

HOUSE BILL REPORT

HB 1592

As Reported By House Committee On:

State Government

Title: An act relating to write-in voting.

Brief Description: Updating write-in voting laws.

Sponsors: Representatives D. Schmidt, Bush, Miloscia and Dunshee; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 2/10/99, 3/2/99 [DPS].

Brief Summary of Substitute Bill

- Makes a variety of changes to write-in voting procedures, including when the actual votes cast for a write-in candidate are counted.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Staff: Steve Lundin (786-7127).

Background:

Write-in voting is allowed in this state. An eligible person may file a declaration of candidacy as a declared write-in candidate not later than the day before the primary or general election. Voters may cast a write-in vote for a declared write-in candidate or for a person who has not filed a declaration of candidacy as a write-in candidate.

The requirements to cast a write-in vote for a person who has not filed a declaration of candidacy as a write-in candidate are somewhat greater than to cast a write-in vote

for a person who has filed a declaration of candidacy as a write-in candidate. If the person who receives write-in votes filed a declaration of candidacy as a write-in candidate, a vote cast for that person is counted if the voter writes that person's name in the appropriate place on the ballot. However, if the person who receives write-in votes has not filed a declaration of candidacy to be a write-in candidate, a vote for that person is counted only if the voter writes that person's name in the appropriate place on the ballot and also designates the office sought and position number or political party, if applicable.

Statutes are in conflict as to whether a person who files a declaration of candidacy as a write-in candidate must pay the normal filing fee for the office that is sought.

Write-in votes are counted separately from votes and need not be tallied if, assuming all of the write-in votes were cast for the same person, the write-in votes could not have altered the outcome of the primary or general election.

Summary of Substitute Bill:

A variety of changes are made relating to write-in voting.

If an optical scan system of voting is used, a voter desiring to cast a write-in vote must complete the proper mark next to the write-in line for that office.

It is clarified that a person who files a declaration of candidacy as a write-in candidate must pay the regular filing fee for the office.

The number of write-in votes cast for each office must be recorded and reported with the canvas of the election.

In the case of offices where the district encompasses more than a single county, write-in votes for an individual candidate must be tallied if the Secretary of State, or another auditor in multi-county districts, notifies the county auditor that it appears the write-in votes could alter the outcome of the primary or general election.

In the case of offices where the district encompasses more than a single county, the auditor must tally the write-in votes cast for an office if the total number of write-in votes cast for that office is greater than the number of votes cast for a candidate apparently nominated or elected, and the auditor must notify the Secretary of State and other county auditors that the write-in votes should be tallied.

Substitute Bill Compared to Original Bill: A technical correction was made changing the word "qualified" to "nominated."

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 solves small problems in election laws.

Testimony Against: None.

Testified: Representative D. Schmidt, prime sponsor; David Elliott, Office of the Secretary of State; and Bob Terwilliger, Snohomish County Auditor.