

SENATE BILL REPORT

ESHB 2027

As Reported By Senate Committee On:
Government Operations & Elections, March 30, 2005

Title: An act relating to the date of the primary election.

Brief Description: Changing primary dates and associated election procedures.

Sponsors: House Committee on State Government Operations & Accountability (originally sponsored by Representatives Green, Nixon, Haigh, Kessler and Kagi; by request of Secretary of State).

Brief History: Passed House: 3/15/05, 95-1.

Committee Activity: Government Operations & Elections: 3/28/05, 3/30/05 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member; and Benton.

Staff: Mac Nicholson (786-7445)

Background: The state primary election is held either the third Tuesday in September or the seventh Tuesday before the general election, whichever is earlier.

The Federal Voting Assistance Program, administered by the Department of Defense, requires a minimum of 45 days of transit time between the date ballots are mailed to service and overseas voters and the date the voted ballots are due back to local election administrators. Because Washington law requires absentee ballots to be ready for mailing 20 days before an election, and election results are certified 10 days after a primary election and 15 days after a general election, only 30 days of transit time exists for primary election ballots, and 35 days for general election ballots.

Declarations of candidacy are filed the week starting the fourth Monday in July. A number of other election-related events are conditioned on circumstances occurring before or after the sixth Tuesday before the primary. For example, a special three day filing period is opened when a void in candidacy for a nonpartisan office occurs before the sixth Tuesday before the primary.

Incumbent legislators may not engage in fundraising activity from 30 days before through 30 days after the regular legislative session. This period is commonly referred to as the "black out period."

Summary of Bill: The date of the state primary election is moved to the third Tuesday in August. A number of other election-related events and deadlines are changed to conform with the new primary date as follows:

Candidate Filing. The date for filing a declaration of candidacy is changed from the fourth week in July to the first week in June. The special three-day filing periods allowed between regular filing and six weeks prior to the primary, and for the period just six weeks before the primary are changed to 11 weeks before the primary.

Service and Overseas Voters. County auditors must mail all ballots to overseas or service voters at least 30 days before any election. Requests for ballots made after the date required for mailing must be processed immediately.

Special Elections. The number of days allowed for a county legislative authority to call a special election is changed from 45 days to 52 days prior to the proposed election date. Resolutions for county, city, and junior taxing district special elections must be filed with the auditor 84 days before the election if the resolution will appear on a primary or general election.

Presidential Preference Primary. A major political party has 60 days, instead of 39 days, to file a petition for nomination of a candidate in the presidential preference primary with the Secretary of State.

Certification of Results. The dates that a county canvassing board must complete the canvass and certify the results of an election are changed from 10 days to 15 days after a primary or special election.

Campaign Reporting. Candidates who are successful in the primary election and any continuing political committees must file a report of contributions and expenditures to the PDC the tenth day of the first month after the primary. Contribution and expenditure reporting requirements are changed to begin on the fifth month, rather than the fourth month, prior to a general election.

Post-session Campaign Freeze. The period prohibiting campaign contributions is changed to begin on December 24 and end on the day of final adjournment.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2006.

Testimony For: Moving the date of the primary election is the most important piece of election reform legislation introduced this year. Auditors cannot meet the federal requirement that military voters be given 45 days of ballot transmit time. Four weeks is the minimum amount of time the primary can be moved back. Two weeks isn't enough time due to recounts and court cases that may delay ballot printing. More time between the primary and general election will allow county auditors to prepare in a more deliberate manner and give the auditors more time to catch and prevent errors.

Testimony Against: None.

Who Testified: PRO: Sam Reed, Secretary of State; Corky Mattingly, Yakima County Auditor & Washington State Association of County Auditors; Evelyn Arnold, Chelan County Auditor; Shirley Forslof, Whatcom County Auditor; Bob Terwilliger, Snohomish County Auditor; Michael Garvison, Skamania County Auditor; Suzanne Sinclair, Island County Auditor & Washington Association of County Officials Board of Trustees; Marilyn Johnston, League of Women Voters; Karen Flynn, Kitsap County Auditor; Merton Cooper, citizen.