

HOUSE BILL REPORT

HB 1395

As Reported By House Committee On:
Government Administration

Title: An act relating to the filling of vacancies in legislative and partisan county offices.

Brief Description: Clarifying procedures for filling vacancies.

Sponsors: Representatives D. Sommers, Sheldon, Gombosky, Dunn, Cairnes, Sterk, D. Schmidt, Mulliken, Boldt, Benson, McMorris, Murray, Tokuda, Scott and Regala.

Brief History:

Committee Activity:

Government Administration: 2/11/97, 2/12/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Murray; Reams; Smith; Wensman and Wolfe.

Minority Report: Do not pass. Signed by 2 members: Representatives Dunn and L. Thomas.

Staff: Steve Lundin (786-7127).

Background: Article II, Section 15, of the state constitution, specifies how vacancies are filled in either house of the Legislature and in any partisan county elective office. No statutory provisions exist on this subject.

If a vacancy occurs in any partisan county elective office, or in a state legislative position with a legislative district that only includes territory located in a single county, the county legislative authority of the county appoints a person to fill the vacancy by choosing a nominee from a list of three nominees submitted by the county central committee of the party of the official whose position is vacant.

A legislative position from a legislative district including territory located in more than one county is referred to as a joint senator or a joint representative. If a vacancy occurs in a joint senate or joint representative position, the county legislative

authorities of the counties in which the legislative district is located fill the vacancy by choosing a nominee from a list of three nominees submitted by the state central committee of the party of the senator or representative whose position is vacant.

The authority to make an appointment is removed from the county legislative authority or authorities, and transferred to the Governor, if the appointment is not made within 60 days after the vacancy occurs. The Governor fills the vacancy by choosing a nominee from the same list of three nominees.

Summary of Substitute Bill: Three nominees may be selected for a vacancy in a legislative position or partisan county elective position at any time after the legislator or county official submits a letter of resignation to the proper authority, whether the resignation becomes effective immediately or at a specified date in the future.

A precinct committee officer may vote on a nomination for such a vacancy only if he or she is elected as a precinct committee officer, or a letter of his or her appointment has been on file with the county auditor for at least 30 days. A precinct committee officer who is eligible to vote on nominations may authorize another person who is a registered voter residing in the precinct to act as his or her substitute by submitting a letter to the county auditor naming that person as the substitute.

A precinct committee officer, or designated substitute, who arrives at the meeting place after the voting on a nomination has started may not vote on the nomination.

Each precinct committee officer or designated substitute who votes on a nomination must sign an attendance form opposite his or her precinct name or number. The registrar must report the number of such persons who have signed the attendance form to the chairperson before a vote may be taken on nominations.

Substitute Bill Compared to Original Bill: The designated substitute must be a registered voter residing in the precinct. An elected precinct committee officer may vote on nominations even if he or she has been elected for less than 30 days.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is necessary to reform the process and maintain integrity.

Testimony Against: None.

Testified: Representative Duane Sommers and Tim Sheldon, sponsors.