

SENATE BILL REPORT

ESHB 1431

As of April 3, 2003

Title: An act relating to the date of the primary.

Brief Description: Changing the date of the primary election.

Sponsors: House Committee on State Government (originally sponsored by Representatives McDermott, McMahan, Hunt, Kenney, Haigh, Rockefeller, Simpson, Alexander, Cody, Berkey and Linville; by request of Secretary of State).

Brief History:

Committee Activity: Government Operations & Elections: 4/4/03.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Mac Nicholson (786-7445)

Background: The state primary election is held either the third Tuesday in September, or the seventh Tuesday before the general election, whichever is earlier.

The Federal Voting Assistance Program administered by the Department of Defense requires a minimum of 45 days of transit time between the date ballots are mailed to service and overseas voters and the date the voted ballots are due back to local election administrators. Because Washington law only requires absentee ballots to be ready for mailing 20 days before an election, and election results are certified 10 days after a primary election and 15 days after a general election, only 30 days of transit time exists for primary election ballots, and 35 days for general election ballots.

Special elections may be called six times during the year: February, March, April, May, the September primary, and the November general election. A jurisdiction requesting a special election must notify the county auditor of the need for a special election at least 45 days before the election date.

Declarations of candidacy are filed the week starting the fourth Monday in July. Minor party and independent candidate nominating conventions are held between the last Saturday in June and the first Saturday in July. A number of other election-related events are conditioned on circumstances occurring before or after the sixth Tuesday before the primary. For example:

- A special three-day filing period is opened when a void in candidacy for a nonpartisan office occurs before the sixth Tuesday before the primary; or
- The office is stricken from the ballot when a void in candidacy for Supreme Court justice occurs on or after the sixth Tuesday before the primary.

Summary of Bill: The date of the primary is moved back two weeks to the Wednesday after Labor Day, which is the first Wednesday after the first Monday in September.

For a primary election, absentee ballots must be mailed to overseas and service voters at least 36 days before the election, and the results are certified nine days after the election. For a general election, absentee ballots must be mailed to overseas and service voters at least 30 days before the election, and the results are certified 15 days after the election. These changes establish the necessary 45 days of transit time between the date ballots are mailed out to service and overseas voters and the date the voted ballots must be received by local election administrators to satisfy the Federal Voting Assistance Program. Because the day of the primary is changed from a Tuesday to a Wednesday, the certification date must be changed from 10 days after the election to nine days to prevent the certification day from falling on a Saturday. Absentee ballots for voters that are not overseas or in the military continue to be mailed 20 days before an election. The date by which a jurisdiction must request a special election is moved from 45 days before a special election date to 55 days to accommodate the 10-day change in the date ballots are mailed out.

The filing week for declarations of candidacy is moved back two weeks from the week beginning the fourth Monday in July to the week beginning the second Monday in July. The time frame for minor party and independent candidate nominating conventions is moved back two weeks from the week beginning the last Saturday in June to the week beginning the second Saturday in June. Because the day of the primary is changed from a Tuesday to a Wednesday, other election-related events that were previously conditioned on circumstances occurring before or after the "sixth Tuesday prior to a primary" are changed to the "seventh Tuesday prior to a primary."

Prior to the 2004 and 2005 primary elections, the Secretary of State and the county auditors must notify the public of the change in the date of the primary. Notice must be provided on all appropriate election materials, and the Secretary of State and the county auditors must make a reasonable effort to provide the notice in multiple languages.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2004.