

HOUSE BILL REPORT

HB 1159

As Reported by House Committee On:
State Government

Title: An act relating to reorganization of statutes on elections.

Brief Description: Reorganizing election laws.

Sponsors: Representatives Miloscia, Armstrong, Hunt, Tom, Shabro, Haigh and McDermott; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/28/03, 2/14/03 [DPS].

Brief Summary of Substitute Bill

- Reorganizes the election laws into a new title, Title 29A RCW, effective 2004.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Katie Blinn (786-7114).

Background:

The laws establishing procedures for the conduct of elections are contained in Title 29 RCW. The title applies to the Secretary of State (Secretary) and the county auditors.

Summary of Substitute Bill:

The election laws contained in Title 29 RCW are reorganized and recodified into a new title, Title 29A RCW. The term "special ballot" is changed to "provisional ballot." A "precinct" is established by a county but not a city or town. A "registered voter" is a

person who has completed the registration process established in statute, rather than a person who possesses all of the qualifications required by statute. The definition of "special election" clarifies that a special election may be held in conjunction with a primary or general election. The language apportioning registration expenses for precincts that cross city limits is removed. The language limiting paper ballot precincts to no more than 300 active registered voters is removed. The procedure of identifying and sealing unused ballots once the polls are closed is changed to rendering the ballots unusable, and securing them in a container to be returned to the county auditor.

For purposes of recall elections, the definition of "violation of the oath of office" is changed from "the willful (sic) neglect or failure by an elective public officer" to faithfully perform a duty imposed by law to "the neglect or knowing failure by an elective public office." For purposes of electing delegates to a United States Constitutional Convention, the certificate of election must be transmitted by the county auditors to the Secretary 15 days, rather than 12 days, after the election.

The requirement that used ballots be retained for at least 60 days is changed to 60 days "or according to federal law, whichever is longer." For purposes of convening the canvassing board at least every third day after an election, Saturdays are added to Sundays and legal holidays as days excluded from counting "every third day." It is no longer a misdemeanor for a person to show his or her ballot to another person after it is marked, nor for a person to mark a ballot in a manner that will reveal his or her identity. The rule-making authority that currently appears in a variety of sections of Title 29 is organized into a list.

The statute that requires each candidate to sign an affidavit swearing that he or she is not a subversive person is repealed because it was declared unconstitutional by the United States Supreme Court in Baggett v. Bullitt, 377 U.S. 360 (1964). The statutes that impose term limits on state and federal office holders are repealed because they were declared unconstitutional by the Washington State Supreme Court in Gerberding v. Munro, 134 Wn.2d 188 (1998). Numerous statutes that are no longer used in election law, establish effective dates that have already passed, or are redundant to other existing statutes are repealed.

Substitute Bill Compared to Original Bill:

Language is returned to the statutes regarding the option for cities, towns and districts to request a special election, regarding paper size for ballot measure petitions, and regarding the rule-making authority of the Secretary. A typographical error in the list of statutes to be repealed is corrected.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill takes effect on July 1, 2004.

Testimony For: The bill reorganizing Title 29 was a joint effort between the Office of the Secretary of State and the Washington State Association of County Auditors. The bill is an attempt to make a policy-neutral change to eliminate redundant language, place the sections into a logical, chronological sequence so information can be easily accessed for candidates, the public, the press, and elections administrators. This is an idea that has been discussed for 10 years. The change in paper size for ballot measure petitions should be removed.

Testimony Against: None.

Testified: Dean Logan, Office of the Secretary of State; and Bob Terwilliger, Snohomish County Auditor.