

HOUSE BILL REPORT

SB 5267

As Reported By House Committee On:

Government Operations

Title: An act relating to write-in candidates.

Brief Description: Establishing filing fees and tabulation procedures for write-in candidates.

Sponsors: Senators Sheldon, Haugen and Wood.

Brief History:

Committee Activity:

Government Operations: 3/31/95 [DPA].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass as amended. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Staff: Steve Lundin (786-7127).

Background: Election laws in this state provide for a filing period during which persons may file to become candidates for elective public office. The names of persons who file for office are printed on ballots that voters receive. Filing fees are required to be paid, unless the candidate is indigent. The filing fee is the greater of either \$10 or 1 percent of the annual salary for the elective office.

Election laws also permit write-in candidates at either a primary or general election where a voter may write-in the name of persons for an office. A person who receives votes as a write-in candidate is not required to file as a candidate, but may file as a write-in candidate at any time up to one day before the primary or election. The requirements to cast a write-in vote for a person who has not filed as a write-in candidate are somewhat greater than to cast a write-in vote for a person who has filed as a write-in candidate. If the person who receives write-in votes files a declaration to be a write-in candidate, a vote cast for that person is counted if the voter writes that person's name in the appropriate place on the ballot. However, if the person

who receives write-in votes does not file a declaration to be a write-in candidate, a vote for that person is counted only if the voter writes that person's name in the appropriate place on the ballot and also designates the office sought and position number or political party, if applicable.

It is not clear whether the normal filing fee must be paid when a declaration as a write-in candidate is made.

Write-in votes are counted separately from votes cast for candidates who have filed for office during the normal filing period and are added to the tally counts.

Summary of Amended Bill: Any person who files a declaration of candidacy as a write-in candidate must pay the normal filing fee that is required if a person files for the office that is sought during the filing period.

Write-in votes shall not be tallied if the write-in votes could not alter the outcome of the primary or election.

Amended Bill Compared to Original Bill: The amended bill clarifies the provision on not tallying write-in votes.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This will save costs.

Testimony Against: None.

Testified: Doug Cochran, Yakima County Auditor; and Karen Flynn, Kitsap County Auditor.