

# SENATE BILL REPORT

## SB 5540

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As of January 14, 2022

**Title:** An act relating to dates and timelines associated with the operation of the state primary and elections.

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

**Sponsors:** Senators Hunt, Kuderer and Wilson, C..

**Brief History:**

**Committee Activity:** State Government & Elections: 1/14/22.

**Brief Summary of Bill**

- Moves the primary election date to the third Tuesday in May.
- Moves the candidate filing period to the fourth Monday in February.
- Modifies other deadlines related to re-precincting, canvassing an election, and filling a vacancy in federal office to correspond with the new candidate filing period.

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### SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

**Staff:** Samuel Brown (786-7470)

**Background:** Primary Elections. The primary election for all state and local offices is held on the first Tuesday in August, while the presidential primary election is held on the second Tuesday in March. County canvassing boards must certify the results of special elections and the presidential primary election within 10 days, primary elections within 14 days, and general elections within 21 days. The Secretary of State must certify the results of primary elections for statewide or federal office and legislative and judicial offices in multi-county districts within 17 days.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Getting on the Ballot. Candidates for elective office must file a declaration of candidacy to appear on the ballot. The filing period begins at the opening of business on the Monday two weeks before Memorial Day and ends at the close of business that Friday. Jurisdictions seeking to hold a special election on a measure, such as the issuance of a bond or levy, at the general election must present notice to the county auditor by the date of the primary election.

Vacancies in Federal Office. Within 10 days of the vacancy of an office of United States representative or senator, the Governor must set a special 3-day filing period for the office and an election date no later than 70 days after the primary election. If the vacancy occurs less than eight months before the general election, but before the close of the filing period, the elections to fill the vacancy will be held concurrently with the state primary and general elections. If the vacancy occurs after the close of the filing period, a special primary and general election must be held for the office no later than 90 days after the general election.

Precinct Boundaries. Each county is divided into election precincts for administrative purposes. The county legislative authority divides the county into election precincts and establishes precinct boundaries. Except for temporary modifications to reflect an annexation or incorporation, precinct boundaries must be fixed from 14 days before candidates file to run in the primary election until the day of the general election. Precincts are limited to 1500 active, registered voters, although the county legislative authority may establish a lower maximum size for its precincts.

**Summary of Bill:** Primary Election Timelines. The primary election is moved to the third Tuesday in May. The Secretary of State must certify the returns of all results of primary elections for statewide or federal office, and for all legislative and judicial candidates in multi-county districts within 24 days. County canvassing boards must certify results of presidential primaries within 10 days.

Getting on the Ballot. The candidate filing period is moved to business hours during the week of the fourth Monday in February. The requirement that declarations of candidacy be preserved for six months is removed. Requests for special elections to be held on the date of the general election must be submitted by the first business day in August.

Vacancies in Federal Office. If a vacancy occurs for a United States representative or senator after the close of the filing period, but before May 1st, a special primary election to fill the vacancy is held on the first Tuesday in August, with the general election to be held on the regular general election date.

Precinct Boundary Adjustments. The county auditor may recommend, in writing, any adjustment to the division of election precincts or precinct boundaries to the county legislative authority at least 52 days before the beginning of the candidate filing period. If the county legislative authority does not reject or modify the recommendation within 45

days, it is adopted. Counties may no longer establish maximum precinct sizes of less than 1500 voters. Precinct boundaries can be modified up to seven days before the beginning of the filing period.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on December 31, 2024.

**Staff Summary of Public Testimony:** PRO: The August primary is not well-timed, as people are on vacation, children are out of school, and there are other distractions. This would align Washington's primary with those held in Oregon and Idaho, helping border communities with messaging, adding consistency, and hopefully increasing turnout. Auditors support the intent, and want to work to make sure the policy behind this bill can be implemented, including getting other statutes affected by the bill aligned. Turnout decreased when the primary moved from September to August. Oregon's average primary turnout is 4 percent higher. This will give candidates and election officials more time to recover between the primary and general elections.

CON: Lesser-known candidates will have less time to campaign and get their voices heard. Turnout in recent municipal elections was low even though everyone was around. This reduces incumbents' campaign time and chances of success. Incumbents can't campaign during the session fundraising freeze. Precincts should reflect actual communities and neighborhoods— they should remain under local control and not be arbitrarily re-drawn. We keep pushing elections forward in the calendar and that is not a good thing.

**Persons Testifying:** PRO: Senator Sam Hunt, Prime Sponsor; Skip Moore, Chelan County Auditor/Washington State Association of County Auditors; Mary Hall, Thurston County Auditor's Office; Andrew Villeneuve, Northwest Progressive Institute.

CON: Peggy Shashy; Sharon Hanek; Val Mullen.

**Persons Signed In To Testify But Not Testifying:** No one.