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## State Government Committee

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### HB 1635

**Brief Description:** Concerning write-in candidates and votes.

**Sponsors:** Representative S. Hunt; by request of Secretary of State.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Invalidates write-in votes for any person who has not filed a declaration of candidacy.</li></ul>
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**Hearing Date:** 1/27/15

**Staff:** Sean Flynn (786-7124).

#### **Background:**

##### Candidacy Declarations.

Any candidate for elected office who wants his or her name printed on an election ballot must file a declaration of candidacy. The declaration must be filed within the week that is two weeks before Memorial Day. A candidate may not file for more than one position. Candidates must pay a filing fee to submit a declaration of candidacy. The filing fee is the equivalent of 1 percent of the annual salary of the office that the candidate seeking.

##### Write-In Candidates.

A candidate who has not submitted a declaration of candidacy within the filing period may still file a declaration of candidacy as a write-in candidate for elected office. The write-in declaration deadline is 18 days before the election, the day that ballots must be mailed. Write-in candidates must pay the same filing fee as a regular candidate for office.

A person may not file as a write-in candidate for a general election if that person filed as a write-in for the same position at the preceding primary, or his or her name appeared on the primary ballot for that position. A person also may not file a write-in declaration if that person already filed a declaration for the same election or primary, or if his or her name appears on the ballot for another position.

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The number of write-in votes must be recorded and reported to the local canvassing board. Write-in votes for an individual candidate are only counted if the total number of write-in votes and undervotes recorded for that office are greater than the number of votes cast for the elected candidate or for the candidate who qualifies to appear on the general election ballot.

A write-in vote in a general election for a person who has not filed a write-in declaration is invalid if that person filed as a candidate for the same office in the preceding primary. Write-in votes for undeclared candidates must clearly designate the office and position number of the candidate in order to be counted.

**Summary of Bill:**

Write-in votes are invalid for a person who has not filed a declaration as a regular or write-in candidate. The filing fee for write-in candidates is eliminated.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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