

# HOUSE BILL REPORT

## HJR 4206

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### As Amended by the Senate

**Brief Description:** Amending the Constitution to provide for vacancies that occur after the general election.

**Sponsors:** By Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove.

**Brief History:**

**Committee Activity:**

State Government: 2/20/03, 2/21/03 [DP].

**Floor Activity:**

Passed House: 3/11/03, 93-0.

Senate Amended.

Passed Senate: 4/17/03, 46-0.

### Brief Summary of Bill

- Amends the State Constitution to allow candidates who have been elected for a legislative or partisan county office to take office immediately upon certification of the election results if the office is vacated anytime between the general election and the start of the next term.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

**Staff:** Katie Blinn (786-7114).

**Background:**

If a legislative or partisan county office is vacated, the county legislative body must appoint someone to serve until the successor is elected at the next general election. Once the election results are certified, the successor must take office immediately.

If the office is vacated in a year that it would not otherwise appear on the ballot, it must

be vacated at least six weeks before the primary in order for the successor to be elected at the general election. If the office is vacated in a year that it would not otherwise appear on the ballot anytime after the sixth week before the primary election, the appointee serves until the successor is elected at the general election the following year. If the office is vacated in a year that it is already on the ballot anytime after the sixth week before the primary election, the appointee serves until the successor is elected and certified.

Amendments to the State Constitution require a two-thirds majority approval in the Legislature and simple majority approval by the people at the following general election.

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**Summary of Bill:**

If a vacancy occurs in a legislative or partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the successor may take office immediately after the election results are certified. The successor does not have to be appointed by the county legislative body.

If the joint resolution is approved by the Legislature, the constitutional amendment will be placed on the November general election ballot for approval by the people.

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment limits the effect of the bill to circumstances where the elected candidate is of the same party as the vacating incumbent. If the successor is of a different party than the incumbent, the post-general election vacancy must be filled through the appointment process.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Testimony For:** The bill is about government efficiency and about implementing the will of the people immediately. This is a simple bill that fills a gap in election statutes. Currently, if a vacancy occurs after the general election, a successor must be appointed to serve out the remainder of the term. Vacancies can be caused by illness, retirement, election to other offices, or other reasons. Such an appointment must be approved by many levels of party officials before it can be approved by the county council or county commissioners. The appointment process is made more difficult and time-consuming by the fact that people are busy with the Thanksgiving, Christmas, Hanukkah, and New Year's holidays. The bill allows the person who was just duly elected to the office to take office immediately if the seat is vacated anytime between the general election and the

start of the new term. The bill allows the will of the people to be implemented more efficiently and quickly, and to ensure that the legislative or county district is continuously represented. The legislative December Committee Assembly occurs during this time period. Anything we can do to clarify and simplify procedures for a new public official would be helpful for both the official and his or her constituents.

**Testimony Against:** None.

**Testified:** Representative Hudgins, prime sponsor.