

HOUSE BILL REPORT

SB 6309

*As Reported By House Committee on:
State Government*

Title: An act relating to elections for nonpartisan offices.

Brief Description: Removing disqualified candidates from the ballot.

Sponsor(s): Senators McCaslin and Madsen.

Brief History:

Reported by House Committee on:
State Government, February 25, 1992, DPA.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

Staff: Kenneth Hirst (786-7105).

Background: A void in candidacy for a nonpartisan office occurs if an election has been scheduled for the office and no valid declaration of candidacy has been filed for it or all persons filing declarations for the office have died or been disqualified. If a special filing period is conducted for the office and a void in candidacy continues to exist or the void is created after the period for which a special filing period may be provided, the election for the office is deemed lapsed and the office is stricken from the ballot. In such a case, the incumbent holding the office remains in office until a successor is elected.

After contested primaries for most nonpartisan offices, the names of the candidates receiving the most and second most votes for an office qualify to appear on the general election ballot.

Summary of Amended Bill: The following are the effects of a ruling by a court of competent jurisdiction that a candidate for an elective office of a city, town, or special purpose

district or for the office of district court judge is unqualified to hold the office:

- (1) If the candidate is the only candidate for the office, a void in candidacy exists.
- (2) If a primary has been conducted for the office and general election ballots for the office have not been ordered, the name of the candidate who received the third greatest number of votes for the office at the primary is placed on the general election ballot in lieu of the name of the disqualified candidate. If the third place candidate is also disqualified, the name of the fourth place candidate is so placed on the general election ballot. This applies if the third or fourth place candidate received at least 1 percent of the votes cast for the office at the primary. If the candidate did not, only the name of the remaining first or second place candidate may be printed on the general election ballot.
- (3) If a primary is not conducted for the city, town, or district office, or less than three candidates appeared on the primary ballot for district court judge, and general election ballots have not been ordered, the name of the disqualified candidate cannot appear on the general election ballot for the office.
- (4) Whether a primary is or is not conducted for the office, if general election ballots have been ordered, votes cast for the disqualified candidate cannot be counted.

Amended Bill Compared to Original Bill: Added by the amendments are the provisions: applying the principles of the bill to the office of district court judge; and permitting a fourth place candidate to advance to the general election ballot if two of the top three vote getters are disqualified and the fourth place candidate received at least 1 percent of the vote at the primary.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect July 1, 1992.

Testimony For: The bill addresses a case in Spokane in which a judge disqualified a candidate for the city council after the primary, but did not have the authority to advance the third place candidate to the general election ballot.

Testimony Against: None.

Witnesses: Stan Finkelstein, Association of Washington Cities (in favor).