

# HOUSE BILL REPORT

## HB 1474

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### As Passed Legislature

**Title:** An act relating to giving general election voters the power to choose between the top two candidates for nonpartisan offices.

**Brief Description:** Giving general election voters the power to choose between the top two candidates for nonpartisan offices.

**Sponsors:** Representatives Pedersen, Rodne, Goodman, Buys, Hunt, Hunter, Hudgins, Carlyle, Fey and Pollet.

#### **Brief History:**

##### **Committee Activity:**

Government Operations & Elections: 2/13/13, 2/19/13 [DP].

##### **Floor Activity:**

Passed House: 3/7/13, 97-0.

Senate Amended.

Passed Senate: 4/17/13, 37-9.

House Concurred.

Passed House: 4/22/13, 95-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Requires that the names of the two candidates who receive the most votes in races for the office of justice of the Washington Supreme Court, judge of the court of appeals, judge of the superior court, and the Superintendent of Public Instruction appear on the general election ballot.

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### HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass. Signed by 10 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller and Orwall.

**Minority Report:** Do not pass. Signed by 1 member: Representative Van De Wege.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Marsha Reilly (786-7135).

**Background:**

Election law stipulates that the two candidates who receive the most votes in the primary shall advance to the general election. An exception exists for the offices of justice of the Washington Supreme Court, judge of the court of appeals, judge of the superior court, and the Superintendent of Public Instruction (Superintendent). In those races, if a candidate receives a majority of the votes in the primary, only his or her name may appear on the general election ballot. The effect of this provision is that, in many cases, those offices are essentially elected at the primary.

**Summary of Bill:**

The provision of law that allows only the name of a candidate for judicial or Superintendent office who receives a majority of votes in the primary to appear on the general election ballot is removed. The names of the two candidates who receive the most votes in the primary for these offices must appear on the general election ballot.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill arises out of frustration as a voter that our judges are not subject to the same qualifying rules as other offices. Judges should be elected by the largest number of people participating in an election. Primaries generally have half the number of participants than the general election. The larger pool of voters should be the ones who vote for those candidates. The Secretary of State supports the bill. In Washington, we elect our judges. Not all states have this system of selecting judges. There is a huge difference in turnout in a primary as opposed to a general election. Deciding the outcome of a judicial election is a very important decision, and more people should be making that decision.

(Opposed) While more people vote in the general election, this is a dramatic departure from how this has been done in the past. Judges have been treated differently because of the money involved. Judges do not have constituents, and judicial elections are underfunded. It is difficult to raise money. The lower court judges lose time away from the bench. In bigger counties, a judge must cover a lot of ground and there is no money for replacement judges. Judges running elections get distracted. The general election ballots will be longer: 20 more races in King County. The longer ballot also will cause a drop off in votes because judicial races are at the end of the ballot.

**Persons Testifying:** (In support) Representative Pedersen, prime sponsor; and Katie Blinn, Office of the Secretary of State.

(Opposed) Susan Owens, Board for Judicial Administration.

**Persons Signed In To Testify But Not Testifying:** None.