

HOUSE BILL REPORT

SSB 5182

As Passed House - Amended:

April 11, 2023

Title: An act relating to procedures and deadlines for candidate filing.

Brief Description: Concerning procedures and deadlines for candidate filing.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Nguyen, Hunt, Boehnke, Keiser, MacEwen, Nobles, Shewmake, Trudeau, Wilson, C. and Wilson, J.).

Brief History:

Committee Activity:

State Government & Tribal Relations: 3/14/23, 3/22/23 [DP].

Floor Activity:

Passed House: 4/11/23, 61-36.

Brief Summary of Substitute Bill (As Amended by House)

- Shifts the candidate filing period from two Mondays before Memorial Day until the following Friday to instead begin on the first Monday in May and end on the following Friday.
- Changes the filing officer with whom certain candidates must file their declaration of candidacy and filing fee.
- Specifies deadlines for the submission of candidate statements for inclusion in the voters' pamphlets.
- Adjusts the period during which county auditors may change precinct boundaries from up to 14 days before the candidate filing period to up to seven days.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 5 members: Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Gregerson and Mena.

Minority Report: Without recommendation. Signed by 2 members: Representatives Christian, Assistant Ranking Minority Member; Low.

Staff: Desiree Omli (786-7105).

Background:

Candidate Filing.

Candidates for most elective offices must file a declaration of candidacy with the state 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 the following Friday.

Candidates may mail in declarations of candidacy up to 10 days before the beginning of the filing period. Electronic declarations of candidacy may be filed from 9:00 a.m. the first day of the filing period until 4:00 p.m. on the last day of the filing period.

Candidates for the following offices must file declarations of candidacy with the Secretary of State (Secretary): statewide office, federal office, the state Legislature in a district which spans multiple counties, court of appeals in a district which spans multiple counties, and superior court in a district which spans multiple counties. Candidates for other offices must file declarations with the county auditor.

Unless a candidate submits a filing fee petition, each candidate must pay a filing fee when filing a declaration of candidacy. Candidates for statewide office, federal office, legislative office in a district which spans multiple counties, and judicial office in a district which spans multiple counties must pay the fee to the Secretary for equal division among the counties included in the district. Candidates for a legislative or judicial office that includes territory from only one county and candidates for a city or town office must pay the filing fee to the county auditor.

Voters' Pamphlets.

The Secretary must print and distribute a state voters' pamphlet to each household in the state, public libraries, and other locations the Secretary deems appropriate whenever a statewide ballot measure or office is scheduled to appear on the general election ballot. Candidates for statewide office may include in the voters' pamphlet candidate statements, a photograph, and information to contact their campaign. By rule, candidate statements and photographs must be submitted by the Friday following the last day of the filing period.

Each county auditor must produce a local voters' pamphlet for the entire county at each election. Local voters' pamphlets must be sent to every residence in each jurisdiction that has included information in the pamphlet. County auditors must adopt and publish administrative rules for production of local voters' pamphlets, including deadlines for

submission of candidate statements.

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 starting 14 days before the first day for candidate filing for 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 size for its precincts.

Summary of Amended Bill:

Candidate Filing.

The candidate filing period is shifted to begin on the first Monday in May and end the following Friday. Regular business hours during which declarations of candidacy may be accepted, including for electronic filing, is standardized to between the hours of 8:00 a.m. and 5:00 p.m. Candidates for the state Legislature, court of appeals, and superior courts must file declarations of candidacy with the Secretary regardless of whether the office is in a district made up of voters from more than one county.

The Secretary must establish contingency plans to support candidate filings of state legislative candidates who have not yet filed their declaration of candidacy in situations where a localized or system-wide internet outage or disruption to the Secretary's candidate filing website occurs during the two hours immediately preceding the filing deadline. The Secretary must immediately process all filings received pursuant to the contingency plan.

Filing fees must be paid to the respective filing officer with whom the candidate files their declaration of candidacy. It is clarified that candidates for the state Supreme Court must pay their filing fee to the Secretary.

Voters' Pamphlets.

The Secretary may adopt rules setting a deadline for the submission of candidate statements and photographs for inclusion in the statewide voters' pamphlet. Any deadline for the submission of candidate statements adopted by the Secretary, county auditor, or city clerk must be at least 11 days after the deadline for filing declarations of candidacy.

Precinct Boundaries.

Counties may adjust precinct boundaries up to seven days before the beginning of the candidate filing period.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There is a tight turnaround time between the candidate filing deadline and the deadline for submitting candidate statements for voters' pamphlets. This narrow time period makes it difficult for candidates to be thoughtful about their responses to questionnaires and candidate statements to inform voters. This act will also allow entities that provide candidate endorsements more time to do so equitably and thoughtfully. This act would align the process across jurisdictions and add clarity about what candidates have to do and when they have to do it by. It also adds clarity by defining the term "business day." This act makes the process equitable and accessible for all candidates.

The shifting of deadlines will also allow auditors and election administrators additional time to translate candidate statements into different languages and produce local voter pamphlets which is required in every county in each primary and general election. In King County, approximately 600 candidates file for office in odd year elections which means that the county is responsible for translating each candidate statement into four, and soon six, different languages. With the current deadlines, counties usually have only eight business days to translate candidate statements into different languages and produce the voters' pamphlets. Having a few additional days will allow counties to produce an accurate and high quality voters' pamphlets across the state.

(Opposed) None.

(Other) Section seven of the act deals with the withdrawal period for candidates. Some candidates are surprised to learn that they have filing requirements with the Public Disclosure Commission (PDC) after they have declared their candidacy and subsequently decide not to run for office but have not met the strict statutory deadline for withdrawing their candidacy. Currently, the deadline is the Monday after the filing week but there is no method for candidates to get out of the filing requirements with the PDC if they decide not to pursue office. The withdrawal period for candidates should be extended a few days into the second week after the filing deadline to help with the withdrawal process.

Persons Testifying: (In support) Senator Joe Nguyen, prime sponsor; and Julie Wise, King County Elections.

(Other) Sean Flynn, Public Disclosure Commission.

Persons Signed In To Testify But Not Testifying: None.