

SENATE BILL REPORT

SB 5016

As Reported by Senate Committee On:
Government Operations & Elections, January 29, 2009

Title: An act relating to modifying the dates on which a special election may be held.

Brief Description: Modifying when a special election may be held.

Sponsors: Senators McDermott, Parlette, Fairley, Oemig, Kilmer, Hatfield, Shin and Honeyford.

Brief History:

Committee Activity: Government Operations & Elections: 1/22/09, 1/29/09 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, McDermott and Swecker.

Minority Report: Do not pass.

Signed by Senator Pridemore.

Staff: Edward Redmond (786-7471)

Background: The county auditor, upon receiving a request from the county, city, town, or district, may call a special election to be held on one of the following dates: the first Tuesday after the first Monday in February; the second Tuesday in March; the fourth Tuesday in April; or the third Tuesday in May.

Summary of Bill: The March and May special elections are eliminated.

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.

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.

Staff Summary of Public Testimony: PRO: Currently it is extremely difficult for the Secretary of State's office to make upgrades or modifications to the statewide voter registration database, or to offer training to election officials, while elections are occurring. According to the Seventeenth Amendment to the Washington State Constitution and Attorney General Opinion 59-60 No. 137 (August 23, 1960), a district can only run two levy elections in a 12 month period. Having only two special election dates in the springtime is consistent with what our State Constitution authorizes; a third opportunity is not permissible. Additionally, this bill will save election costs for the counties and also for the special districts. This bill is a compromise that the counties, fire fighters, hospital districts, school directors, and school superintendents have agreed on. The bill remedies the problems incurred from overlapping elections such as workload issues with auditors, fraud, and simple human error. By eliminating some of these overlapping dates, elections will be more organized and transparent.

CON: Under Public Disclosure rules, local school districts cannot use any public resources to advocate for a yes vote as a school district. Therefore, districts are reliant on a citizen campaign. Decision must be made 45 days in advance in order to meet filing requirements. Additionally, mail-in ballots are sent three weeks before the actual election. Hence, election activities must be completed before this time. A September or primary election is difficult because you basically have to run the election in the summer. November is also difficult because it is hard to get people to pay attention to issues that are way down on the ballot. School districts do not have the financial recourses for media or an extensive campaign. The school funding system in Washington is a two-tiered system. The Legislature is responsible for 70 to 80 percent of the funding and the remainder comes from levies and bonds. The current election dates are needed to continue bringing forward excellent programs for students. It would be almost impossible to do the necessary community and staff outreach under the proffered special election dates in this bill.

Persons Testifying: PRO: Corky Mattingly, Yakima County Auditor; ; Katie Blinn, Office of the Secretary of State; Jerry Pettit, Kittitas County Auditor; Kim Wyman, Washington State Association of County Auditors; Dan Steele, Washington State School Directors' Association; Barbara Mertens, Washington Association of School Administrators.

CON: Lucinda Young, Washington Education Association; Marcia Fromhold, Evergreen School District.