

HOUSE BILL REPORT

HB 2624

As Passed House:
February 17, 2016

Title: An act relating to election errors involving measures.

Brief Description: Concerning election errors involving measures.

Sponsors: Representatives S. Hunt and Bergquist; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/19/16, 1/20/16 [DP].

Floor Activity:

Passed House: 2/17/16, 98-0.

Brief Summary of Bill

- Allows the results of state and local ballot measures to be challenged under certain circumstances.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame, Hawkins and Moscoso.

Staff: Dawn Eychaner (786-7135).

Background:

Any elector may request judicial review of an alleged error or omission that has occurred or is about to occur with respect to the name of a candidate or another error in the printing of ballots; the certification of an election; or any other other neglect of duty, error, or wrongful act by an election officer.

To request judicial review, the elector must file an affidavit with the appropriate court. For alleged errors related to the printing of a candidate's name on the primary ballot, the affidavit

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must be filed within two days after the closing of the filing period of the office. For alleged errors related to the printing of a candidate's name on the general election ballot, the affidavit must be filed within three days following the official certification of the primary election returns or official certification of candidates qualified to appear on the general election ballot, whichever is later. To challenge the certification of an election, the affidavit must be filed within 10 days following the official certification of the election or the official certification of the amended abstract in the case of a recount.

When a candidate is declared elected to an office, a registered voter may challenge the certification of the election and/or that candidate's right to assume office for certain causes. A court may dismiss the challenge if the cause is insufficient or the court will pronounce judgment, including declaring a person duly elected if that is the court's judgment. If the court sets aside an election result and no appeal is taken within 10 days, the election of the person challenged is rendered void.

Improper conduct in the proceedings of county canvassing boards does not invalidate an election result unless the improper conduct led to a candidate being declared elected when he or she did not have the highest number of votes. Illegal votes do not invalidate an election unless the number of illegal votes, when taken away from the winning candidate's result, would result in that candidate having fewer votes than an opposing candidate.

Summary of Bill:

Challenges to election measures are authorized. The timeframes for a challenge to the outcome of an election measure are the same as a challenge to the certification of an election. If a court determines that the results of a measure are reversed, the court must declare a change in the election result.

The elector may also challenge the right of a candidate to appear on the general election ballot after a primary.

Improper conduct in the proceedings of county canvassing boards does not invalidate an election result unless the improper conduct led to a candidate being declared elected when he or she did not have the highest number of votes or reversed the outcome of an election measures. Illegal votes do not invalidate an election or the passage of a measure unless the number of illegal votes, when taken away from the winning result, would result in that candidate or measure having fewer votes than an opposing candidate or would result in the measure's outcome being reversed.

Material related to the timing of when affidavits must be filed is reorganized.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill allows all measures, state and local, to be contested. Currently, candidates' election outcomes can be challenged but not outcomes for measures. While case law has addressed challenges to measures, this is an opportunity for the law to be consistent with what the courts have already provided for.

(Opposed) None.

Persons Testifying: Representative Hunt, prime sponsor; and Toni McKinley-Camp and Lori Augino, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.