

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 primary dates and associated election procedures.

Sponsors: Representatives D. 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: 2/19/01, 2/26/01 [DPS].

Brief Summary of Substitute Bill

- Moves the date of the primary back from one of two different Tuesdays in September to the second Tuesday in August.
- 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.
- Moves the period back, from the first day of the fourth month to the first day of the fifth month before a general election, when candidates must file weekly reports with the Public Disclosure Commission.
- Allows county auditors to conduct primaries using mail ballots.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

Staff: Steve Lundin (786-7127).

Background:

Primary date and other related dates

A primary to nominate candidates is held at the earlier of: (1) the third Tuesday in September prior to a general election, or (2) 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 A declaration of candidacy during this regular five-day filing period may be withdrawn by the close of business on the Thursday following the last day of the regular filing period.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 end of business on 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 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 1,000 registered voters.

Calling a special election

Notice for calling a special election must be made at least 45 days prior to a special election date.

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.

Mailing absentee ballots

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

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.

Weekly reports by candidates

A candidate or political committee must file weekly reports with the Public Disclosure Commission (PDC) beginning on the fourth month preceding the general election. The reports must include each bank deposit made during the previous seven days, as well as contributor names and the amounts of contributions received.

Summary of Substitute Bill:

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 August.

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 64 days before the date of the primary. The five day filing period is called the regular filing period.

The three-day filing period that is held if no one files a declaration of candidacy during the regular filing period is called the special filing period. This special three-day filing period opens on the Monday after the close of the regular filing period and closes on the following Wednesday. If no person files a declaration of candidacy as a member of a major political party for a partisan position, the major political party may select its nominee no later than the first Friday after the close of the regular filing period.

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.

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.

Conducting primaries with mail ballots

County auditors may conduct primaries using mail ballots

Calling a special election

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.

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 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.

Mailing ballots to overseas and service voters

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

Certification of election results

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

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 immediately following a general election.

Weekly reports by candidates

The period when a candidate or political committee must file weekly reports with the PDC is moved back, from the fourth month preceding the general election, to the fifth month preceding the general election.

Substitute Bill Compared to Original Bill:

Changes were made to: (1) Change the time for filing declarations of candidacy to a specified number of days before the primary, rather than specific dates; (2) change the time for holding minor party and independent conventions to a specified number of days before the primary, rather than specific dates, and increase the number of days when these conventions may be held; (3) allow the county auditor to conduct primaries using mail ballots; (4) increase the minimum number of days before a special election when actions must be taken to call the special election; (5) increase the number of days before a presidential preference primary when petitions to place a name on the ballot must be filed; (6) require absentee ballots to be mailed to overseas and service voters 30 days before the election; (7) provide for certification of primary or special election results 15 days after the primary or special election; (8) provide that a vacancy in a partisan office is filled at a general election, without holding a primary, if the vacancy occurs before the seventh Tuesday, rather than the fourth Tuesday, before the primary; and (9) require candidates to file weekly reports with the PDC commencing in the fifth month, rather than the fourth month, prior to the general election.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (In support, original bill) We will have big trouble if we don't move the primary date. Not enough time exists between the primary and general election. Its an administrative nightmare. We violate the federal 45-day transit period for overseas and service voters. We are a lawsuit away from having to change the primary date. If the auditors had their preference, the June date would be better, but given political realities the August date is OK.

(With concerns, original bill) Costs will increase to hire poll workers in August, but the option of running mail ballot elections would offset this.

Testimony Against: None.

Testified: (In support, original bill) Representative Schmidt, prime sponsor; and Bob Terwilliger, Snohomish County Auditor.