
HOUSE BILL 1001

State of Washington 59th Legislature 2005 Regular Session

By Representatives Hinkle and Campbell

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Committee on State Government Operations & Accountability.

1 AN ACT Relating to the election of judges and the state
2 superintendent of public instruction; amending RCW 29A.24.181,
3 29A.24.191, and 29A.36.171; and providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to
6 read as follows:

7 Filings for a nonpartisan office (other than judge of the supreme
8 court or superintendent of public instruction) shall be reopened for a
9 period of three normal business days, such three-day period to be fixed
10 by the election officer with whom such declarations of candidacy are
11 filed and notice thereof given by notifying press, radio, and
12 television in the county and by such other means as may now or
13 hereafter be provided by law, when:

14 (1) A void in candidacy for such nonpartisan office occurs on or
15 after the sixth Tuesday prior to a primary but prior to the sixth
16 Tuesday before an election; or

17 (2) ~~((A nominee for judge of the superior court eligible after a~~
18 ~~contested primary for a certificate of election by Article 4, section~~

1 ~~29, Amendment 41 of the state Constitution, dies or is disqualified~~
2 ~~within the ten day period immediately following the last day allotted~~
3 ~~for a candidate to withdraw; or~~

4 ~~(3))~~) A vacancy occurs in any nonpartisan office on or after the
5 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
6 an election leaving an unexpired term to be filled by an election for
7 which filings have not been held.

8 The candidate receiving a plurality of the votes cast for that
9 office in the general election shall be deemed elected.

10 **Sec. 2.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to
11 read as follows:

12 A scheduled election shall be lapsed, the office deemed stricken
13 from the ballot, no purported write-in votes counted, and no candidate
14 certified as elected, when:

15 (1) In an election for judge of the supreme court or superintendent
16 of public instruction, a void in candidacy occurs on or after the sixth
17 Tuesday prior to a primary, public filings and the primary being an
18 indispensable phase of the election process for such offices;

19 ~~(2) ((Except as otherwise specified in RCW 29A.24.181, a nominee~~
20 ~~for judge of the superior court entitled to a certificate of election~~
21 ~~pursuant to Article 4, section 29, Amendment 41 of the state~~
22 ~~Constitution dies or is disqualified on or after the sixth Tuesday~~
23 ~~prior to a primary;~~

24 ~~(3))~~) In other elections for nonpartisan office a void in candidacy
25 occurs or a vacancy occurs involving an unexpired term to be filled on
26 or after the sixth Tuesday prior to an election.

27 **Sec. 3.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to
28 read as follows:

29 ~~((1))~~) Except as provided in RCW 29A.36.180 ~~((and in subsection~~
30 ~~(2) of this section))~~, on the ballot at the general election for a
31 nonpartisan office for which a primary was held, only the names of the
32 candidate who received the greatest number of votes and the candidate
33 who received the next greatest number of votes for that office shall
34 appear under the title of that office, and the names shall appear in
35 that order. If a primary was conducted, no candidate's name may be
36 printed on the subsequent general election ballot unless he or she

1 receives at least one percent of the total votes cast for that office
2 at the preceding primary. On the ballot at the general election for
3 any other nonpartisan office for which no primary was held, the names
4 of the candidates shall be listed in the order determined under RCW
5 29A.36.131.

6 ~~((2) On the ballot at the general election for the office of
7 justice of the supreme court, judge of the court of appeals, judge of
8 the superior court, judge of the district court, or state
9 superintendent of public instruction, if a candidate in a contested
10 primary receives a majority of all the votes cast for that office or
11 position, only the name of that candidate may be printed under the
12 title of the office for that position.))~~

13 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2006, if
14 the proposed amendment to Article IV, section 29 of the state
15 Constitution (HJR) is validly submitted to and is approved and
16 ratified by the voters at a general election held in November 2005. If
17 the proposed amendment is not approved and ratified, this act is void
18 in its entirety.

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