

HOUSE BILL REPORT

ESSB 5156

*As Reported By House Committee on:
State Government*

Title: An act relating to candidate residency requirements.

Brief Description: Requiring election officers to review candidates' filings to determine residency.

Sponsor(s): Senate Committee on Governmental Operations (originally sponsored by Senators McCaslin, Sutherland, Roach, Matson and Madsen).

Brief History:

Reported by House Committee on:
State Government, April 3, 1991, DP.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *Do pass.* Signed by 9 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Moyer; O'Brien; and Sheldon.

Staff: Kenneth Hirst (786-7105).

Background:

Constitution. Article III, Section 25 of the state's constitution requires any person holding a state office to be a U.S. citizen and a qualified elector of the state. Article II, Section 7 declares that no person is eligible to fill the office of a member of the state Legislature unless the person is a U.S. citizen and a qualified voter of the district represented by the office.

Statutes. State law requires that, for a person to be qualified for or authorized to hold an elective public office, the person must be a U.S. citizen and an elector of the county, municipality, district, precinct, or other subdivision represented by the office.

A provision of the Election Code which is effective until July 1, 1992, specifies the content of a declaration of candidacy which must be signed by a candidate. On that form, the candidate must swear or affirm that the candidate

is a registered voter and must identify his or her registration address. The candidate must also swear or affirm that, at the time of filing the declaration, the candidate is legally qualified to assume office if elected. Beginning on July 1, 1992, the declaration form is to be established by the secretary of state by rule.

A declaration of candidacy for an office must be filed with the county auditor if the territory represented by the office is entirely within one county or if the office is a nonpartisan, nonjudicial, multi-county district office. Declarations of candidacies for all other offices must be filed with the secretary of state.

Summary of Bill: A person filing a declaration of candidacy for an office must, at the time of filing, possess the legal qualifications specified by law for persons who may be elected to the office.

Upon filing a declaration, a candidate must present the filing official with documents which show that the candidate is registered to vote in the district for which the candidate is filing for office and must sign an affidavit to this effect. The elections official shall acknowledge, in writing, that this was done. A candidate's name cannot appear on a ballot unless the candidate has complied with this requirement. These requirements do not apply to a candidate for a congressional office.

Upon request, a county, municipal corporation or special purpose district must provide to a prospective candidate the most current information describing its boundaries and the boundaries of its director, council, or commissioner districts.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.