

HOUSE BILL REPORT

HB 1108

As Reported By House Committee On:
State Government

Title: An act relating to nonpartisan election.

Brief Description: Extending the filing period for certain nonpartisan offices when no candidate or one candidate files for an office.

Sponsors: Representatives Vance, Reams and Anderson.

Brief History:

Reported by House Committee on:
State Government, February 18, 1993, DPS.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Anderson, Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; and Pruitt.

Staff: Kenneth Hirst (786-7105).

Background: For a person's name to appear on the ballot as a candidate for an elective office, the person must file a declaration of candidacy and a filing fee with the elections officer during a period established by law for such filings. The regular filing period for an election begins on the fourth Monday in July and ends on the following Friday. A candidate may withdraw his or her candidacy by the close of business on Thursday of the next week. If the office is a partisan elective office and, by the end of the withdrawal period, no one has filed or remains filed for the office as a candidate of a particular major political party, the political party may select and certify a candidate for the office. The party must certify the candidacy and file the appropriate filing fee by the close of business on the Friday following the withdrawal period.

State law requires that filing be reopened for a special three-day filing period if no one has filed for a nonpartisan office or if a void in candidacy for the office otherwise occurs. Candidacies filed during a special filing period may not be withdrawn. Special rules apply to the

withdrawal of candidates for the office of precinct committee person.

If after a regular and a special filing period for an office of a city, town, or special purpose district, no candidate has filed for the office, the election for the office lapses and the incumbent occupying the office remains in office until a successor is eventually elected.

Summary of Substitute Bill: An extended filing period is established for filing declarations of candidacy for the Office of Superintendent of Public Instruction and for the nonpartisan, nonjudicial elective offices of a county, city, town, or special purpose district. The normal filing period for these offices is extended by one week if, at the end of the regular filing period, no one or only one candidate has filed for the office. This extension is provided in lieu of a special three-day filing period for the office. However, the special three-day filing period is provided if all of the candidates who have filed for a nonpartisan office withdraw their candidacies.

There is no withdrawal period for candidacies filed during such an extension. With this exception, the rules which apply to filings made during the regular filing period apply to filings made during the extended period as well.

This filing extension applies to a nonpartisan elective office of a county unless the provisions of the county's Home Rule charter provide otherwise.

Substitute Bill Compared to Original Bill: The substitute bill provides the extended filing period in lieu of a special three-day filing period for an office, unless all candidates have withdrawn their candidacies for the office; the original bill provides the extension in addition to the special three-day filing period.

Fiscal Note: Not requested.

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

Testimony For: If only one candidate files for a nonpartisan office, there is no special procedure, as there is for a partisan office, which allows anyone to file a declaration of candidacy to provide a contested race for the office. This bill provides that opportunity.

Testimony Against: Original bill: The filing extension for the office should be provided in lieu of the special three-

day filing period which is required by current law if no candidates file for an office.

Witnesses: (In favor): Representative Vance. (In favor if the extension is provided in lieu of the special filing period): John Pearson, Office of the Secretary of State; and Karen Flynn, Washington State Association of County Auditors.