

SENATE BILL REPORT

2SHB 1195

As Reported by Senate Committee On:
Governmental Operations, April 3, 2013
Ways & Means, April 9, 2013

Title: An act relating to candidate names on the primary ballot.

Brief Description: Concerning primaries.

Sponsors: House Committee on Appropriations Subcommittee on General Government (originally sponsored by Representatives Wylie, Buys, Hunt, Van De Wege, Appleton, Orwall, Ryu and Jinkins).

Brief History: Passed House: 3/07/13, 96-1.

Committee Activity: Governmental Operations: 3/19/13, 4/03/13 [DPA, w/oRec].
Ways & Means: 4/08/13, 4/09/13 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Conway, Fraser and Rivers.

Minority Report: That it be referred without recommendation.

Signed by Senator Braun.

Staff: Samuel Brown (786-7470)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Hasegawa, Hatfield, Hewitt, Keiser, Parlette, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senators Murray and Ranker.

Minority Report: That it be referred without recommendation.

Signed by Senators Kohl-Welles and Padden.

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: Steve Jones (786-7440)

Background: The names of all candidates who file a declaration of candidacy will appear on the primary election ballot, with some exceptions. No primary election is held for any single position in any city, town, district, or district court if, after the last day allowed for candidates to withdraw, there are no more than two candidates who filed for the same position.

Primary elections are held for all statewide offices regardless of how many candidates file for the position unless a special election is required in an odd-numbered year to fill a vacancy in any office that is scheduled to be voted upon for a full term in an even-numbered year. In that instance, no primary election may be held for the office if no more than two candidates filed a declaration of candidacy.

County auditors must send each voter a ballot and a voter declaration that must be signed. A security envelope in which to conceal the ballot after voting, and a larger envelope in which to return the security envelope must be sent with the ballot. The voter also must receive instructions on how to obtain information about the election, how to complete the ballot, and how to return the ballot to the county auditor. For the ballot to be counted, the voter must either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or mail the ballot to the county auditor with a postmark on the larger envelope no later than the day of the election.

Summary of Bill (Recommended Amendments): The provision that prohibits a primary election in an odd-numbered year to fill a vacancy in any office that is scheduled to be voted upon for a full term in an even-numbered year is repealed. The provision that no primary be held for any city, town, district, or district court position if no more than two candidates file for the office is expanded to include all nonpartisan offices.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): The provision that prohibits a primary election in an odd-numbered year to fill a vacancy in any office that is scheduled to be voted upon for a full term in an even-numbered year is repealed. The provision that no primary be held for any city, town, district, or district court position if no more than two candidates file for the office is expanded to include all nonpartisan offices. The requirement that a primary election be held in all races is removed. The requirement for prepaid postage on ballots, to be reimbursed by the state, is removed.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Amendments): The prohibition on holding a primary election for any nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position is removed.

A primary election must be held in all local races, regardless of how many candidates file for the position.

Return envelopes for primary and general election ballots must include prepaid postage. The state must reimburse counties for the cost of placing prepaid postage on mail and absentee ballots in primary and general elections.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Second Substitute House Bill (Governmental Operations): PRO: Special rules on elections to fill off-year vacancies are inconvenient and not good for candidates getting to know the public. Community groups and media take a closer look at candidates if they appear on a primary ballot. Contributions are limited to half of what a regular race would be if there is no primary, and being able to raise more money makes it possible for new faces to get involved. The Secretary of State supports the bill because it provides net savings. County auditors are generally supportive of this bill, although the Secretary of State's savings put costs onto counties.

Persons Testifying (Governmental Operations): PRO: Representative Wylie, prime sponsor; Katie Blinn, Office of the Secretary of State; Monty Cobb, WA Assn. of County Officials.

Staff Summary of Public Testimony on Bill as Amended by Governmental Operations (Ways & Means): CON: Cities, counties, and junior taxing districts will be severely affected by the fiscal impact of requiring primary elections to be held for all races, regardless of the number of candidates. Local officials refer to this requirement as “all primaries, all of the time.” This is an unnecessary burden on local government. Requiring counties to pay the postage on all returned ballots places an additional burden on the counties, who will need to wait for many months to get reimbursed by the state. The Washington Association of County Officials prefers the version of this bill that passed the House of Representatives.

OTHER: The Secretary of State prefers the House version of this bill because it results in a net biennial savings of \$800,000 to the state General Fund. These savings are assumed in the budget bill adopted by the Senate.

Persons Testifying (Ways & Means): CON: Monty Cobb, WA Assn. of County Officials.

OTHER: Katie Blinn, Secretary of State's Office.