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HOUSE BILL 2662

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State of Washington                      52nd Legislature                      1992 Regular Session  
By Representatives D. Sommers, Dellwo, Moyer, Day, Mielke, Silver and Padden

Read first time 01/23/92. Referred to Committee on State Government.

1            AN ACT Relating to elections for nonpartisan offices; amending RCW  
2 29.30.085; adding a new section to chapter 29.30 RCW; and providing an  
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 29.30 RCW  
6 to read as follows:

7            This section applies if a candidate for an elective office of a  
8 city, town, or special purpose district would, under this chapter,  
9 otherwise qualify to have his or her name printed on the general  
10 election ballot for the office, but the candidate has been declared to  
11 be unqualified to hold the office by a court of competent jurisdiction.

12            (1) In a case in which a primary is conducted for the office:

13            (a) If ballots for the general election for the office have not  
14 been ordered by the county auditor, the candidate who received the

1 third greatest number of votes for the office at the primary shall  
2 qualify as a candidate for general election and that candidate's name  
3 shall be printed on the ballot for the office in lieu of the name of  
4 the disqualified candidate.

5 (b) If general election ballots for the office have been so  
6 ordered, votes cast for the disqualified candidate at the general  
7 election for the office shall not be counted for that office.

8 (2) In a case in which a primary is not conducted for the office:

9 (a) If ballots for the general election for the office have not  
10 been ordered by the county auditor, the name of the disqualified  
11 candidate shall not appear on the general election ballot for the  
12 office.

13 (b) If general election ballots for the office have been so  
14 ordered, votes cast for the disqualified candidate at the general  
15 election for the office shall not be counted for that office.

16 (3) If the disqualified candidate is the only candidate to have  
17 filed for the office during a regular or special filing period for the  
18 office, a void in candidacy for the office exists.

19 **Sec. 2.** RCW 29.30.085 and 1990 c 59 s 95 are each amended to read  
20 as follows:

21 (1) Except as provided (~~under~~) in section 1 of this act and in  
22 subsection (2) of this section, on the ballot at the general election  
23 for a nonpartisan office for which a primary was held, only the names  
24 of the candidate who received the greatest number of votes and the  
25 candidate who received the next greatest number of votes for that  
26 office shall appear under the title of that office, and the names shall  
27 appear in that order. If a primary was conducted, no candidate's name  
28 may be printed on the subsequent general election ballot unless he or  
29 she receives at least one percent of the total votes cast for that

1 office at the preceding primary. On the ballot at the general election  
2 for any other nonpartisan office for which no primary was held, the  
3 names of the candidates shall be listed in the order determined under  
4 RCW 29.30.025.

5 (2) On the ballot at the general election for the office of justice  
6 of the supreme court, judge of the court of appeals, judge of the  
7 superior court, or state superintendent of public instruction, if a  
8 candidate in a contested primary receives a majority of all the votes  
9 cast for that office or position, only the name of that candidate may  
10 be printed under the title of the office for that position.

11 NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1992.