

# SENATE BILL REPORT

## SB 5270

As of January 16, 2020

**Title:** An act relating to dates and timelines associated with the operation of the state primary and elections.

**Brief Description:** Concerning dates and timelines associated with the operation of the state primary and elections.

**Sponsors:** Senators Hunt, Kuderer, Wellman, Cleveland, Saldaña, Lias, McCoy, Das, Keiser and Palumbo.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/30/19, 2/21/19 [DPS, DNP]; 1/15/20.

### Brief Summary of Proposed Second Substitute Bill

- Moves the primary election date to the third Tuesday in May.
- Moves the candidate filing period to the fourth Monday in February.
- Limits the prohibition on accepting contributions during a special session to contributions from lobbyists, lobbyist employers, and political committees sponsored by lobbyists and lobbyist employers, rather than all persons.
- Modifies other deadlines related to re-precincting, canvassing an election, and filling a vacancy in federal office to correspond with the new candidate filing period.
- Allows receipt or solicitation of campaign contributions from persons who are not lobbyists or lobbyist's employers, or political committees not sponsored by lobbyists or lobbyist's employers, during a special legislative session.

### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Staff:** Samuel Brown (786-7470)

*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.*

**Background:** Primary Elections. The primary election for all state and local offices is conducted on the first Tuesday in August, while the presidential preference primary election on the fourth Tuesday in May. County canvassing boards must certify the results of special elections within 10 days, primary elections within 14 days, and general elections within 21 days. The Secretary of State must certify the returns of all results of primary elections for statewide or federal office, and for all legislative and judicial candidates in multi-county districts within 17 days.

Getting on the Ballot. Candidates for elective office must file a declaration of candidacy to appear on the ballot. The filing period begins at the opening of business on the Monday two weeks before Memorial Day and ends at the close of business that Friday. Jurisdictions seeking to hold a special election on a measure such as the issuance of a bond or levy at the general election must present notice to the county auditor by the date of the primary election.

Vacancies in Federal Office. Within ten days of the vacancy of an office of United States representative or senator, the Governor shall set a special three-day filing period for the office and an election date no later than 70 days after the primary election. If the vacancy occurs less than eight months before the general election, but before the close of the filing period, the elections to fill the vacancy will be held concurrently with the state primary and general elections. If the vacancy occurs after the close of the filing period, a special primary and general election must be held for the office no later than 90 days after the general election.

Precinct Boundaries. Each county is divided into election precincts for administrative purposes. The county legislative authority divides the county into election precincts and establishes precinct boundaries. Except for temporary modifications to reflect an annexation or incorporation, precinct boundaries must be fixed from 14 days before candidates file to run in the primary election until the day of the general election. Precincts are limited to 1500 active, registered voters, although the county legislative authority may establish a lower maximum voter limit.

Legislative Campaign Fundraising. State law restricts soliciting and accepting campaign contributions by state officials, including legislators, during the period the Legislature is in regular or special session. First enacted as part of Initiative 134 in 1992, campaign fundraising is also not permitted beginning 30 days prior to a regular legislative session. Campaign fundraising is also not allowed during the period of any special legislative session.

Legislative Mailings. With some exceptions, state officers and employees are prohibited from using state facilities and resources to assist with any election campaign. Legislators may mail, at public expense, two general newsletters to constituents before the beginning of the filing period.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Second Substitute):** Primary Election Timelines. The date of the primary election is moved to the third Tuesday in May. The Secretary of State must certify the returns of all results of primary elections for statewide or federal office, and for all

legislative and judicial candidates in multi-county districts within 24 days. County canvassing boards must certify results of presidential primaries within 10 days.

Getting on the Ballot. The candidate filing period is moved to business hours during the week of the fourth Monday in February. The requirement that declarations of candidacy be preserved for 6 months is removed. Requests for special elections to be held on the date of the general election, must be submitted by the first business day in August.

Vacancies in Federal Office. If a vacancy occurs for a United States representative or senator after the close of the filing period, but before May 1st, a special primary election to fill the vacancy is held on the first Tuesday in August, with the general election to be held on the regular general election date.

Precinct Boundary Adjustments. The county auditor may recommend, in writing, any adjustment to the division of election precincts or precinct boundaries to the county legislative authority at least 52 days before the beginning of the candidate filing period. If the county legislative authority does not reject or modify the recommendation within 45 days, it is adopted. Counties may no longer establish maximum voter limits for precincts of less than 1500 voters. Precinct boundaries can be modified up to seven days before the beginning of the filing period.

Legislative Campaign Fundraising. State officials may solicit or accept campaign contributions from persons who are not registered lobbyists or lobbyist's employers, or political committees that are not sponsored by a registered lobbyist or lobbyist's employer, during a special legislative session.

Legislative Mailings. The deadline for mailing two general legislative newsletters to constituents is moved to 30 days before the primary election.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on First Substitute (Regular Session 2019):** PRO: Holding the primary in August is an impediment to many people participating—they are on vacation, schools are out, and they are not thinking about primary elections. This would align us with when other states in the region hold primary elections, which would provide consistency for border communities. The earlier primary election date may also give candidates a reprieve from campaign demands. The earlier primary date is also likely to draw more participation from high school and college students of voting age. County auditors appreciate extending the deadline for candidate filing. Elimination of the April special election is urged, as it may cause public confusion with a May primary. Incumbents should not be at a disadvantage when fundraising.

**Persons Testifying:** PRO: Senator Sam Hunt, Prime Sponsor; Jay Jennings, Office of Secretary of State; Julie Wise, King County Director of Elections.

**Persons Signed In To Testify But Not Testifying:** No one.

**Staff Summary of Public Testimony on Proposed Second Substitute (Regular Session 2020):** PRO: August is not the optimum time to hold a primary election. The legislative session gets in the way of the best time to hold a primary. This puts us in alignment with Oregon and Idaho, so voters in border counties will be less confused and turnout will be increased. This will have the primary while school is still in session and people are more settled in their lives. Auditors support amendments regarding redistricting, eliminating the April primary election due to overlap, extending election certification, and implementing the bill in 2023.

CON: We oppose the bill because it lifts the ban on some campaign contributions during a special session. If the ban is lifted, it should be evenly across the board, otherwise a system of loopholes is created reducing transparency. Organizations are prohibited from contributing under this structure, but could encourage their members to flood legislators with contributions before a critical vote. Some major corporations would be allowed to contribute because they do not employ Washington lobbyists.

OTHER: We support the move to an earlier primary election date. Holding a primary before school lets out is likely to draw more participation from college students. Lifting the fundraising freeze during special sessions is unnecessary and unrelated to establishing an earlier and better primary date.

**Persons Testifying:** PRO: Senator Sam Hunt, Prime Sponsor; Julie Wise, Director of Elections, King County.

CON: Brent Ludeman, Building Industry Association of Washington.

OTHER: Jay Jennings, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** No one.