

SENATE BILL REPORT

SSB 5640

As Passed Senate, March 17, 1999

Title: An act relating to elections.

Brief Description: Studying primary dates and speeding counting.

Sponsors: Senate Committee on State & Local Government (originally sponsored by Senators Gardner and McCaslin; by request of Secretary of State).

Brief History:

Committee Activity: State & Local Government: 2/10/99, 3/3/99 [DPS].
Passed Senate, 3/17/99, 36-11.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5640 be substituted therefor, and the substitute bill do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Diane Smith (786-7410)

Background: General elections held by the state, county, city, town and special purpose districts for the election of federal, state, legislative, judicial, county, city, town, special purpose district and precinct officers are held on the first Tuesday after the first Monday in November. Other provisions apply for the statewide elections held every year versus those held in odd-numbered years. These provisions are usually considered to be unnecessarily confusing.

Special elections are called by the county auditor and are held on the date chosen by the governing body of the city, town or special purpose district that requests the county auditor to call the election. The local government must request the special election at least 45 days before the proposed election date. The calling of the special election is not mandatory and may occur only if the county auditor determines that an emergency exists. There is a choice of six dates on which the special election usually is held with an exception for certain years having presidential preference primaries.

Primary elections are held on either the third Tuesday of the September preceding the general election or on the seventh Tuesday immediately preceding the general election, whichever occurs first.

The filing period for declaring candidacy lasts until the Friday following the fourth Monday in July.

The nominating convention held by minor parties for candidates for partisan offices can be held not earlier than the last Saturday in June and not later than the first Saturday in July.

For the most part, overseas absentee ballots are treated similarly to other absentee ballots in the statute. The county auditor must have absentee ballots ready to mail to absentee voters at least 20 days before the primary or general election. Absentee ballots must be requested no earlier than 45 days and no later than the day before the primary or election.

The absentee ballot must be mailed back to the county auditor no later than the day of the election or primary. The security envelopes in which the absentee ballots are mailed may not be opened until after 8:00 p.m. on the day of the primary or election. Special instructions govern the duties of the canvassing board relative to the custody of the opened return envelopes and the sealed security envelopes prior to and during the tabulation of the ballots. The canvassing board must examine the postmark and signature on the return envelope that contains the security envelope to verify the signature and that the postmark on the return envelope reflects that the ballot was mailed no later than the day of the election or primary. There is no statutory time limit by which absentee ballots must be tabulated.

The county auditor must send a mail ballot for a special election to each active registered voter not sooner than the 25th day before the election and not later than the 15th day before the election.

Summary of Bill: A 13-member task force is established to examine the issues of the timing of primary elections, canvassing of ballots, and certification of election results. The task force must report to the Governor and Legislature by December 1, 1999.

County auditors must convene canvassing boards at least every third day following an election until the time when the election is certified.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The September primary election no longer serves us very well because one-third of our voters are permanent absentees and that percentage is rising. Moving the primary is integrally tied to counting absentee ballots and requiring they be received by election day. It will give more meaningful returns more quickly.

There is now only two weeks before the voters' pamphlet goes out that the winners of the primary races are even known.

The federal government has sued every state that does not guarantee at least 30 days for overseas absentee voters. To do that requires a window of 45 days for transit time in the mail.

Testimony Against: None.

Testified: PRO: John Pearson, Office of the Secretary of State; Karen Flynn, Washington State Association of County Auditors; Dwayne Slate, State School Directors (w/concerns).

House Amendment(s): The county auditor must convene the canvassing board or their designees at least every third day after the election if there are at least 25 ballots yet to be canvassed. During the final four days before certification, the county auditor may exercise discretion in convening the canvassing board in light of considerations for ballot secrecy. The ballots eligible to be processed at each convening of the canvassing board are those received two or more days prior to that convening.