



**Joint Hearing of the
Senate Republican and Democratic Policy Committees
March 13, 2007
10 a.m.
Senate Majority Caucus Room**

**Testimony of Secretary Pedro A. Cortés
Pennsylvania Department of State**

Presidential Primary Election Date

Chairman Corman, Chairman Kasunic and distinguished members of the Senate Republican and Democratic Policy Committees:

Good morning. Thank you for the invitation to appear before the Committee to discuss Pennsylvania's role in selecting our nation's presidential candidates. Today I will share with you Governor Rendell's position on moving the primary election forward; the importance of Pennsylvania in the electoral process and its current standing; and the recommendations of the Pennsylvania Election Reform Task Force.

Governor Rendell clearly favors moving the primary to an earlier date to ensure Pennsylvanians have a voice in selecting presidential candidates. He has asked me to convey to you the following statement from him.

“As all of you know, I was an early advocate for moving up the Pennsylvania primary for the presidential election of 2008. I believe it is manifestly unfair that Pennsylvania and its voters, who arguably are among the 2 or 3 most important states in determining the outcome of November’s presidential election, have virtually no say in choosing the respective parties’ nominees because our primary is so late in the primary election season. I have long recommended that there be some sane resolution to this problem facing Pennsylvania and many other states. In 2000, when I served as Chairman of the DNC, I endorsed the plan offered by the National Association of Secretaries of State, which kept New Hampshire and Iowa as the first two states and placed the remaining 48 states into four regional, 12-state primaries held a month a part. The order of these primaries would rotate each presidential election year.

“The chaos that now is brewing for the 2008 primary election season is harmful to the process in so many ways. However, because there will be real contests for both parties’ nominations and because of the challenges facing our nation, the 2008 election will be perhaps the most important in many, many years. I do not believe that Pennsylvanians should be left out of this process, so I endorse the stop-gap measure of advancing Pennsylvania’s primary this year to February 5, which will join us with our sister large industrial states. I do so not unmindful of the problems that such an early primary creates for our school districts, legislative and municipal candidates, and I do so in the hope that both parties and the Congress get together to put in place some rational system for the 2012 electoral season.

“In closing, let me be absolutely clear. I would not be in favor of two primaries for 2008 because of the increased cost to the taxpayers.”

As the Governor outlined, the Rendell Administration believes Pennsylvania deserves a voice in selecting presidential candidates. I can assure you that the Department of State is willing and able to work with the General Assembly and the counties to implement an advanced timeline.

Importance of Pennsylvania and current standing

Pennsylvania’s large number of Electoral College votes, its size and its diversity make the Commonwealth a key battleground state. However, because the presidential primary is the fourth Tuesday of April, Pennsylvanians are relegated to voting for nominees already selected for them by voters in other states. For example, in 2004, 42 states held their primary or caucuses before Pennsylvania.

As the Governor noted, many states are moving their 2008 elections and caucuses even earlier in the calendar. The most recent draft of the Calendar of 2008 State Primaries and Caucuses provided by the National Association of Secretaries of State was updated on March 12, 2007. I am providing this information in Attachment A.

As you will note, six potential contests are scheduled for January. The bulk of election activity is slated for February, with 33 confirmed or tentative primaries or caucuses, including eight confirmed and 15 tentative caucuses and primaries on February 5 alone. Eight contests are listed as confirmed or tentative for March, including a proposed change in Pennsylvania's primary election. None are listed in April and nine are scheduled in May. South Dakota's is the last contest in June.

Moving the Pennsylvania date for the 2008 presidential primary should be viewed in the context of the evolving national calendar.

Election Reform Task Force Recommendations

At this time, I want to take a moment to discuss the work of the Election Reform Task Force. Governor Rendell signed Executive Order 2004-11 in December 2004 creating the Pennsylvania Election Reform Task Force. The 13-member panel represented various constituencies affected by or knowledgeable about the Pennsylvania election process. I had the privilege of chairing the Task Force.

One of its principal charges was to examine options and make recommendations for moving the date of the presidential primary election. The results included legislative changes and timelines necessary for implementation. The Task Force also considered bifurcating the presidential and state primary elections, the processes and procedures relative to ballot access and other pre-primary election activities, and even the possibility of eliminating the presidential primary election in favor of a caucus.

In the course of its work, the Task Force reviewed a study conducted in 2000 by the Pennsylvania Joint State Government Commission on primary date change. The Commission evaluated the possibility of a September primary and also looked at presidential primary dates in Pennsylvania. The outcomes included urging the General Assembly to adopt a resolution calling on the national parties to adopt an acceptable plan and urging other states' legislatures to adopt similar resolutions. Just as Governor Rendell recommends today, the Commission suggested, in the absence of national action, repositioning the primary. I encourage you to review that Commission's work.

