

HOUSE OF REPRESENTATIVES

Olympia Washington

Bil Analysis

Bill No. 2997

Procedures of filling vacancies
Brief title

Hrg Date: 2/3/98

Reps. D. Schmidt/Scott
Sponsor

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BACKGROUND:

Procedures to elect a person to fill a vacancy in non-partisan elected offices, other than a judicial position or the Office of Superintendent of Public Instruction, follow the same procedure for electing a person to a full term of such an office.

However, procedures to elect a person to fill a vacancy in a partisan elected office, judicial office, and the Office of Superintendent of Public Instruction, somewhat vary from the procedure for electing a person to full terms of such offices.

1. Local non-partisan offices other than judicial offices.

A primary is held to nominate persons as part of the process of electing a person to a full term in a local non-partisan office other than a judicial office, only if three or more persons are candidates for such an office.

If a vacancy occurs in such a local non-partisan office, a person is selected to fill the remaining term at the next general election in an odd-numbered year occurring 28 or more days after the vacancy occurred. A primary is held as part of this special election process only if three or more persons are candidates to fill the remaining term for the vacant office and time exists to hold a primary.

2. Partisan elected offices.

A primary is held to nominate persons as part of the process of electing a person to a full term in a partisan office, even when only one person files for that office. The person elected at the general election is selected to that office.

Continued

If a vacancy occurs in a partisan office other than the Office of Governor more than 28 days prior to a primary, a person is selected to fill the remaining term at the general election held that year. Article IV, Section 10, of the state constitution provides that an election to elect a person to fill a vacancy in the Office of Governor is only held in an even-numbered year two years after the last election to elect a Governor and is held only if the vacancy occurred more than 30 days prior to that general election. A primary is held as part of the process to fill a vacancy in a partisan office only if time exists and two or more persons file declarations of candidacy for the vacancy.

3. Supreme court justices, court of appeals judges, and the Office of Superintendent of Public Instruction.

A primary is held to nominate persons as part of the process of electing persons to a full term as a supreme court justice, court of appeals judge, or the Superintendent of Public Instruction even when only one person files for that office. If a candidate receives a majority of the vote at the primary, only that candidate's name is printed on the general election ballot. Otherwise, the names of the two candidates who received the two greatest numbers of votes at the primary are printed on the general election ballot. The person elected at the general election is selected to that office.

If a vacancy occurs in the office of a supreme court justice, court of appeals judge, or Superintendent of Public Instruction, a person is selected to fill the remaining term at the next general election. A primary is held as part of the process to fill a vacancy in such an office only if time exists and three or more persons file declarations of candidacy for the vacancy.

4. Superior court judges.

A primary is held to nominate persons as part of the process of electing persons to a full term as a superior court judge even when only one person files for that office. However, Article IV, Section 29, of the state constitution provides that in a county with a population of 100,000 or more, a primary is not held if only one person files for a superior court judge position and the person who files for that office is issued a certificate of election.

A combination of Article IV, Section 29, of the state constitution and statutory law provide that a candidate for a superior court judge position in a contested primary who receives a majority of the vote at the primary is issued a certificate of election and the office is not placed on the ballot at the general election unless a petition is filed indicating that a write-in candidacy will occur for that position within 10 days of the primary. If such a petition is filed, then only the name of the person receiving a majority of the vote at the primary appears on the general election ballot and the winner of the general election is selected as the superior court judge. In all other instances, the position of superior court judge is filled at the general election.

If a vacancy occurs in the office of a superior court judge, a person is selected to fill the remaining term at the next general election. A primary is held as part of the process to fill a vacancy in such an office only if time exists and three or more persons file declarations of candidacy to fill the vacancy.

SUMMARY:

Procedures to fill a vacancy in a elected office follow the normal procedure by which a person is selected to a full term of that office, including the holding of a primary if time permits.

The number of days after a vacancy occurs when a primary election is held as part of this vacancy filling procedure is altered. Where the election procedure includes the holding of a primary, a primary is held if the vacancy occurred at least 45 days prior to the date of the primary. An election to fill a vacancy in a city, town, or special district office is held in an odd-year general election that occurs 45 or more days after the vacancy occurred, rather than 28 or more days after the vacancy occurred. An election to fill a vacancy in a partisan office is held in either an odd-numbered or even-numbered year general election that occurs 45 or more days after the vacancy occurred, rather than 28 or more days prior to the date of the primary before the general election.

Statutory recognition is made of the unique constitutional provisions for filling a vacancy in the Office of Governor and for electing superior court judges.

It is clarified that the Office of Mayor, in a city with a mayor council form of government, is filled following the procedure by which a person is selected to that office at the next municipal general election that occurs 45 or more days after the vacancy occurred.

Three-day special filing periods are opened for persons to file candidacies to fill vacancies in elective offices.

A vacancy in the Office of District Court Judge may be filled at a general election held in an odd-numbered year.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill passed.