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**State Government & Tribal  
Affairs Committee**

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**SB 5408**

**Brief Description:** Modifying provisions on primary election ballots.

**Sponsors:** Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield;  
by request of Secretary of State.

**Brief Summary of Bill**

- Allows a voter's affiliation to be inferred when the voter casts votes only for candidates of one political party, but fails to check-off that party's box.
- Requires that party ballots include all nonpartisan races and ballot measures to be voted on in that primary.

**Hearing Date:** 3/16/07

**Staff:** Alison Hellberg (786-7152).

**Background:**

Counties conduct partisan primaries using either a "consolidated ballot format" or a "physically separate ballot format."

Consolidated Ballot Format

A consolidated ballot includes all races, both partisan and nonpartisan, and ballot measures for the primary. In order for votes for partisan candidates to be counted, voters must affiliate with a major political party by checking that party's box on the ballot. If the voter does not affiliate with a party on the ballot, the votes for partisan candidates will not be counted.

Votes cast for a party candidate will not be counted when a voter:

- affiliates with a different party by checking that party's box;
- fails to affiliate with any party; or
- affiliates with more than one political party.

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*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.*

The Secretary of State conducted an unscientific review of 6,000 consolidated ballots from 15 counties cast in the 2006 primary. Based on this sample, approximately 9 percent of Washington voters failed to check a party box, but voted in partisan races. The Secretary of State estimates that if this data is accurate, between 90,000 and 100,000 partisan votes were not counted in the last primary.

#### Physically Separate Ballot Format

The physically separate ballot format includes both party ballots and a nonpartisan ballot. A party ballot is specific to a major political party. A nonpartisan ballot includes the nonpartisan races and ballot measures. Voters may vote a nonpartisan ballot regardless of whether the voter affiliates with a party.

Only one party ballot and one nonpartisan ballot may be voted. If more than one party ballot is voted, none of the party ballots will be counted. A voter's affiliation with a political party will be inferred from the act of voting on that party's ballot.

#### **Summary of Bill:**

##### Consolidated Ballot Format

A voter's affiliation with a major political party is inferred from either:

- selecting a party in the check-off box, or
- voting only for candidates of one political party, regardless of whether the voter checked that party's box.

All ballots should contain clear, concise and prominently displayed instructions explaining that for partisan offices, the voter may only vote for candidates of one political party.

##### Physically Separate Ballot Format

The party ballot must include all of the candidates for partisan office as well as all nonpartisan races and ballot measures to be voted on in that primary. A voter may only vote one ballot.

Instructions on the nonpartisan ballot should also explain that the nonpartisan ballot only contains nonpartisan races and ballot measures. Party ballots should contain clear instructions explaining that for partisan offices, the voter may only vote for candidates of one political party.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.