

# FINAL BILL REPORT

## E3SHB 1860

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Synopsis as Enacted

**Brief Description:** Regarding partisan elections.

**Sponsors:** House Committee on General Government Appropriations & Oversight (originally sponsored by Representative Hurst).

**House Committee on State Government & Tribal Affairs**  
**House Committee on Ways & Means**  
**Senate Committee on Government Operations, Tribal Relations & Elections**  
**House Committee on General Government Appropriations & Oversight**

**Background:**

The election of precinct committee officers (PCOs) is conducted at the primary election. In January 2011 the United States District Court (Court) ruled that the state's implementation of the Top Two Primary is constitutional based on the fact that the ballot and accompanying information clearly explains that a candidate's preference does not imply party endorsement. However, the Court also ruled that the state's method of electing the PCOs is unconstitutional because it "severely burdens the political parties' ability to identify and associate with members of their respective parties." At issue was the Top Two Primary ballot which allows all voters, regardless of party affiliation, to vote for and elect the PCOs.

**Summary:**

Elections for PCOs must be held at the primary election in even-numbered years. Only contested races may appear on the ballot, and write-in candidates are not allowed. If no one files for office, the position must be filled by the county chair of the county central committee of the appropriate political party. If only one person files for office, he or she is deemed elected.

County auditors may offer the PCO election on a consolidated ballot or a physically separate ballot. If a consolidated ballot is used, the race for the PCO must be clearly delineated from other races on the ballot. If a physically separate ballot is used, it must be distinguishable from the top two primary ballot. A ballot is not invalidated if it is returned outside of the security envelope.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

Ballot instructions must include the following statement: "In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

Party affiliation is affirmed by including the following statement after the name of each candidate: "I affirm that I am a Democrat" if the candidate is a Democrat, or "I affirm that I am a Republican" if the candidate is a Republican. In the event a voter votes for candidates from both parties, the votes cast for PCO on the ballot are not counted.

If a provision of the act is held invalid, the remainder of the act is not affected.

**Votes on Final Passage:**

House	53	44	
House	98	0	
Senate	44	4	(Senate amended)
House	97	1	(House concurred)

**Effective:** March 29, 2012