and no later than 15 days after the primary.

Second Substitute Bill Compared to Original Bill:

The original bill established the date of the primary as the second Tuesday in August, and moved 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect on January 1, 2003.

Testimony For: Federal law requires that Washington move the date of the primary to accommodate overseas and absentee ballots and to provide sufficient time to properly conduct a recount before the general election. We need to agree on a date and then support the legislation through the process. County auditors should be allowed to conduct primaries by mail ballot. The League of Women Voters supports changing the date of the primary because overseas voters should be allowed an opportunity to participate in the political process and because there should be sufficient time for a recount, if necessary. The Secretary of State feels that this is a very important bill. Washington has the second latest primary in the nation. Seventy percent of the people who voted in the 2001 general election voted by mail. Because mail ballots continue to trickle in after election day, county auditors don't finish the first count of the ballots until approximately a week after election day. Close elections in the primary that require a recount run out of time. There is currently seven weeks between the primary and general elections, but the general election ballot must be available for mailing 20 days prior to the general. Some states are being sued by the Justice Department for violating federal election standards by not providing sufficient time for overseas voters to return their ballots and have their ballots counted.

Testimony Against: None.

Testified: (In support) Representative Schmidt, prime sponsor; and Cherie Davidson, League of Women Voters.

(With concerns) Bob Terwilliger, Snohomish County Auditor's Office; and Vicki Rippie, Public Disclosure Commission.