

HOUSE BILL REPORT

HB 2398

As Passed House:
February 5, 2010

Title: An act relating to election notices.

Brief Description: Modifying election notice provisions.

Sponsors: Representatives Hunt and Armstrong.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/19/10, 1/21/10 [DP].

Floor Activity:

Passed House: 2/5/10, 97-0.

Brief Summary of Bill

- Changes the notice requirements for primaries, general elections, and special elections.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Taylor.

Staff: Tracey O'Brien (786-7196).

Background:

At least 35 days prior to a primary or general election, a county auditor must give notice of voter registration deadlines by publication in one newspaper of general circulation in the county.

In addition, not more than 10 days nor less than three days before the primary, the county auditor must publish notice of the primary in one or more newspapers of general circulation within the county. The notice must include a list of persons who have filed a declaration of

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candidacy for that primary, instructions for voting the applicable ballot, the poll hours, and a list of precinct polling places. The names of all candidates for nonpartisan office must be published separately. This is the only notice required for the holding of any primary. A similar notice requirement applies to any state, county, district, or municipal election, whether special or general.

As soon as practicable before a primary, special election, or general election, the county auditor (or city clerk of a first class or code city if appropriate) shall mail the local voters' pamphlet to every residence in each jurisdiction that has included information in the pamphlet. If more economical and a better distribution would result, he or she may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet.

Summary of Bill:

The timing is changed for notice for any state, county, district, or municipal primary or election (special or general). Notice must be given not more than 15 nor less than five days prior to the date of closing of the registration rolls to online or mail-in registrations by the county auditor or officer conducting the election.

The notice must still be published in at least one newspaper of general circulation. The information required to be in the notice is changed and includes, at minimum:

- the last date to register online or through the mail;
- the last date to register in person for first-time voters;
- information on where a person can register to vote;
- the type of election;
- the date of the election;
- whether the election will be conducted entirely by mail or with polling places;
- a list of all jurisdictions involved in the election, including positions and short titles for the ballot measures;
- times and dates of any public meetings associated with the election; and
- where additional information regarding the election may be obtained.

If the county or city chooses to mail a local voters' pamphlet to each residence, the notice required need only include the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, and the times and dates of any public meetings associated with the election.

Appropriation: None.

Fiscal Note: Available.

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 county auditors support the bill. The counties will have savings, although not huge. There are two required notices, one for voter registration and another for elections. In addition, meetings of the canvassing boards must be published. The original purpose was to remind voters of upcoming elections. Since moving to mail elections, voters have their ballots before the election notices are published, so the timing is off. The bill combines the three notices into one notice with the added requirement that information be provided on where a voter may get additional information. Timing of publishing notices is a concern for purposes of meeting deadlines, particularly for small counties that have weekly newspapers.

(Opposed) One concern involves the provision in notices for the times of public meetings. The other confusion is how to fix the timetable for jurisdictions that do not publish a voters' pamphlet. Having a legal notice published far in advance is a minor concern.

Persons Testifying: (In support) Representative Hunt, prime sponsor; and Carolyn Weikel and Marianne Nichols, Washington Association of County Auditors.

(Opposed) Bill Will, Washington Newspaper Publishers Association.

Persons Signed In To Testify But Not Testifying: None.