

SENATE BILL REPORT

SB 5196

As of February 5, 2007

Title: An act relating to eliminating a primary election for nonpartisan offices in which only two candidates file for election.

Brief Description: Requiring no primary in nonpartisan races for which only two candidates file.

Sponsors: Senators Kohl-Welles, Fairley, Oemig, Shin, Rockefeller, Murray and Tom.

Brief History:

Committee Activity: Government Operations & Elections: 2/01/07.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Amy Van Horn (786-7784)

Background: After a primary election is held for a nonpartisan office, the two candidates who received the most votes appear on the general election ballot, provided they each received at least one percent of the votes cast in the primary.

If a candidate in a contested primary for the nonpartisan office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction receives a majority of the votes, then only that candidate's name will appear on the general election ballot.

No primary is permitted for any office in a city, town, district, or district court if, after the last day allowed for candidates to withdraw, there are no more than two candidates in the race.

Persons contributing to campaigns for judicial office may contribute no more than \$1,400 to a single candidate during each primary or general election. Therefore, a person may contribute a total of \$2,800 to one candidate for a judicial office if the candidate runs in both a primary election and a general election.

Summary of Bill: No primary election may be held for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The Secretary of State or county auditor must inform the affected candidates as soon as possible that no primary will occur.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a candidate receives a majority of the votes in a contested primary for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction, a second candidate may still appear on the general election ballot.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill makes good sense. Two-candidate primaries are already cancelled for elections for other nonpartisan offices. Judicial races are often decided in the primary, but almost twice as many people vote in the general election. The offices of state supreme court justice, appeals court judge, or superintendent of public instruction are very important offices and we need as many people voting as possible.

CON: A well-informed electorate is important in judicial races, but this does not get us there. It would be better to have more printed information on the candidates. The public interest is best served with judges on the bench, not taking them away from their jobs to campaign for longer and longer periods of time. These could be ten-month campaigns.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Katie Blinn, Assistant Director of Elections, Washington Secretary of State.

CON: Eric Delos Santos, Washington State Bar Association; Jeff Hall, Washington Board for Judicial Administration.