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## FISCAL IMPACT REPORT

SPONSOR Gentry ORIGINAL DATE 2/22/15  
LAST UPDATED \_\_\_\_\_ HB 346  
SHORT TITLE Change Primary Election Dates and Process SB \_\_\_\_\_  
ANALYST Jorgensen

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

House Bill 346 moves the date for holding primaries to the third Tuesday in March of each even-numbered year and changes the dates for designation of candidates, declarations of candidacy, filing deadlines, withdrawal of candidacy. Additionally, HB 346 makes preprimary convention delegation of candidates optional.

The bill amends the following sections in the following ways:

1-8-11: changes the primary election from the first Tuesday after the Monday in June of each even-numbered year to the third Tuesday in March of each even-numbered year.

1-8-12: changes the date the governor files the primary election proclamation from the last Monday in January of each even-numbered year to the second Monday in November of each odd-numbered year.

1-8-13(A) 3: changes the name of the state board of education to the public education commission.

1-8-13(A) 6: stipulates that major political parties may choose to hold state preprimary conventions rather than requiring major political parties to hold state preprimary conventions.

1-8-21.1(B): changes the last date that a state major party convention can be held from the second Sunday in March to the third Sunday in December preceding the primary election.

1-8-26(A): changes the time of filing declarations of candidacy by preprimary convention for any statewide office or for the office of United States representative from the first Tuesday in February of each even-numbered year to the third Tuesday in November of each odd-numbered year.

1-8-26(B): changes the filing date for any office to be nominated in the primary election in which a preprimary convention designation process has not been used from the second Tuesday of March of each even-numbered year to the third Tuesday in December of each odd-numbered year.

1-8-26(D): changes the filing date for declaration of candidacy for retention for all affected judicial offices from the second Tuesday in March of each even-numbered year to the third Tuesday in December of each odd-numbered year.

1-8-30(D): changes the month that the secretary of state shall post the nominating petition form for primary elections from October of odd-numbered years to July of odd-numbered years.

1-8-33 adds a new section to read:

Candidates for statewide office or the office of United States representative who do not seek preprimary convention designation shall file nominating petitions at the same time as candidates for any other office to be voted on at the primary election for which nominating petitions are required. Nominating petitions for those candidates shall be signed by a number of voters equal to at least three percent of the total vote of the candidate's party in the state or congressional district, or the following number of voters, whichever is greater: for statewide offices, two hundred thirty voters; and for congressional candidates, seventy-seven voters.

1-8-36.1(C): changes the date for declaration of intent to be a write-in candidate from the third Tuesday in March to the third Tuesday in December preceding the primary.

1-8-44 changes the date to withdraw from a primary election from the first Tuesday in April to no later than the third Tuesday in January before the primary election.

1-8-65(D): changes the month that the SOS shall post the nominating petition form for minor political party candidacy from March of even-numbered years to December of odd-numbered years.

1-15A-5 changes the date that the committee for nomination of presidential primary candidates convenes from not later than February 15 to not later than November 30 before the presidential primary election.

## **FISCAL IMPLICATIONS**

The SOS did not note any fiscal impact as a result of enactment of this legislation.

**ADMINISTRATIVE IMPLICATIONS**

The current election preparation schedule and other election related projects within the SOS are based upon the primary being scheduled for June. Any legislation enacted which impacts election dates and timelines will have to be adjusted for which will require staff time and resource. The county clerk preparation schedules would be impacted similarly.

**TECHNICAL ISSUES**

The SOS notes the following conflicts in current law should HB 346 be enacted:

- Section 1-3-2(A) and Section 1-6-22.1(A) relating to designation of polling places
- Section 1-6-5.8(A) relating to provision of alternate, early, and mobile voting locations on tribal land
- Section 1-14-15(A) relating to estimating per-precinct costs of election recounts
- Section 1-19-29 relating to campaign finance reporting timelines
- 1-27-71 relating to municipal, school, and special district elections

CJ/bb