

SENATE BILL REPORT

SB 6235

As Reported By Senate Committee On:
Government Operations & Elections, January 23, 2006

Title: An act relating to technical changes to election laws.

Brief Description: Making technical changes to election laws.

Sponsors: Senators Kastama and Roach; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 1/23/06. [DPS]

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6235 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Roach, Ranking Minority Member; Benton, Fairley, Haugen, McCaslin and Pridemore.

Staff: Mac Nicholson (786-7445)

Background: In 2005, the Legislature required the Secretary of State (SoS) to establish guidelines for signature verification in consultation with state and local law enforcement and further required all election personnel assigned to verify signatures to receive training on the guidelines.

Candidates who lack sufficient assets or income to pay the filing fee at the time of filing their declaration of candidacy may file a "nominating petition."

A number of absentee voting provisions apply only to overseas, service, and out of state voters. Such provisions include the date of the signature determining the validity as to the time of voting and the signed declaration constituting voter registration. In 2005, the Legislature required the SoS to produce and furnish envelopes and instructions explaining the provisions that apply to overseas, service, and out of state voters. One instruction was that return postage is free for overseas, service, and out of state voters. However, the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires free return postage on ballots for overseas and service voters only.

After the blanket primary was struck down as unconstitutional, the Legislature passed a bill in 2004 creating a top-two primary and a pick-a-party primary as a fall back if the top-two primary was successfully challenged. The mechanics of the bill required a number of statutes to be repealed and re-enacted if the top-two was struck down. The top-two primary was vetoed, and a repealer clause in the bill was also vetoed, resulting in a number of duplicate statutes. Additionally, I-872 which was passed in 2004 and has since been declared

unconstitutional in its entirety, amended a number of statutes that had been repealed by the primary bill, which resulted in several statutes being revived.

Summary of Substitute Bill: The signature verification guideline requirement is moved to the SoS rulemaking statute. The requirement that election personnel receive training on the guidelines is moved to the absentee and vote-by-mail statutes.

The name for the petition filed in-lieu of a filing fee by candidates who lack sufficient assets or income is changed from "nominating petition" to "filing fee waiver petition."

The envelopes and instructions must be produced and furnished to only overseas and service voters.

Duplicate statutes resulting from the 2004 veto and I-872 are repealed.

Substitute Bill Compared to Original Bill: The original bill changed the name of the petition filed in-lieu of a filing fee from "nominating petition" to "filing fee petition." The substitute changes the name to "filing fee waiver petition."

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The bill cleans up duplicate statutes that should have been repealed in the 2004 primary election bill. Out of state voters need to be removed from the statute on UOCAVA envelopes since only service and overseas voters are allowed to participate in the federal program. There is some confusion about the term "nominating petition" as reference to the petition a candidate may file in lieu of the candidate filing fee. This confusion can be cleared up by changing the term to "filing fee petition."

Testimony Against: None.

Who Testified: PRO: Katie Blinn, Office of the Secretary of State.