

SENATE BILL REPORT

HB 2662

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,  
FEBRUARY 26, 1992

**Brief Description:** Removing disqualified candidates from the ballot.

**SPONSORS:** Representatives D. Sommers, Dellwo, Moyer, Day, Mielke, Silver and Padden

**HOUSE COMMITTEE ON STATE GOVERNMENT**

**SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS**

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

**Staff:** Rod McAulay (786-7754)

**Hearing Dates:** February 26, 1992

**BACKGROUND:**

A void in candidacy for a nonpartisan office occurs if an election has been scheduled for the office and no valid declaration of candidacy has been filed for it or all persons filing declarations for the office have died or been disqualified. If a special filing period is conducted for the office and a void in candidacy continues to exist or the void is created after the period for which a special filing period may be provided, the election for the office is deemed lapsed and the office is stricken from the ballot. In such a case, the incumbent holding the office remains in office until a successor is elected.

After contested primaries for most nonpartisan offices, the names of the candidates receiving the most and second most votes for an office qualify to appear on the general election ballot.

**SUMMARY:**

The following are the effects of a ruling by a court of competent jurisdiction that a candidate for an elective office of a city, town, or special purpose district is unqualified to hold the office:

- (1) If the candidate is the only candidate for the office, a void in candidacy exists;
- (2) If a primary has been conducted for the office and general election ballots for the office have not been

ordered, the name of the candidate who received the third greatest number of votes for the office at the primary is placed on the general election ballot in lieu of the name of the disqualified candidate;

- (3) If a primary is not conducted for the office and general election ballots have not been ordered, the name of the disqualified candidate cannot appear on the general election ballot for the office; and
- (4) Whether a primary is or is not conducted for the office, if general election ballots have been ordered, votes cast for the disqualified candidate cannot be counted.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:** None

**TESTIMONY AGAINST:** None

**TESTIFIED:** No one