

SENATE BILL REPORT

SB 6730

As of February 6, 2004

Title: An act relating to primary elections.

Brief Description: Modifying primary elections.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Government Operations & Elections: 2/6/04.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Mac Nicholson (786-7445)

Background: The method used in Washington to nominate candidates for the general election ballot is called the "blanket primary." This primary allows the votes of voters who are not members of a major political party to be counted in determining what candidate will run in the general election as the major political party's candidate or standard bearer. This feature of the Washington blanket primary was held unconstitutional by the federal Court of Appeals because in the court's opinion, the major political parties' First Amendment right of association was violated. The Secretary of State has petitioned the United States Supreme Court to review the lower federal court's decision. The Supreme Court has said it will issue a decision on this petition on February 23, 2004.

The Convention Process: Minor parties and independent candidate nominations are made at conventions. Generally, a convention must be held between the last Saturday in June and the first Saturday in July; the party must publish notice at least ten days prior to the convention and state the date, time, and place; and it must be attended by at least 25 registered voters. A certificate of nomination made at a convention must be in writing; contain the name of each person nominated and the office for which he or she is nominated; identify the party or independent candidate; be verified by the oath of the presiding officer and secretary; be accompanied by at least 25 signatures; contain proof of publication of notice; and be submitted no later than one week following adjournment of the convention.

Summary of Substitute Bill: A new primary system is created that essentially preserves the blanket primary but requires party conventions and nominations before a candidate appears on the primary ballot.

Filing for Office: A person filing for partisan office must be a registered member of a political party or must file as an independent candidate.

Party Conventions: All political parties must hold conventions. Convention statutes are amended to reflect the requirement that major political parties must now go through the

convention process. Major political parties must nominate two candidates for each partisan public office and minor political parties are limited to one nomination per office.

Lists Created: The political parties must provide, to the county auditor, a list of the names and addresses of all persons attending the convention no later than five days after the end of the convention. The lists are public records.

The county auditor must maintain a list of voluntary voter affiliation as designated on the primary ballot. The lists are public records.

Primary Ballot: The name of a candidate may not appear on the primary ballot unless certified as a nominee at a party convention. The ballot must include a space for a voter to voluntarily designate party affiliation.

Each voter is permitted to cast a vote for his or her preferred candidate for each office appearing on the ballot without limitation based on party preference or affiliation.

General Election Ballot: Only the candidate of each political party who received the greatest number of votes shall appear on the general election ballot, provided that candidate received at least 5 percent of the total votes cast for that office at the primary. For nonpartisan offices, the names of the two candidates who received the highest vote total shall appear.

Appropriation: None.

Fiscal Note: Not requested.

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