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HOUSE BILL 2518

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Nixon, Dunn, Rodne and Talcott

Read first time 01/10/2006.                      Referred to Committee on State Government Operations & Accountability.

1            AN ACT Relating to providing for a special election if an election  
2 is declared void; amending RCW 29A.68.110; and adding a new section to  
3 chapter 29A.68 RCW.

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

5            **Sec. 1.** RCW 29A.68.110 and 2003 c 111 s 1711 are each amended to  
6 read as follows:

7            ~~((No))~~ An election ~~((may))~~ must be set aside on account of illegal  
8 votes ~~((, unless it appears that an amount))~~ if the number of illegal  
9 votes ~~((has been given to))~~ exceeds the margin of victory of the person  
10 whose right is being contested ~~((, that, if taken from that person,~~  
11 ~~would reduce the number of the person's legal votes below the number of~~  
12 ~~votes given to some other person for the same office, after deducting~~  
13 ~~therefrom the illegal votes that may be shown to have been given to the~~  
14 ~~other person))~~.

15            NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.68 RCW  
16 to read as follows:

17            (1) If an election is rendered void under RCW 29A.68.120, a special  
18 election must be held between the candidates who were on the ballot for

1 that election. The special election must be held on a date provided  
2 for in RCW 29A.04.321 as determined by the official empowered by state  
3 law to issue the original certificate of election.

4 (2)(a) If the election rendered void is a general election and the  
5 special election cannot be held before the beginning of the term of the  
6 contested office, the office must be temporarily filled until the  
7 special election is held and the results are certified. The office  
8 will be filled according to RCW 29A.60.221 with the top two vote  
9 getters, without regard to illegal votes, participating in the lot  
10 procedure as if they had tied in the election.

11 (b) If the election rendered void is a primary election, the  
12 candidate to be declared nominated and placed on the general election  
13 ballot will be determined according to RCW 29A.60.221 with the top two  
14 vote getters, without regard to illegal votes, participating in the lot  
15 procedure as if they had tied in the election.

16 (3) If a candidate in the void election has been found by the  
17 superior court to have participated in improper conduct or the  
18 procurement of illegal votes, he or she may not be put on the ballot  
19 for the special election under subsection (1) of this section and may  
20 not participate in the lot procedure under subsection (2) of this  
21 section.

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