

SENATE BILL REPORT

SB 5108

As of January 26, 2015

Title: An act relating to the order of candidate names on ballots.

Brief Description: Clarifying the order of candidate names on ballots.

Sponsors: Senators Padden, Billig, Miloscia, Hasegawa and Chase.

Brief History:

Committee Activity: Government Operations & Security (Note: Senate Resolution 8609 adopted January 27, 2015, renamed the Committee on Government Operations & State Security to Committee on Government Operations & Security): 1/26/15.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: Prior to the primary election, the order in which candidates' names appear on the ballot is determined by lot. This determination is done publicly by the officer with which candidates file their declarations of candidacy.

Primary elections are not held for nonpartisan offices if only one or two candidates file for the position. If no primary election is held for an office, the candidates appear on the general election ballot in the order determined by lot.

If a primary election is held, the two candidates receiving the most votes advance to the general election. The candidate receiving the most votes in the primary election appears first on the general election ballot, while the candidate receiving the second-most votes appears second.

Summary of Bill: The order of candidate names on primary election ballots must be rotated for federal, state, county partisan, and judicial offices.

Each county auditor must prepare as many sets of ballots as there are candidates for the office for which there are the greatest number of candidates. The sets must be of approximately equal size. On the initial set of ballots, candidate names must appear in the order determined by lot. For each subsequent set, the candidate name appearing first in each federal office, state office, county partisan office, and judicial office must be rotated so that it

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appears last, and each subsequent candidate name must be moved up one position. Ballots must contain the same order of candidates throughout a voting precinct. Each candidate must appear in each position on as near to an equal number of ballots as is possible.

If no primary is held for the Office of Superintendent of Public Instruction or for a judicial office, and no primary election is held, the names of the candidates are rotated for the general election so as to appear in each position on as near to an equal number of ballots as is possible.

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 used to be the way the law was – ballots were rotated. There’s an advantage to appearing at the top of the list, particularly in judicial races or races for nonpartisan offices. People don’t know too much about the candidates in those races. We figure there is a 10 percent advantage to appearing first on the ballot in precinct committee officer races. Yes, this is going to cost more, but it’s worth it for the fairness and faith that people will have in the electoral process.

CON: This increases the complexity of elections, the possibility that a risk that an election error could happen, and the possibility of voter confusion. Coding would need to be set up correctly for voting software, making logic and accuracy tests more complex, and tabulation more difficult. This increases the likelihood of an error.

Persons Testifying: PRO: Senator Padden, prime sponsor.

CON: Monty Cobb, WA Assn. of County Officials; Michael Rooney, WA Assn. of County Auditors.