

SENATE BILL REPORT

SB 5219

As Reported By Senate Committee On:
Government Operations & Elections, February 17, 2005

Title: An act relating to changing primary dates and associated election procedures.

Brief Description: Changing primary dates and associated election procedures.

Sponsors: Senators Kastama, Schmidt, Rockefeller and Pridemore.

Brief History:

Committee Activity: Government Operations & Elections: 1/27/05, 2/17/05 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member; and Mulliken.

Staff: Diane Smith (786-7410)

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 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.

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.

Incumbent legislators may not engage in fundraising activity from 30 days before through 30 days after the regular legislative session. This period is commonly referred to as the "black out period."

Summary of Substitute Bill: The primary is moved back to the third Tuesday in August. Filing week is moved back to the third week in May, rather than the fourth. The May special election is restored. County, city and junior taxing district special elections' resolutions are filed with the county auditor 12 weeks before the election if the resolution will appear on the primary or general election ballot, as opposed to a spring special election ballot. The number of days by which a presidential preference primary petition must be filed is increased from 39 to 60 days before the presidential primary. The certification period for the general election is restored to the current statutory 15 days. Amendments are made to conform with I-872 and the change in the week for filing for elective office.

The campaign funding restriction that does not allow the incumbent legislator to solicit or accept contributions from 30 days before the legislative session through 30 days after the legislative session is modified to allow fundraising to begin on the day after the day of final adjournment of the legislative regular session.

Substitute Bill Compared to Original Bill: In the bill as heard in committee, the five-day filing period is moved back to the third Monday in June and continues through the next following Friday. The certification period for the general election is lengthened to 20 days.

The minor party nominating convention is moved to the fourth Saturday in May. Changes commensurate to the movement of the primary date are made to the dates for other events in the elections calendar.

The original bill does not modify the campaign finance act.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: January 1, 2006.

Testimony For: Leaving the primary date where it is is a train wreck waiting to happen. The Secretary of State prefers the June date but this August date is alright. Minor party conventions should be moved back. We should keep in mind military transit times. We should consolidate the February, March, April, and May special elections into just February and April. The auditor's association will agree to any time with a minimum of four weeks. Submariner ballots are sent out 90 days before the election. To wait 10 weeks for the winner of the primary to report on the C-4 form is too long. The regular reporting schedule should apply to primary candidates who go on to the general election.

Testimony Against: None.

Who Testified: Vicki Rippie, Public Disclosure Commission. PRO: Pat McCarthy, Pierce County Auditor; Datie Blinn, the Office of the Secretary of State; Bob Terwilliger, Snohomish County Auditor.