
**State Government, Elections &
Information Technology Committee**

HB 2534

Brief Description: Concerning dates and timelines associated with the operation of the state primary and elections.

Sponsors: Representatives Gregerson, Chapman and Jinkins; by request of Secretary of State.

Brief Summary of Bill

- Moves the date of primaries for general elections held in November from August to June.
- Moves the date by which a resolution must be presented to the county auditor to hold a special election in November to the first business day in August.
- Modifies the deadline by which election precincts may be changed.
- Moves the period of time for filing for candidacy for elections from May to March.
- Modifies special vacancy election provisions for United States Congress vacancies.
- Modifies the dates by which canvassing must be completed for county auditors and the Secretary of State.

Hearing Date: 1/30/18

Staff: Travis Yonker (786-7383).

Background:

Primaries.

Primaries for general elections to be held in November, and the election of precinct committee officers, are held the first Tuesday in the preceding August.

Special Election Deadlines.

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.

A county, city, town, or district may call a special county election after presenting a resolution to the county auditor prior to the proposed election date, as follows:

- for special elections to be held on either the second Tuesday in February or the fourth Tuesday in April, the resolution must be presented by 60 days prior to the election date;
- for special elections to be held on the day of the primary, the resolution must be presented no later than the Friday before the first day of regular candidate filing; and
- for special elections to be held on the first Tuesday after the first Monday in November, the resolution must be presented by the date of the primary.

Precincts.

Each county is divided into election precincts, the boundaries of which are established by the county's legislative authority. No adjustments may be made to the precinct boundaries starting 14 days prior to the first day for candidates to file for the primary election and continuing until the day of the general election.

The county legislative authority may establish, by ordinance, a maximum number of active registered voters in each precinct, but a precinct may not exceed 1,500 active registered voters.

Filing for Candidacy for Office.

Declarations of candidacy for most elected offices must be filed between the Monday two weeks before Memorial Day and the following Friday.

Vacancies in Congress.

When there is a vacancy in the United State (U.S.) Congress, the Governor must call a special primary and special vacancy election as follows:

- if the vacancy occurs less than eight months before the general election and before the close of the filing period for that general election, the special primary and special vacancy election must be held at the same time as the state primary and general election;
- if the vacancy occurs on or after the first day for filing for candidacy and before the close of the filing period, a special filing period of three business days is scheduled; or
- if the vacancy occurs later than the close of the filing period, a special primary and vacancy election is held within 90 days after the next general election.

Canvassing and Certifying Primary.

County canvassing boards and the Secretary of State (Secretary) must canvass elections, which is defined as the process of examining ballots, subtotals, and cumulative totals in order to determine the official returns of an election.

The county canvassing board shall complete the canvass and certify results as follows:

- 10 days after a special election held in February or April;
- 14 days after a primary; and
- 12 days after a general election.

The Secretary shall canvass and certify the returns of all primary elections within 17 days as to candidates for statewide offices, U.S. senators and representatives in Congress, and all legislative and judicial candidates whose district extends beyond the limits of a single county.

Preservation of Declarations of Candidacy.

The Secretary and each county auditor must preserve all declarations of candidacy filed in their respective offices for six months, and make such declarations available to public inspection.

Summary of Bill:

Primaries.

Primaries are held on the first Tuesday following the first Monday of the preceding June.

Special Election Deadlines.

If a county, city, town, or district, presents a resolution to the county auditor to hold a special county election on the first Tuesday after the first Monday in November, the resolution must be presented to the county auditor no later than the first business day of August.

Precincts.

The county auditor may propose adjustments to the division of election precincts or precinct boundaries to the county legislative authority, which may reject, adopt, or modify the adjustments. However, if the county legislative authority takes no formal action on the proposed adjustments within 45 days, the adjustments are adopted. Such proposed adjustments must be made to the county legislative authority at least 45 days prior to the deadline for precinct boundary adjustments. No adjustments may be made to the precinct boundaries starting seven days prior to the first day for candidates to file for the primary election and continuing until the day of the general election. The maximum number of active registered voters in each precinct is capped at 1,500 active registered voters.

Filing for Candidacy for Office.

Declarations of candidacy for most offices must be filed between the third Monday in March and the following Friday.

Vacancies in Congress.

When there is a vacancy in the U.S. Congress, the Governor must call a special primary and special vacancy election as follows:

- if the vacancy occurs after the filing period for candidacy, but before May 1, a special filing period of three business days is scheduled. The special primary is scheduled on the first Tuesday in August and the special vacancy election is held with the general election;
- if the vacancy occurs later than May 1, a special primary and vacancy election are held within 90 days after the general election.

Canvassing and Certifying Primary.

For a presidential primary, the county canvassing board shall complete the canvass and certify results within 10 days of the primary.

The Secretary shall canvass and certify the returns of all primary elections within 24 days as to candidates for statewide offices, U.S. senators and representatives in Congress, and all legislative and judicial candidates whose district extends beyond the limits of a single county.

Preservation of Declarations of Candidacy.

The Secretary and each county auditor will no longer preserve all declarations of candidacy filed in their respective offices for six months.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.