

# HOUSE BILL REPORT

## HB 1209

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*As Reported By House Committee on:  
State Government*

**Title:** An act relating to elections.

**Brief Description:** Requiring filing officer to determine a candidate's registry and residence.

**Sponsor(s):** Representatives Sheldon and P. Johnson.

**Brief History:**

Reported by House Committee on:  
State Government, March 6, 1991, DPS.

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**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *That Substitute House Bill No. 1209 be substituted therefor, and the substitute bill do pass.*  
Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

**Staff:** Kenneth Hirst (786-7105).

**Background:**

Constitution. Article III, Section 25 of the state's constitution requires any person holding a state office to be a U.S. citizen and a qualified elector of the state. Article II, Section 7 declares that no person is eligible to fill the office of a member of the state Legislature unless the person is a U.S. citizen and a qualified voter of the district represented by the office.

Statutes. State law requires that, for a person to be qualified for or authorized to hold an elective public office, the person must be a U.S. citizen and an elector of the county, municipality, district, precinct, or other subdivision represented by the office.

A provision of the Election Code which is effective until July 1, 1992, specifies the content of a declaration of candidacy which must be signed by a candidate. On that form, the candidate must swear or affirm that the candidate

is a registered voter and must identify his or her registration address. The candidate must also swear or affirm that, at the time of filing the declaration, the candidate is legally qualified to assume office if elected. Beginning on July 1, 1992, the declaration form is to be established by the secretary of state by rule.

A declaration of candidacy for an office must be filed with the county auditor if the territory represented by the office is entirely within one county or if the office is a nonpartisan, nonjudicial, multi-county district office. Declarations of candidacies for all other offices must be filed with the secretary of state.

***Summary of Substitute Bill:***

Qualifications For Appearing on Ballot. A person filing a declaration of candidacy for an office must have the qualifications specified by law for a person who may be elected to the office.

The name of a candidate for an office shall not appear on a ballot for that office unless the candidate is, at the time of filing for the office, properly registered to vote in the geographic area represented by the office. If a person elected to an office must be nominated from a district or similar division of the area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time of filing, properly registered to vote in that district or division. The officer with whom declarations of candidacy are filed must review the declarations for compliance with this registration requirement.

These requirements do not apply to congressional candidates.

District Boundaries. The legislative authority of each county and each city, town, and special purpose district must provide the county auditor, or for multi-county jurisdictions the secretary of state, accurate information describing its geographic boundaries and the boundaries of its director, council, or commissioner districts and must ensure that this information is kept current. The secretary must transmit the information received by the secretary to the appropriate counties.

***Substitute Bill Compared to Original Bill:*** The original bill requires the officer with whom declarations of candidacy are filed to determine whether the candidates reside within the area represented by the office; this is not required in the substitute bill. Added by the substitute bill are the provisions: requiring that a

candidate who must be nominated from a subdivision of the area represented by an office be a registered voter in that subdivision; and requiring local governments to provide the county auditor or secretary of state accurate information regarding their boundaries and the boundaries of their director, council, or commissioner districts.

**Fiscal Note:** Requested February 20, 1991.

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

**Testimony For:** (1) A port commission candidate filed for office, won the election, but had to relinquish the position because the candidate was not a registered voter in the district. The port district had to pay for an election which achieved nothing. (2) Local governments should be required to inform election officers regarding the boundaries of their internal districts.

**Testimony Against:** The original bill requires election officers to make determinations regarding residency. This is a judicial function; when auditors have given their opinions, the opinions are rarely upheld by the courts.

**Witnesses:** Representative Sheldon (in favor); Scott Taylor, Washington Public Ports Association (in favor); John Pearson, Office of the Secretary of State (opposed the requirement of the original bill that election officers make determinations regarding residency); and Sam Reed, County Auditors Association (opposed the requirement of the original bill that election officers make determinations regarding residency).