SENATE BILL REPORT
HB 1157

As of March 11, 2013

Title: An act relating to making nonsubstantive changes to election laws.

Brief Description: Making nonsubstantive changes to election laws.

Sponsors: Representatives Hunt, Taylor and Ryu; by request of Secretary of State.

Brief History: Passed House: 3/07/13, 97-0.
     Committee Activity: Governmental Operations:

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

   Staff: Samuel Brown (786-7470)

   Background: Changes and challenges to state and federal election laws have created redundant statutes, outdated references and citations, and errors in dates.

   Election Law Reorganization.   In 2003, the Legislature reorganized and streamlined the election procedures statutes that were in Title 29. The result is the current Title 29A, that now contains the laws establishing procedures for the conduct of elections.

   Primary Elections.   Also in 2003, the Ninth Circuit Court of Appeals struck down Washington's blanket primary system, which had been in place since 1935. Holding that the system violates the right of political parties to exclude those who did not affiliate themselves with the party from selecting the party's standard bearer, the court found the system unconstitutional.

   In response, in 2004 the Legislature passed ESB 6453, which created two alternative primary systems: a top-two primary system, where candidates merely state a party preference; and a pick-a-party primary system, where voters affiliate with one party and select only that party's ticket. Statutes for both systems were included in the bill in the event that the top-two primary was declared unconstitutional. The provisions creating the top-two primary were vetoed, and the pick-a-party system became law.

   In 2004, voters passed Initiative 872 to implement the top-two primary method. After its constitutionality was upheld, the top-two remains today as the primary election method.

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.

Many statutes implementing the pick-a-party primary, which is not in use, have not been repealed.

Primary Election Date. In 2006 and 2011, the Legislature changed the date of the primary election to comply with federal law regarding the mailing of ballots to military and overseas voters. Previously held the second Tuesday in September, the primary is now held on the first Tuesday in August. These changes required additional election-related dates and deadlines to be changed.

Superior Court Judge Residency Requirement. In the case of *Parker v. Wyman*, the Washington Supreme Court held that a candidate for county superior court judge does not need to reside in that county to appear on the ballot and stand for election.

Summary of Bill: Nonsubstantive changes are made to election law statutes, including the following:
  • statutes related to the pick-a-party primary system are repealed or amended to comply with the top-two primary;
  • laws declared unconstitutional, including term limits, the blanket primary, and the superior court judge residency requirement are amended or repealed;
  • the time period when ballots must be mailed to military and overseas voters is corrected;
  • dates relating to the primary election are corrected; and
  • other language is clarified or updated.

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.