

# HOUSE BILL REPORT

## HB 1157

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**As Passed House:**  
March 7, 2013

**Title:** An act relating to making nonsubstantive changes to election laws.

**Brief Description:** Making nonsubstantive changes to election laws.

**Sponsors:** Representatives Hunt, Taylor and Ryu; by request of Secretary of State.

**Brief History:**

**Committee Activity:**

Government Operations & Elections: 1/22/13, 2/7/13 [DP].

**Floor Activity:**

Passed House: 3/7/13, 97-0.

**Brief Summary of Bill**

- Repeals outdated statutes and corrects language and citations in Title 29A.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass. Signed by 10 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller and Orwall.

**Staff:** Marsha Reilly (786-7135).

**Background:**

Many changes and challenges to election laws over the past decade have resulted in duplicative statutes, outdated citations and references, and errors in dates.

Reorganizing Election Laws.

In 2003 the Legislature enacted a law that reorganized and recodified the election laws into a new title, Title 29A RCW. Many citations in other sections of statute still refer to Title 29.

Top-Two Primary.

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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.*

After Washington's blanket primary was ruled unconstitutional by the United States Supreme Court, the Legislature passed a bill providing for two alternative primary systems. Under a qualifying primary, or "Top-Two" primary, voters are not required to affiliate with any party and may vote for any candidate in any race, regardless of the candidate's party preference. After concern over the possibility of that primary also being declared unconstitutional, the bill included a provision for a nominating primary, or a "Pick-a-Party" primary, in which the voter must affiliate with one of the major parties and vote only for candidates of that party. Governor Gary Locke vetoed the part of the bill that established the Top-Two primary and the Pick-a-Party primary took effect.

The Washington Grange filed Initiative 872 which proposed the Top-Two primary system. The initiative was approved by the voters, and the Secretary of State adopted that primary system in 2005. After years of litigation, the Top-Two system has been upheld by the courts.

Both primary systems are included in statute, resulting in a number of duplicate and contradictory laws.

#### Date of the Primary.

In 2006 and 2011 the Legislature changed the date of the primary to comply with federal law regarding transit time for ballots for service and overseas voters. Originally held the second Tuesday in September, the primary was changed to the third Tuesday in August in 2006, and to the first Tuesday in August in 2011. Changes to the date of the primary also required numerous election-related dates and deadlines to be changed.

#### Residency Requirement for Superior Court Judges.

In 2012 Christine Schaller, a resident and elector of Pierce County, was elected to the Thurston County Superior Court. The election was challenged (*Parker v. Wyman*) based on the residency requirements in statute. The Thurston County Superior Court ruled, and the Washington Supreme Court affirmed, that the eligibility criteria for superior court judges in the Washington Constitution does not include a requirement for residency.

#### **Summary of Bill:**

Several technical changes to correct and conform election-related statutes related to the Pick-a-Party primary, the date of a primary, cross references to out-dated or incorrect statutes, and challenged statutes are made, including:

- statutes related to the Pick-a-Party primary are repealed or amended to comply with the Top-Two primary;
- laws declared unconstitutional, including term limits, the blanket primary, and the residency requirement for superior court judges are repealed or amended;
- definitions for major and minor political parties are updated to reflect the Top-Two Primary;
- dates relating to changing the date of the primary are corrected;
- county auditors are required, rather than permitted, to call a special election for purposes of combining, uniting, or dividing precincts;
- all applications for voter registration must be produced and furnished by the Secretary of State to the county auditors and the Department of Licensing;

- the double amendment regarding felony conviction - restoration of voting rights is corrected and reenacted;
- corrects the time period in which ballots must be mailed to service and overseas voters; and
- updates and clarifies language.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) The bill makes nonsubstantive changes to the election laws, including repealing laws related to the Pick-a-Party primary. It does not make any policy changes. It simply repeals laws that are no longer in effect either through the initiative process, subsequent legislation, or because the laws have been declared unconstitutional. The Revised Code of Washington should reflect our current laws. The Washington State Grange supports the bill. It has been a long road since 2004 when the voters approved the Top-Two primary.

(Opposed) None.

**Persons Testifying:** Representative Hunt, prime sponsor; Katie Blinn, Office of the Secretary of State; and Holli Johnson, Washington State Grange.

**Persons Signed In To Testify But Not Testifying:** None.