

HOUSE BILL REPORT

HB 2027

As Reported by House Committee On:
State Government Operations & Accountability
Appropriations

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

Brief Description: Changing the date of the primary.

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

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/23/05, 3/2/05 [DPS];
Appropriations: 3/5/05 [DPS(SGOA)].

Brief Summary of Substitute Bill

- Moves the date of the primary to the third Tuesday in August.
- Changes other elections-related dates to accommodate the new date of the primary.
- Requires overseas and military ballots to be mailed 30 days prior to any election.
- Changes election certification dates to 15 days after a primary or special election and 15 days after a general election.
- Makes changes to reporting of campaign contributions and expenditures reports.
- Changes the campaign freeze dates to begin December 24 before a regular legislative session through the day of final adjournment.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

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

Staff: Marsha Reilly (786-7135).

Background:

Primary date: The primary election 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.

Special elections: County legislative authorities and county auditors may call a special county election on 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, and on the day of the general election. 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 the following Friday. Under certain circumstances, 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 and six weeks prior to the primary.

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: 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 county canvassing board is responsible for certifying the results of an election within 10 days of a special or primary, and 15 days after a general election.

Campaign Reporting: Candidates and political committees are required to 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: State elected officials are prohibited from soliciting or accepting campaign funds during the period beginning 30 days before a legislative session and ending 30 days after a legislative session has concluded, and during any special session.

Summary of Substitute 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. Resolutions for county, city and junior taxing district special elections must be filed with the auditor 84 days before the election if the resolution will appear on a primary or general election.

Declarations of Candidacy: The date for filing a declaration of candidacy is changed from the fourth week in July to the third 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 must mail all ballots to overseas or service voters at least 30 days before any election. Requests for ballots made after the date required for mailing 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 52 days, rather than 35 days, before the primary to execute and file an affidavit with the Secretary in order for his or her name to be placed 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.

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 PDC 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 general election.

Post-session Campaign Freeze: The period prohibiting campaign contributions is changed to begin on December 24, before a regular legislative session and end on the day of final adjournment.

Substitute Bill Compared to Original Bill:

The substitute bill requires resolutions for county, city, and junior taxing district special elections to be filed with the auditor 84 days before the election if the resolution will appear on a primary or general election. It puts the May special election back into law and changes the period for filing declarations of candidacy to the third week in May. The number of days by which a presidential preference primary petition must be filed is increased to 60 days. The date of certification for the general election is restored to 15 days after the election. Current law regarding campaign contribution reporting schedules for special elections and the number of recounts for a primary election is restored. The beginning day for a freeze on campaign contributions is changed from 30 days before a regular session to December 24 immediately before a regular legislative session.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect January 1, 2006.

Testimony For: This is the single most important piece of legislation before you. The primary must be moved back to at least the third Tuesday in August. Moving the primary to June was considered, but isn't practical because of the legislative session. If there is a situation where a primary race is as close as the recent race for Governor, there will be a train wreck. The Department of Defense wants military ballots mailed 45 days before an election. This is important considering the number of military personnel in our state. There needs to be time for election administrators to prepare for the general election. If there is a contested primary election, there would not be enough time to have ballots printed and mailed in time for the general election. Changing the primary to May is preferred for the auditors, but the August date is better than the current date. For those on vacation in August, a one-time absentee ballot can be requested. The additional time allows for more time to count and recount if necessary and will allow counting without being rushed. If there is a recount for a primary election, there would not be enough time to meet the Department of Defense deadline.

Testimony Against: None.

Persons Testifying: Sam Reed, Secretary of State; Shane Hamlin, Office of the Secretary of State; Vicki Rippie, Public Disclosure Commission; Michael Garrison, Auditor, Skamania County; and Corky Mattingly, Auditor, Yakima County.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on State Government Operations & Accountability be substituted therefor and the substitute bill do pass. Signed by 28 members:

Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

Staff: Nona Snell (786-7153).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government Operations & Accountability:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect January 1, 2006.

Testimony For: Moving the primary to August has policy implications; the biggest impact is to military voters. There currently is not enough time between the primary and general election to send ballots out to military voters before the general election.

The funds needed for a public awareness campaign are from the federal Help America Vote Act.

Testimony Against: None.

Persons Testifying: Katie Blinn, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.