



Lynda J. Jacobsen

Bill Analysis
Legislative Service Commission

H.B. 90

125th General Assembly
(As Reported by H. State Government)

Reps. Kearns, McGregor, Olman, Fessler, Hagan, Reidelbach, Jolivette, Woodard, J. Stewart, Webster, Flowers, Taylor, Seitz, Clancy, Setzer, Oelslager, Hollister, Collier, Williams, Grendell

BILL SUMMARY

- Establishes the first Tuesday after the first Monday in May as the day of the primary election in each year, and changes the date of special elections held on the day of a primary election in the year of a presidential primary.
- Changes the deadlines for various actions related to primary elections and special elections conducted on the day of a primary election in the year of a presidential primary.
- Postpones mandatory electronic filing of campaign finance statements by specified candidates for the office of member of the General Assembly from March 1, 2004, to May 1, 2004, and extends the computer disk filing option for those candidates for the same time period.

CONTENT AND OPERATION

Primary, presidential primary, and special elections: definitions and when held

Existing law

Under existing law, "primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties. Primary elections must be held on the first Tuesday after the first Monday in May of each year, except in years in which a presidential primary election is held. A "presidential primary election" is a primary election at which an election is held for the purpose of choosing delegates and alternates to the

national conventions of the major political parties. In years in which a presidential primary election is held, all primary elections must be held on the first Tuesday after the first Monday in March, except as otherwise authorized by municipal or county charter. Unless otherwise specified, presidential primary elections are included in statutory references to primary elections. (Sec. 3501.01(E).)

A "special election" is an election other than a primary, presidential primary, general, regular municipal, or regular state election. In years in which a presidential primary election is not held, special elections may be held only on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election. In years in which a presidential primary election is held, special elections may not be held in February or May, except as authorized by municipal or county charter, but may be held on the first Tuesday after the first Monday in March. (Sec. 3501.01(D).)

Changes proposed by the bill

The bill eliminates the provision of existing law that establishes an earlier primary election date in years in which a presidential primary election is held. Thus, the primary election in each year will be held on the first Tuesday after the first Monday in May. Since the date of the primary election will not vary depending on whether the election will be held for the purpose of choosing delegates and alternates to the national conventions of the major political parties, the bill also eliminates the definition of, and all references to, the "presidential primary election." (Secs. 511.27, 1545.21, 1901.07, 3501.01, 3503.16, 3505.32, 3509.01, 3509.05, 3511.04, 3511.11, 3513.05, 3513.12, 3513.121, 3513.151, 3513.262, and 3513.30.)

The bill also repeals the prohibition against allowing special elections to be held in February or May during a presidential primary election year, so that special elections may be held, in any year, on the first Tuesday after the first Monday in February, May, August, or November, or on the day authorized by a particular municipal or county charter for the holding of a primary election (sec. 3501.01(D)).

Deadlines associated with presidential primary elections

Under existing law, a number of filing and other election-related deadlines associated with a presidential primary election differ from the applicable deadlines for other primary elections. For example, a person seeking nomination as a candidate for a state or local office must file a declaration of candidacy and petition by the 60th day before the day of a presidential primary election or by the 75th day before the day of a primary election in any other year (sec. 3513.05).

Since the primary election will be conducted on the same day in each year, the bill eliminates the different deadlines applicable only to presidential primary elections. It also changes the references to all primary-election deadlines to refer to the day of the primary election, regardless of the year in which the election is conducted. Thus, if the primary election day is changed at some point in the future, all statutory references and associated deadlines will automatically reflect the new primary date. (Secs. 511.27, 1545.21, 1901.07, 3501.02, 3501.17, 3503.16, 3505.01, 3505.32, 3509.01, 3509.03, 3509.05, 3511.02, 3511.04, 3511.11, 3513.01, 3513.05, 3513.12, 3513.121, 3513.151, 3513.262, 3513.30, and 5705.23.)

Postponement of mandatory electronic filing of campaign finance statements by certain General Assembly candidates

Existing law requires the campaign committees of candidates for the office of member of the General Assembly who received contributions of over \$10,000 during a campaign finance reporting period to file their campaign finance statements by electronic means of transmission to the office of the Secretary of State beginning March 1, 2004. Before that date, those campaign committees may file their campaign finance statements by paper means or on computer disk with a local board of elections or by electronic means of transmission to the Secretary of State. (Secs. 3517.10, 3517.106, and 3517.11.)

Under existing law, the 2004 presidential primary election will be held on March 2, 2004. Thus, those campaign committees may file their 2003 annual statements (due January 31, 2004) and 2004 preprimary statements (due by 4 p.m. of the 12th day before the election) by paper means or on computer disk. (Secs. 3517.10, 3517.106, and 3517.11.)

The bill extends the date after which those campaign committees must file their campaign finance statements by electronic means of transmission from March 1, 2004, to May 1, 2004. During the interim, those campaign committees may continue to file their campaign finance statements by paper or on computer disk with the appropriate board of elections or by electronic means of transmission to the Secretary of State's office. Since the bill changes the date of the 2004 primary election to May 4, 2004, the change in the electronic filing deadline from March to May of that year continues to permit those campaign committees to file their 2003 annual statements and 2004 preprimary statements by paper means or on computer disk. (Secs. 3517.10, 3517.106, and 3517.11.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-26-03	p. 172
Reported, H. State Gov't	03-19-03	p. 267

h0090-rh-125.doc/kl

