

HOUSE BILL REPORT

HB 2662

*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): Representatives D. Sommers, Dellwo, Moyer, Day, Mielke, Silver and Padden.

Brief History:

Reported by House Committee on:
State Government, February 7, 1992, DP.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *Do pass.* 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 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 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;
- (3) If a primary is not conducted for the office and general election ballots have not been ordered, the name of the disqualified candidate cannot appear on the general election ballot for the office; and
- (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.

Fiscal Note: Not requested.

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

Testimony For: The bill will address the following election problems: (1) In a Spokane City Council race, one of the two top vote-getters in the primary was found by a court to be unqualified to hold office, but the court could not advance the primary's third place candidate to the general election ballot; (2) in a Colfax City Council race, a candidate died two days before a contested general election and won, leaving a vacancy in the office; and (3) in a Westport City Council race, a candidate moved from the jurisdiction and notified the auditor of the candidate's disqualification, but could not be removed from the ballot. The candidate won the election and a vacancy has now been declared for the office as a result of the candidate's unexcused absences.

Testimony Against: None.

Witnesses: Representative Duane Sommers (in favor); and Vern Spatz, Grays Harbor County Auditor (in favor).