

FINAL BILL REPORT

SSB 5518

PARTIAL VETO C 11 L 13 Synopsis as Enacted

Brief Description: Making nonsubstantive changes to election laws.

Sponsors: Senate Committee on Governmental Operations (originally sponsored by Senators Roach, Darneille, Sheldon and Hatfield; by request of Secretary of State).

Senate Committee on Governmental Operations House Committee on Government Operations & Elections

Background: Changes and challenges to state and federal election laws have created redundant statutes, outdated references and citations, and errors in dates.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

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 Many statutes implementing the pick-a-party primary, which is not in use, have not been repealed.

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

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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*, 176 Wn.2d 212 (2012), 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: 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;
- language regarding restoration of voter rights and the voter's oath are corrected;
- the definition of minor political party is updated; and
- other language is clarified or updated.

Votes on Final Passage:

Senate	45	4
House	97	0

Effective: July 28, 2013.

Partial Veto Summary: Changes to the definition of minor political party were vetoed.