

SENATE BILL REPORT

HB 1474

As Reported by Senate Committee On:
Governmental Operations, April 1, 2013
Ways & Means, April 9, 2013

Title: An act relating to giving general election voters the power to choose between the top two candidates for nonpartisan offices.

Brief Description: Giving general election voters the power to choose between the top two candidates for nonpartisan offices.

Sponsors: Representatives Pedersen, Rodne, Goodman, Buys, Hunt, Hunter, Hudgins, Carlyle, Fey and Pollet.

Brief History: Passed House: 3/07/13, 97-0.

Committee Activity: Governmental Operations: 3/19/13, 4/01/13 [DPA-WM].

Ways & Means: 4/08/13, 4/09/13 [DPA, w/oRec].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Roach, Chair; Benton, Vice Chair; Hasegawa, Ranking Member; Braun, Conway, Fraser and Rivers.

Staff: Samuel Brown (786-7470)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Parlette, Ranker, Rivers, Schoesler and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Steve Jones (786-7440)

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.

Background: Candidates Advancing From Primary to General Election. Since voters approved Initiative 872 in 2004, Washington has utilized a top-two primary election system. Candidates filing for local, state, and congressional partisan office list a party preference. Voters do not need to declare a party affiliation and, for each race, voters may vote for any candidate in the race. The two candidates in each race who receive the most votes, and at least 1 percent of the overall vote, advance to the general election.

The offices of justice of the Washington Supreme Court, judges of the court of appeals, judges of the superior court, and Superintendent of Public Instruction are nonpartisan. In elections for these offices, if a candidate receives a majority of the votes at the primary election, only the candidate's name may appear on the general election ballot. Due to this exception, many races for these offices are decided at the primary election.

Voters' Pamphlets. The Secretary of State must print and distribute a voters' pamphlet to each household in the state, public libraries, and other locations the Secretary of State deems appropriate whenever a statewide ballot measure or office is scheduled to appear on the general election ballot. The voters' pamphlet may also be made available electronically. There is no requirement to print and distribute a voters' pamphlet for a primary election or a general election where no statewide ballot measure or office is scheduled to appear.

When printed, the voters' pamphlet must contain the following information:

- information about ballot measures and advisory vote measures;
- candidate statements, if submitted;
- contact information for the Public Disclosure Commission;
- contact information for the major political parties;
- a statement explaining the amendatory style used in ballot measures; and
- any additional information required by law or that the Secretary of State deems informative to voters.

Summary of Bill (Recommended Amendments): The names of the two candidates who receive the most votes in the primary election for a judicial office or for Superintendent of Public Instruction must appear on the general election ballot, regardless of whether a candidate in that race receives a majority of votes cast in the primary election.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): The requirement for the Secretary of State to print and distribute a voters' pamphlet for primary elections in even-numbered years is removed.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Amendments): The Secretary of State must print and distribute a voters' pamphlet for the general election each year and for primary elections in even-numbered years.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on House Bill (Governmental Operations): PRO: Judges ought to be elected by the broader general election pool. We had a number of situations in which primary elections decided races. It is hard on voters at the general election to see that their choices were eliminated. Turnout at the primary is less than half of what it is at the general election.

Persons Testifying (Governmental Operations): PRO: Representative Pedersen, prime sponsor; Katie Blinn, Office of the Secretary of State.

Staff Summary of Public Testimony on Bill as Amended by Governmental Operations (Ways & Means): OTHER: The Secretary of State supports the concept of a published primary election voters' pamphlet, but recognizes that the \$1 million cost is not currently funded in the budget bill adopted by the Senate. For that reason, the Secretary of State prefers the version of this bill that passed the House of Representatives.

Persons Testifying (Ways & Means): OTHER: Katie Blinn, Secretary of State's Office.