

SENATE BILL REPORT

SB 6309

AS PASSED SENATE, FEBRUARY 12, 1992

Brief Description: Removing disqualified candidates from the ballot.

SPONSORS: Senators McCaslin and Madsen

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

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

Staff: Rod McAulay (786-7754)

Hearing Dates: February 3, 1992

BACKGROUND:

When more than two candidates file for a nonpartisan position in a city, town or district election, a primary is conducted and the two candidates receiving the most votes appear on the ensuing general election ballot provided that each received at least 1 percent of the vote in the primary. When only one or two candidates file for a nonpartisan position, no primary is held and the name or names are placed on the general election ballot.

If, after a primary in a nonpartisan race, it is determined that one of the successful candidates was not qualified, there are no statutory provisions regarding: (1) what names should appear on the general election ballot, (2) whether votes for a disqualified candidate should be counted, or (3) authorizing the placement of the third place finisher in the primary on the general election ballot in lieu of the disqualified candidate. If, in a nonpartisan race in which there is no primary, one of the candidates is determined not to be qualified, there are no statutory provisions directing whether that candidate's name should be removed from the ballot or whether votes for that candidate in the general election should be counted.

SUMMARY:

In a nonpartisan election in a city, town or special purpose district, if, after a primary, one of the successful candidates is determined to be disqualified, his or her name shall not appear on the general election ballot if the ballots have not already been ordered and the third-place finisher in the primary shall appear on the general election ballot provided that he or she received at least 1 percent of the vote in the primary. If a primary winner is subsequently

disqualified and the general election ballots have been ordered, any votes for the disqualified candidate at the general election shall not be counted.

In a nonpartisan election in a city, town or special purpose district in which there is no primary and one of two candidates is determined to be disqualified prior to the general election, if the ballots have not been ordered, the disqualified candidate's name shall not appear on the ballot. If the ballots have been ordered, any votes for the disqualified candidate shall not be counted. If there was only one candidate for the position and that candidate is determined to be disqualified, a void in candidacy for the office exists.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: July 1, 1992

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one