
**State Government Operations &
Accountability Committee**

HB 2027

Brief Description: Changing the date of the primary.

Sponsors: Representatives Green, Nixon, Haigh, Kessler and Kagi; by request of Secretary of State.

Brief Summary of Bill

- Changes the date of the primary to the third Tuesday in August.
- Removes the special election held on the third Tuesday in May.
- Changes the date for filing a declaration of candidacy to the fourth week in May.
- Requires overseas and military ballots to be mailed 30 days prior to any election.
- Changes the dates for filing nominating petitions for the presidential preference primary.
- Certification of election results are changed to 15 days after a primary or special election and 20 days after a general election.
- Requires that only one recount may be allowed for a primary election.
- Requires continuing political committees and candidates successful in the primary to report campaign contributions and expenditures on the tenth day of the first month after the primary.
- Changes the ending date on the post-session campaign freeze to the day of final adjournment of legislative session.

Hearing Date: 2/23/05

Staff: Marsha Reilly (786-7135).

Background:

Primary date: Nominating primaries for November general elections are held in Washington State on the third Tuesday of the previous September.

Special elections: County legislative authorities and county auditors may call a special county election on one the following dates:

- the first Tuesday after the first Monday in February;
- the second Tuesday in March;
- the fourth Tuesday in April;
- the third Tuesday in May;
- the day of the September primary; or
- the first Tuesday after the first Monday in November.

The deadline for calling various special elections is 45 days prior to the date of the special election.

Declarations of Candidacy. Declarations of candidacy may be filed no earlier than the fourth Monday in July and no later than following Friday for: 1) offices scheduled to be voted upon for both full and short terms at, or in conjunction with, a state general election, and 2) offices where a vacancy, other than short term, exists that has not been filled by election and where an election is required at the next state general election.

A special three-day filing period may be reopened by the applicable election officer between the regular filing period and six weeks before the primary if 1) no one has filed for office during the regular filing period, 2) a vacancy in office occurs leaving an unexpired term to be filled by an election in which filings have not yet been held, or 3) a nominee for Superior Court judge dies or is disqualified.

A special three-day filing period for nonpartisan office, other than for Supreme Court judge or Superintendent of Public Instruction, may be reopened six weeks prior to the primary if 1) a void in candidacy or a vacancy in office occurs within six weeks of the primary but prior to the sixth Tuesday before an election; 2) a nominee for Superior Court judge dies or is disqualified within the 10-day period immediately following the final day for a candidate to withdraw; or 3) a vacancy occurs in any nonpartisan office.

Service and Overseas Voters. The Federal Voting Assistance Program administered by the Department of Defense requires a 45-day voting window from the time the ballots are mailed to the time the results of an election are certified. 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 a 30-day window exists for primary election ballots and a 35-day window for general election ballots.

Presidential Preference Primary. The filing deadline for a political party to put a candidate's name on the presidential primary ballot is 39 days prior to the primary. The deadline for presidential candidates to remove their names from the primary ballot is 35 days prior to the presidential primary.

Certification of Results: The county canvassing board is responsible for certifying the results of an election within ten days of a special or primary, and 15 days after a general election.

Recount. After the original count, canvass, and certification of election results, there may be no more than two recounts for a primary, special, or general election.

Campaign Reporting. Candidates and political committees must report all contributions and expenditures to the Public Disclosure Commission (PDC) at the beginning of a campaign and at specified intervals during the campaign, as follows:

- the day the treasurer is named;
- twenty-one days and seven days immediately preceding an election;
- the tenth day of the first month after the election (except for the period following the primary election by a candidate continuing in the general election, or any continuing political committee);
- on the tenth day of each month in which no other reports are required but only if expenditures or contributions were made in the preceding month and that the total contributions or expenditures exceed \$200 since the last report; and
- every Monday beginning on the first day of the fourth month preceding the special or general election for bank deposits.

Post-session Campaign Freeze: No state official may solicit or accept campaign funds during the period beginning 30 days before a legislative session and ending 30 days after a legislative session has concluded.

Summary of Bill:

The bill changes the date of the primary and other corresponding dates.

Primary Date. The date of the nominating primary for a general election and the election of precinct committee officers is moved to the third Tuesday in August preceding the general election.

Special Elections. The number of days allowed for a county legislative authority to call a special election is changed from 45 days to 52 days prior to the proposed election date. A special election may no longer be held on the 3rd Tuesday in May.

Declarations of Candidacy. The date for filing a declaration of candidacy is changed from the fourth week in July to the fourth week in May.

The special three-day filing periods allowed between regular filing and six weeks prior to the primary, and for the period just six weeks before the primary are changed to 11 weeks before the primary.

Service and Overseas Voters. County auditors are required to mail all ballots to overseas or service voters at least 30 days before any election. Requests for ballots by these voters that are made after that date must be processed immediately.

Presidential Preference Primary. A major political party has 60 days, instead of 39 days, to file a petition for nomination of a candidate in the presidential preference primary with the Secretary of State (Secretary). The candidate then has 8 days to file an affidavit with the Secretary stating that he or she will not become a candidate, otherwise the Secretary shall place the name of the candidate on the ballot.

Certification of Results. The dates that a county canvassing board must complete the canvass and certify the results of an election are changed from 10 days to 15 days after a primary or special election, and from 15 days to 20 days after a general election.

Recount. A recount may not occur more than once for a primary election.

Campaign Reporting. Candidates who are successful in the primary election and any continuing political committees must file a report of contributions and expenditures to the Public Disclosure Commission on the tenth day of the first month after the primary.

Contribution and expenditure reporting requirements are changed to begin on the fifth month, rather than the fourth month, prior to a special or general election.

Post-session Campaign Freeze. The date for which campaign contributions may be accepted by state officials is changed from 30 days after the conclusion of a regular legislative session to the ending day of final adjournment.

Appropriation: None.

Fiscal Note: Requested on February 20, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.