

SENATE BILL REPORT

SHB 1860

As of March 16, 2011

Title: An act relating to partisan elections.

Brief Description: Regarding partisan elections.

Sponsors: House Committee on State Government & Tribal Affairs (originally sponsored by Representative Hurst).

Brief History: Passed House: 3/05/11, 53-44.

Committee Activity: Government Operations, Tribal Relations & Elections:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Diane Smith (786-7410)

Background: Presidential Primaries. Historically, political parties in Washington selected their nominee for President and allocated their delegates to the national nominating conventions through party caucuses. In 1989 the Legislature approved an Initiative to the Legislature which established the presidential primary. The Secretary of State (Secretary) must conduct a primary each presidential election year to allow citizens the opportunity to express their preferences as to the major political party candidates for President. Following the primary, the state and county committees of each major political party are provided lists of voters who participated in their party's presidential primary.

The original legislation required delegates to the party national conventions to be allocated to each candidate for President based on the results of the preference primary. Votes cast for a particular presidential candidate were considered votes cast for delegate positions committed to that candidate. The selection of actual individuals as delegates remained a party function. In 1995 the Legislature amended the law to allow party delegates to be allocated in whole or in part based on the results of party precinct caucuses, rather than the preference primary. The 1995 legislation also requires the Secretary to amend its administrative rules to comply with the major political parties' national and state rules.

Election of Precinct Committee Officers. The election of precinct committee officers (PCOs) occurs at the primary election. In January 2011 the United States District Court (Court) ruled that the state's implementation of the Top Two Primary is constitutional based on the fact that

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the ballot and accompanying information clearly explains that a candidate's preference does not imply party endorsement. However, the Court also ruled that the state's method of electing PCOs is unconstitutional because it severely burdens the political parties' ability to identify and associate with members of their respective parties. At issue was the Top Two Primary ballot which allows all voters, regardless of party affiliation, to vote for and elect PCOs.

Summary of Bill: The PCOs must be voted upon at the presidential primary election. Candidates must file a declaration of candidacy with the appropriate county auditor during a filing period beginning on the Monday ten weeks before the primary and ending at 5 p.m. on Friday of the same week. The county auditor must provide daily, by precinct, an online list of candidates who have filed for the office. Withdrawals of candidacy may be made at any time if the ballots for that precinct have not been printed.

The names of all PCO candidates must appear on the proper party and office designations on the ballot for the appropriate precinct. The candidate receiving the highest number of votes is declared elected.

Provisions allow that if only one candidate files for a position, the candidate's name does not appear on the ballot, and no write-in candidates are allowed. However, if no one has filed for the office, any person who meets the qualifications may file as a write-in candidate by submitting the proper forms at least one week before the election.

The term of office for a PCO is changed from two years to four years commencing on December 1 following the presidential primary. Elected PCOs filling a vacancy take office immediately.

The major political parties must notify the Secretary of their decision to allocate delegates to the national nominating conventions based on the results of the presidential primary. A presidential primary may only be held if both parties agree to use only the results of that election for the allocation of their delegates. If a presidential primary is not held, the parties must elect their PCOs by other means.

The state must reimburse the counties costs associated with the presidential primary and the election of PCOs.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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