SENATE BILL REPORT
SB 5518

As of February 12, 2013

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

Brief Description: Making nonsubstantive changes to election laws.

Sponsors: Senators Roach, Darneille, Sheldon and Hatfield; by request of Secretary of State.

Brief History:
Committee Activity: Governmental Operations: 2/11/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Samuel Brown (786-7470)

Background: 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.

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, the Legislature passed ESB 6453 in 2004, 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 the top-two primary was declared unconstitutional. The provisions creating the top-two primary were vetoed, and the pick-a-party system became law.

Voters then passed Initiative 872 in 2004 to implement the top-two primary method. After its constitutionality was upheld, it remains today as the primary election method. Many statutes implementing the pick-a-party primary, which is not in use, have not been repealed.

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.

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.

Summary of Bill: Nonsubstantive changes are made to election law statutes.

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: The top-two primary is the primary of choice in Washington. This brings closure to a long road of litigation and discrepancies within our primary system. We have had a lot of changes to election law over the last few years; this bill tries to clean up some of the things that were missed in prior bills. The bulk of this bill is repealing the pick-a-party primary. The definition of minor parties is in the law now, so any change to that would be a policy change, and this bill makes no policy changes, only establishes existing law.

OTHER: When we define a minor party, it is always helpful to ask the minor parties what they would like to be defined as. The current definition will eliminate some minor parties and cause logistical problems for other parties. Because of the lateness of the Libertarian Party's national convention, this definition presents a serious problem for them in having conventions and gathering signatures. The Constitution Party has a logistical problem. There has been some question about the difference between a Political Action Committee and a minor party. The Green Party cannot select its nominees until all states have had their caucuses, and some states have very late caucuses. Making it so minor parties cannot add names to the ticket after collecting signatures is an enormous detriment to the parties.

Persons Testifying: PRO: Holli Johnson, WA State Grange; Katie Blinn, Office of the Secretary of State.

OTHER: Linde Knighton, Jody Grage, 3rd Party Coalition.