
HOUSE BILL 3175

State of Washington 59th Legislature 2006 Regular Session

By Representatives Hinkle and Dunn

Read first time 01/24/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to the election of judges; amending RCW 29A.24.181,
2 29A.24.191, and 29A.36.171; and providing a contingent effective date.

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

4 **Sec. 1.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to
5 read as follows:

6 Filings for a nonpartisan office (other than judge of the supreme
7 court or superintendent of public instruction) shall be reopened for a
8 period of three normal business days, such three-day period to be fixed
9 by the election officer with whom such declarations of candidacy are
10 filed and notice thereof given by notifying press, radio, and
11 television in the county and by such other means as may now or
12 hereafter be provided by law, when:

13 (1) A void in candidacy for such nonpartisan office occurs on or
14 after the sixth Tuesday prior to a primary but prior to the sixth
15 Tuesday before an election; or

16 (2) ~~((A nominee for judge of the superior court eligible after a~~
17 ~~contested primary for a certificate of election by Article 4, section~~
18 ~~29, Amendment 41 of the state Constitution, dies or is disqualified~~

1 ~~within the ten day period immediately following the last day allotted~~
2 ~~for a candidate to withdraw; or~~

3 ~~(3))~~) A vacancy occurs in any nonpartisan office on or after the
4 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
5 an election leaving an unexpired term to be filled by an election for
6 which filings have not been held.

7 The candidate receiving a plurality of the votes cast for that
8 office in the general election shall be deemed elected.

9 **Sec. 2.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to
10 read as follows:

11 A scheduled election shall be lapsed, the office deemed stricken
12 from the ballot, no purported write-in votes counted, and no candidate
13 certified as elected, when:

14 (1) In an election for judge of the supreme court or superintendent
15 of public instruction, a void in candidacy occurs on or after the sixth
16 Tuesday prior to a primary, public filings and the primary being an
17 indispensable phase of the election process for such offices;

18 ~~(2) ((Except as otherwise specified in RCW 29A.24.181, a nominee~~
19 ~~for judge of the superior court entitled to a certificate of election~~
20 ~~pursuant to Article 4, section 29, Amendment 41 of the state~~
21 ~~Constitution dies or is disqualified on or after the sixth Tuesday~~
22 ~~prior to a primary;~~

23 ~~(3))~~) In other elections for nonpartisan office a void in candidacy
24 occurs or a vacancy occurs involving an unexpired term to be filled on
25 or after the sixth Tuesday prior to an election.

26 **Sec. 3.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to
27 read as follows:

28 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
29 this section, on the ballot at the general election for a nonpartisan
30 office for which a primary was held, only the names of the candidate
31 who received the greatest number of votes and the candidate who
32 received the next greatest number of votes for that office shall appear
33 under the title of that office, and the names shall appear in that
34 order. If a primary was conducted, no candidate's name may be printed
35 on the subsequent general election ballot unless he or she receives at
36 least one percent of the total votes cast for that office at the

1 preceding primary. On the ballot at the general election for any other
2 nonpartisan office for which no primary was held, the names of the
3 candidates shall be listed in the order determined under RCW
4 29A.36.131.

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

12 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2007, if
13 the proposed amendment to Article IV, section 29 of the state
14 Constitution (HJR) is validly submitted to and is approved and
15 ratified by the voters at a general election held in November 2006. If
16 the proposed amendment is not approved and ratified, this act is void
17 in its entirety.

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