
State Government Committee

HB 1431

Brief Description: Changing the primary to June.

Sponsors: Representatives McDermott, McMahan, Hunt, Kenney, Haigh, Rockefeller, Simpson, Alexander, Cody, Berkey and Linville; by request of Secretary of State.

Brief Summary of Bill

- Moves the date of the primary back from the third Tuesday in September to the second Tuesday in June.
- Moves other election-related dates back, such as dates to file declarations of candidacy, to file weekly reports with the Public Disclosure Commission, and to mail absentee ballots to overseas and service voters.
- Requires county canvassing boards to certify election results 15 days, rather than ten days, after a primary or special election.
- Allows county auditors to conduct primary elections by mail.
- Changes the freeze on soliciting or accepting campaign contributions for those legislators appearing on the ballot in a given year from the end of all special sessions to the end of the regular session.
- Replaces the minor party and independent candidate nominating convention process with a nominating petition process that begins January 1 and ends April 1.

Hearing Date: 2/13/03

Staff: Katie Blinn (786-7114).

Background:

The primary to nominate candidates is held either the third Tuesday in September, or the seventh Tuesday before the general election, whichever is earlier. Declarations of candidacy are filed with the filing officer during a regular five-day filing period beginning the fourth Monday in July. A declaration of candidacy filed during this regular filing period may be withdrawn until the close of business on Thursday of the following week.

If no one files a declaration of candidacy for a non-partisan office during the regular filing period, a void in candidacy occurs. If no one files a declaration as a major party candidate for a partisan office, a vacancy on the major party ticket occurs. A special three-day filing period is opened when a void in candidacy for a nonpartisan office or a vacancy on the major party ticket for a partisan office occurs. If no one files for a major party by the end of the special three-day filing period, the party may nominate its candidate the following day. A lapse in an election for a non-partisan office occurs, and the office is stricken from the ballot, if no one files a declaration of candidacy during the regular or special filing period. The incumbent continues to serve until a successor is elected at the next election that the position appears on the ballot.

Minor party and independent candidate conventions are held between the last Saturday in June and the first Saturday in July, or during any seven days immediately preceding the first day declarations of candidacy may be filed during the regular filing period. A presidential preference primary is held once every four years. Names of candidates for a major political party nomination for president are placed on the ballot following their nomination by a major political party.

Special elections may be called at six different times during the year: February, March, April, May, the September primary, and the November general election. Notice for calling a special election must be made at least 45 days in advance. Absentee ballots must be ready to be mailed to voters at least 20 days prior to a primary, special election, or general election. The county canvassing board certifies election results 15 days after a general election, and 10 days after a primary or special election.

A candidate or political committee must file weekly contribution reports with the Public Disclosure Commission (PDC) beginning the fourth month before the general election. State officials and their employees are prohibited from soliciting or accepting political contributions for the period beginning 30 days prior to the regular legislative session, and ending 30 days after adjournment of the regular legislative session, and during any special sessions. During an election year, a legislator is precluded from using public money to mail a newsletter to constituents beyond 60 days after the end of the regular session.

Summary of Bill:

The date of the primary is moved back from the third Tuesday in September to the second Tuesday in June. The dates of the regular filing period are moved back from a five-day period commencing on the fourth Monday in July to a five-day period commencing 64 days before the June primary. The rule requiring the county auditor to return declarations of candidacy received at least ten days too early is changed to at least 15 days too early.

A special three-day filing period is opened if a void in candidacy in a non-partisan office or a vacancy in a major party ticket occurs by the seventh Tuesday, rather than the sixth Tuesday, prior to a primary. Similar changes in dates are made for the special three-day filing period if an election is held to fill a vacancy in office, or when a non-partisan office lapses.

For minor party and independent candidates, the convention process is replaced with a nominating petition process that begins January 1 and ends April 1. The nominating petition

process for minor party and independent candidates for president and vice-president extends until June 30.

Dates for holding special elections are modified to eliminate the May special election date but to add a September date. A special election may also be held at the new June date for the primary. The minimum number of days prior to a special election date when a special election may be called is increased from 45 to 52 days.

The date by which a petition must be filed to place a candidate's name on the ballot for the presidential preference primary is moved back from 39 to 52 days before the presidential preference primary. The date by which a candidate may withdraw his or her name from the presidential preference primary ballot is moved back from 35 to 45 days prior to the presidential preference primary.

County auditors may conduct primary as well as special elections by mail. Absentee ballots must be mailed to overseas voters and service voters at least 30, rather than 20, days prior to an election. The requirement remains 20 days for all other absentee and mail ballot voters. Election results are certified 15 days after all elections.

The period when a candidate or political committee must file weekly reports with the PDC is moved back from the fourth month before the general election to the seventh month before the general election. The prohibition on soliciting or accepting contributions is changed for those legislators appearing on the ballot in a year from the end of all special sessions to the end of the regular session. Legislators may mail a newsletter to constituents no earlier than the day after the primary and no later than 15 days after the primary.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2004.