

SENATE BILL REPORT

SHB 2215

As of February 27, 2014

Title: An act relating to reconciling election laws.

Brief Description: Reconciling election laws.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Robinson, Manweller, S. Hunt and Haler; by request of Secretary of State).

Brief History: Passed House: 2/12/14, 98-0.

Committee Activity: Governmental Operations: 2/27/14.

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Background: Changes and challenges to state and federal election laws have created redundant statutes, outdated references and citations, and errors in dates.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, which now contains the laws establishing procedures for the conduct of elections.

In 2006, 2009, and 2011, the Legislature modified the dates when special elections may be held. Currently, special elections may be held on:

- the second Tuesday in February;
- the fourth Tuesday in April;
- the first Tuesday in August, the same day as the primary election; or
- the first Tuesday after the first Monday in November.

Absentee Voting. As early as 1915, a voter was allowed to cast an absentee ballot if the voter was not able to be present to vote at the polls on election day. In 2005 counties were allowed to begin conducting all elections entirely by mail ballot. In 2011 the Legislature passed ESSB 5124, requiring that all elections in the state be held entirely by mail.

Signatures on Local Petitions. A 1977 state Supreme Court decision, *Sudduth v. Chapman*, 88 Wn.2d 247, established that in the case of multiple signatures on a state initiative or referendum petition, the first valid signature must be counted while all additional signatures

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are rejected. However, when reviewing local petitions, including city initiative or referendum petitions, county officials are directed to strike all signatures of any person who signed a petition two or more times. In 2013 courts in two separate cases found that the statute requiring rejection of all signatures of a multiple signer, including the first valid signature, violates the Washington State Constitution.

Summary of Bill: References are updated to a number of outdated statutes, including the following:

- dates for special elections;
- dates officials assume office; and
- references to poll site voting.

The language in the voter declaration is updated to reflect the point when felon voting rights are restored.

If a person signs a filing fee petition or petition for a local initiative or referendum multiple times, the first valid signature is counted, but any additional or invalid signatures are rejected.

Appropriation: None.

Fiscal Note: Available.

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 should keep moving through the process.

Persons Testifying: PRO: Representative Robinson, prime sponsor.