After much deliberation, the Task Force agreed with Governor Rendell and the 2000 Joint State Government Commission Report. In the absence of an organized national system for presidential primaries, moving the primary election in presidential election years to a date closer to the beginning of the calendar year would provide Pennsylvanians a voice in the selection of the president commensurate with its population rank among the states.

The Task Force offered three recommendations:

- Establish the first Tuesday in March as the date of the primary election in 2008 and 2012 (presidential election years).
- Sunset on November 30, 2014 the legislation setting these primary election dates to provide the General Assembly sufficient time to review the efficacy of an early presidential primary.

- Work with the General Assembly to refine ballot access procedures to accommodate appropriately these primary election dates. These procedures could include changing current law by reducing the circulation period for petitions as well as the number of names required, or moving the process to a fee-only system.

Since the Task Force adopted its report, there has been greater movement by states towards earlier presidential primaries, as I previously stated. Given this change in the environment, moving the primary date to early March as recommended by the Task Force may not be sufficiently early to give Pennsylvanians the voice they deserve in selecting a presidential candidate. Aside from specific dates, what is very clear from the Task Force recommendation is that Pennsylvania must move its primary date in 2008 to participate meaningfully and be relevant in the presidential primary process. Currently moving the primary date to the first February, or February 5, 2008, will best achieve that goal.

In addition to moving the actual date of the primary, the Task Force also considered bifurcation. In other words, should the presidential primary continue to be combined with the primary for all state offices or should it be separate? As outlined in his statement, Governor Rendell does not favor two primaries for 2008 because of the increased cost to the taxpayers.

The Task Force came to the same conclusion when it considered bifurcation. Based on information presented to the Task Force in 2005, the cost of holding an election in the Commonwealth is \$18 million. Keep in mind that this estimate is a few years old, so current costs may be greater.

Another relevant issue focuses on the requirements of nomination petitions and papers, and other related timeframes. If candidates are required to meet the same deadlines as we have currently, including the filing of nomination petitions no later than the 10th Tuesday before the election, an earlier primary will move this cut-off date into November or December. The Legislature should keep in mind other timetables, such as candidate withdrawal fifteen days after the petition-filing deadline and nomination objections within seven days after the petition-filing cut-off date. The Legislature may want to take this opportunity to shorten, extend or eliminate certain timeframes or procedures to make the process more efficient.

Beyond the candidate deadlines, we must keep in mind our military and overseas voters require absentee ballots. Not later than 50 days before the election, counties must begin sending absentee ballots to those living or performing military service in an extremely remote part of the world. Please see Attachment B, which demonstrates the various timeframe scenarios according to current law.

In closing, I want to reaffirm the Department's commitment to implement an advanced timeline. By moving the Primary to an earlier date, we will better position Pennsylvania to have a voice in selecting Presidential candidates.

Thank you for your invitation today. I welcome any questions at this time.



National Association of Secretaries of State (NASS)
Calendar of 2008 State Primaries/Caucuses

Last updated: March 12, 2007

NOTE: This calendar is a working draft based upon state election office reporting and credible media reports. Dates are subject to frequent changes. State dates that are under consideration but not yet finalized list the state in bold *italics*. States with an asterisk (*) beside their name have indicated that their contest could move to another date, but have not provided alternative dates. Some states are not included because they have not provided information to the NASS office regarding their primary/caucus dates.

2008 Presidential Nominating Calendar

JANUARY 2008

- **January 8:** District of Columbia*
- **January 14:** Iowa (caucuses)
- **January 19:** Nevada (Dem caucuses)
- **January 22:** New Hampshire (primary)*, **Wyoming (GOP caucuses)**
- **January 29:** **South Carolina (Dem primary)**

FEBRUARY 2008

- **February (Date TBD):** **North Dakota (caucuses), Ohio**
- **February 2:** **South Carolina (GOP primary)**
- **February 5:** Alabama, Arizona, Arkansas, **California, Colorado**, Delaware, **Florida, Georgia, Illinois, Kansas, Michigan**, Missouri, **Montana**, Nevada (GOP primary), **New Jersey, New Mexico, New York, North Carolina**, Oklahoma, **Rhode Island, Tennessee, Texas, Utah**
- **February 9:** Louisiana
- **February 10:** Maine (Dem caucuses)
- **February 12:** **Maryland, Virginia***
- **February 19:** Wisconsin
- **February 26:** Hawaii (Dem caucuses), Idaho (Dem caucuses)

