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## State Government & Tribal Relations Committee

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### HJR 4212

**Brief Description:** Amending Article II, section 15 of the state Constitution concerning vacancies in partisan elective offices.

**Sponsors:** Representatives Rude, Abell, Volz and Walen.

#### Brief Summary of Bill

- Amends Article II, section 15 of the state Constitution to specify that an appointee to a vacant partisan office must be of the same party as the former official only if the former official declared a party preference.

**Hearing Date:** 1/28/26

**Staff:** Connor Schiff (786-7093).

#### Background:

##### Partisan Office and Party Preference.

Partisan offices are those public offices for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. A candidate does not have to be endorsed by the political party or have a formal affiliation to select a party preference. A candidate may also choose to indicate no party preference. The following are partisan offices:

- all state offices, including legislative offices, except for judicial offices and the Office of Superintendent of Public Instruction; and
- all county offices except for judicial offices and those offices for which a county home rule charter provides otherwise.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Article II, section 15 of the state Constitution establishes requirements for filling vacancies for these partisan offices. It requires the county board of commissioners or council to appoint a replacement from a list of three candidates nominated by the county central committee of the same party to which the former official belonged. The appointee must be of the same political party and from the same district or council as the former official. The board or council has 60 days from the date of vacancy to make the appointment from the list. If the board or council does not make the appointment within 60 days, the Governor has 30 days to make an appointment from the county central committee's list. The state Constitution does not provide guidance for filling a vacant partisan office where the former official did not declare a party preference.

State statutes provide the following requirements for filling vacancies for these partisan offices:

- If the vacancy occurs in a legislative office or partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor may commence once the successor has qualified and continues through the term for which he or she was elected.
- If a vacancy occurs in a legislative, executive, or county partisan office before the first day of the regular filing period, the position must be open for filing during the regular filing period, and a successor is elected at the general election.

#### County Central Committees.

The county central committee of each major political party consists of the precinct committee officers of the party from the several voting precincts of the county. "Major political party" means a political party whose nominees for president and vice president received at least five percent of the total vote cast at the last presidential election. A political party qualifying as a major political party retains this status until the next presidential election at which the presidential and vice presidential candidates of that party do not achieve at least five percent of the vote.

#### **Summary of Bill:**

Article II, section 15 of the state Constitution is amended to specify that an appointee to a vacant partisan office must be of the same party as the former official only if the former official declared a party preference.

**Appropriation:** None.

**Fiscal Note:** Not requested.