

# SENATE BILL REPORT

## SB 5221

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As Reported By Senate Committee On:  
Government Operations & Elections, February 28, 2003

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

**Brief Description:** Reorganizing election laws.

**Sponsors:** Senators Roach, Kastama, Fairley, Stevens, Horn and Benton; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/18/03, 2/28/03 [DPS].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and Reardon.

**Staff:** Ronda Larson (786-7429)

**Background:** Title 29 RCW contains the laws establishing procedures for the conduct of elections. The title applies to the Secretary of State and to the county auditors.

**Summary of Substitute Bill:** Title 29 is reorganized and streamlined. 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. Several sections are removed, including the language enabling cities, towns, and special districts to request a special election 45 days before an election; the language apportioning registration expenses for precincts that cross city limits; and the language limiting precincts to 250 active registered voters. The procedure of simply identifying and sealing unused ballots once the polls are closed is changed to rendering them unusable, and securing them in a container to be returned to the county auditor.

For purposes of recall elections, the definition of an elected official's "violation of the oath of office" is changed from "wilful (sic) neglect or failure" to perform a duty to a "neglect or knowing failure" to perform a duty.

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, or to mark a ballot in a way that will reveal his or her identity.

The statute requiring candidates to sign an affidavit swearing that they are not a subversive person is repealed because it was declared unconstitutional. Statutes imposing term limits on state and federal office holders are repealed because they were declared unconstitutional in 1998. Numerous statutes are repealed because they are no longer used in election law or are redundant.

**Substitute Bill Compared to Original Bill:** The substitute bill corrects minor drafting errors. To eliminate any possibly substantive changes, the substitute bill reinstates existing sections of law that the original bill had removed, including specific rulemaking authority regarding the conduct of elections.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill makes no substantive changes. It is intended to be a technical improvement and overhaul. It reorganizes the statutes into a more readable format. Title 29's existing set-up is illogical.

**Testimony Against:** None.

**Testified:** Dean Logan, Bill Huennekens, Office of the Secretary of State; Kim Wyman, Thurston County Auditor and member, Washington State Association of County Auditors.