

# HOUSE BILL REPORT

## SB 6529

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### As Passed House:

March 6, 2002

**Title:** An act relating to holding or lapsing elections due to vacancies in public office.

**Brief Description:** Modifying the time period for holding elections to fill vacancies.

**Sponsors:** By Senators Gardner and Haugen.

### Brief History:

#### Committee Activity:

State Government: 2/25/02, 2/28/02 [DP].

#### Floor Activity:

Passed House: 3/6/02, 93-0.

### Brief Summary of Bill

- Changes the time period by which events must occur in order for an election to lapse from four weeks prior to the primary to six weeks prior to the primary.

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## HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McMorris, Ranking Minority Member; McDermott, Schindler and Schmidt.

**Staff:** Catherine Blinn (786-7114).

### Background:

A void in candidacy for a nonpartisan office occurs when no one files a declaration of candidacy for a scheduled election, or when those people who did file subsequently die or are disqualified. A vacancy in office occurs when the person dies, resigns, is no longer legally eligible to vote in the jurisdiction, or otherwise does not have authority to serve in the position.

A special three-day filing period is opened for nonpartisan offices if, six weeks prior to the primary, a void in candidacy occurs, a vacancy in the office occurs, or an unopposed

candidate for Superior Court judge dies or is disqualified. A special three-day filing period is also opened for nonpartisan offices if a void in candidacy or a vacancy in the office occur six weeks prior to the general election, or if the sole candidate for Superior Court judge dies or is disqualified within 10 days after the end of the withdrawal period. A special three-day filing period is opened for partisan offices if a vacancy occurs in the office between the beginning of the regular filing period and six weeks prior to the primary. Legislation passed during the 2001 legislative session changed these dates from the fourth Tuesday before the elections to the sixth Tuesday before the elections.

A scheduled election is deemed lapsed, the office stricken from the ballot, no write-in votes counted, and no candidate certified as elected when:

- A void in candidacy occurs in an election for a Supreme Court justice or for Superintendent of Public Instruction during the four weeks prior to the primary;
- except as provided in the other statutes, an unopposed candidate for Superior Court judge dies or is disqualified after the fourth Tuesday prior to the primary; or
- in other elections for nonpartisan office, a void in candidacy or a vacancy in the office occurs on or after the fourth Tuesday prior to an election.

If a vacancy occurs in a partisan office of the executive or legislative branch or in a partisan county office before the fourth Tuesday prior to the primary, a successor must be elected at the general election. If such a vacancy occurs on or after the fourth Tuesday prior to the primary, the election must occur at the next succeeding general election.

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**Summary of Bill:**

A scheduled election is deemed lapsed, the office stricken from the ballot, no write-in votes counted, and no candidate certified as elected when:

- A void in candidacy occurs in an election for a Supreme Court justice or for Superintendent of Public Instruction during the six weeks prior to the primary;
- except as provided in the other statutes, an unopposed candidate for Superior Court judge dies or is disqualified after the sixth Tuesday prior to the primary; or
- in other elections for nonpartisan office, a void in candidacy or a vacancy in the office occurs on or after the sixth Tuesday prior to an election.

If a vacancy occurs in a partisan office of the executive or legislative branch or in a partisan county office before the sixth Tuesday prior to the primary, a successor must be elected at the general election. If such a vacancy occurs on or after the sixth Tuesday prior to the primary, the election must occur at the next succeeding general election.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** The Washington State Association of County Auditors supports the bill because it will bring all statutes into conformity with 2001 legislation, which addressed procedures for filling voids in candidacy and vacancies in office.

**Testimony Against:** None.

**Testified:** Suzanne Sinclair, Washington State Association of County Auditors.