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**State Government & Tribal  
Affairs Committee**

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**HB 1776**

**Brief Description:** Requiring election of judges and the superintendent of public instruction at the general election.

**Sponsors:** Representatives Hinkle, McCune and Hudgins.

**Brief Summary of Bill**

- For elections of the Superintendent of Public Instruction and certain judicial positions, the top two vote-getters after a contested primary appear on the general election ballot, even if one candidate received a majority of votes cast for that office.
- Implements proposed constitutional amendment HJR 4200, regarding election of superior court judges.

**Hearing Date:** 2/20/07

**Staff:** Marsha Reilly (786-7135).

**Background:**

After a contested primary election for a nonpartisan office, the top two vote-getters appear on the general ballot. For certain offices, however, if a candidate receives a majority of votes cast for that office, then only that candidate's name appears on the general election ballot. This provision applies to elections for justices of the state supreme court, judges of the courts of appeals, superior court, and district court, and the superintendent of public instruction. In addition, Washington's state constitution provides that no election is held for a superior court position if, after a contested primary, only one candidate is entitled to have his or her name printed on the ballot. In other words, through operation of the constitution, if only one candidate for superior court judge is entitled to have his or her name appear on the general election ballot after a contested primary, he or she receives a certificate of election.

**Summary of Bill:**

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*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.*

For elections of justices of the state supreme court, judges of the courts of appeals, superior court, and district court, and the Superintendent of Public Instruction, after a contested primary the names of the top two vote-getters will appear on the ballot. Candidates who receive a majority of the votes cast for that position at a contested primary are no longer entitled to appear unopposed on the general election ballot.

By requiring a candidate for superior court judge to appear on the ballot even if he or she receives a majority of votes cast in a contested primary, changes are made to implement proposed constitutional amendment HJR 4217, which eliminates such a candidate's right to a certificate of election.

Other conforming amendments are made to address lapses in elections and voids in candidacies.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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