MARCH 2008

- **March 2:** Hawaii (GOP caucuses)
- **March 4:** Massachusetts, Minnesota, **Pennsylvania, Vermont**
- **March 8:** Connecticut
- **March 11:** Mississippi
- **March 21:** **Maine (GOP caucuses)**

APRIL 2008

- *No scheduled contests reported at this time*

MAY 2008

- **May 6:** Indiana, North Carolina
- **May 10:** Wyoming (Dem caucuses)
- **May 13:** Nebraska*, West Virginia
- **May 20:** Kentucky, Oregon
- **May 27:** Idaho (primary), Washington*

JUNE 2008

- **June 3:** South Dakota

AUGUST 2008

- **August 25-28:** Democratic National Convention in Denver, Colorado

SEPTEMBER 2008

- **September 1-4:** Republican National Convention in Minneapolis-St. Paul, Minnesota

2008 Presidential Primary: The Impact of Moving the Primary Date

		Important General Primary Election Deadline Dates											
Hypothetical Primary Dates		Last Day for Political Parties to File Party Rules	First Day to Circulate and File Nomination Petitions	Last Day to Circulate and File Nomination Petitions	Last Day to File Objections to Nomination Petitions	Last Day for Courts to Render Decisions on Objection Cases	Last Day for Withdrawal by Candidates Who Filed Nomination Petitions	Last Day to Begin Sending Absentee Ballots to Remove Military Voters	Last Day to Begin Sending Absentee Ballots to Military & Overseas Voters	Last Day to Register Before the Primary	Last Day to Begin Sending Absentee Ballots to All Registered Voters	Last Day to Apply for a Civilian Absentee Ballot	Last Day for CBEs to Receive Voted Absentee Ballots
Actual	April 22, 2008	12/24/07	1/22/08	2/12/08	2/19/08	2/27/08	2/27/08	3/3/08	3/10/08	3/24/08	4/8/08	4/15/08	4/18/08
	January 15, 2008	9/17/07	10/16/07	11/6/07	11/13/07	11/21/07	11/21/07	11/26/07	12/3/07	12/17/07	1/2/08	1/8/08	1/11/08
	January 22, 2008	9/24/07	10/23/07	11/13/07	11/20/07	11/28/07	11/28/07	12/3/07	12/10/07	12/24/07	1/8/08	1/15/08	1/18/08
	January 29, 2008	10/1/07	10/30/07	11/20/07	11/27/07	12/5/07	12/5/07	12/10/07	12/17/07	12/31/07	1/15/08	1/22/08	1/25/08
	February 5, 2008	10/8/07	11/6/07	11/27/07	12/4/07	12/12/07	12/12/07	12/17/07	12/24/07	1/7/08	1/22/08	1/29/08	2/1/08
	February 12, 2008	10/15/07	11/13/07	12/4/07	12/11/07	12/19/07	12/19/07	12/31/07	1/7/08	1/14/08	1/29/08	2/5/08	2/8/08
	February 19, 2008	10/22/07	11/20/07	12/11/07	12/18/07	12/26/07	12/26/07	1/4/08	1/9/08	1/22/08	2/12/08	2/19/08	2/15/08
	February 23, 2008 *	10/29/07	11/27/07	12/18/07	12/26/07	1/2/08	1/2/08	1/7/08	1/14/08	1/28/08	2/12/08	2/19/08	2/22/08
	February 26, 2008	10/29/07	11/27/07	12/18/07	12/26/07	1/2/08	1/2/08	1/4/08	1/14/08	1/28/08	2/12/08	2/19/08	2/22/08
	March 4, 2008	11/5/07	12/4/07	12/26/07	1/2/08	1/10/08	1/10/08	1/4/08	1/14/08	2/4/08	2/19/08	2/26/08	3/1/08
	March 11, 2008	11/13/07	12/11/07	1/2/08	1/9/08	1/17/08	1/17/08	1/22/08	1/28/08	2/11/08	2/26/08	3/4/08	3/11/08
	March 18, 2008	11/19/07	12/18/07	1/8/08	1/15/08	1/23/08	1/23/08	1/28/08	2/4/08	2/19/08	3/4/08	3/11/08	3/14/08
	March 25, 2008	11/26/07	12/26/07	1/15/08	1/22/08	1/30/08	1/30/08	2/4/08	2/11/08	2/25/08	3/11/08	3/18/08	3/21/08
	April 1, 2008	12/3/07	1/2/08	1/22/08	1/29/08	2/6/08	2/6/08	2/11/08	2/19/08	3/3/08	3/18/08	3/25/08	3/28/08

* Saturday Primary