

HOUSE BILL REPORT

HB 1635

As Reported by House Committee On:
State Government

Title: An act relating to write-in candidates and votes.

Brief Description: Concerning write-in candidates and votes.

Sponsors: Representatives S. Hunt and Appleton; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/27/15, 2/11/15 [DPS].

Brief Summary of Substitute Bill

- Invalidates write-in votes for any person who has not filed a declaration of candidacy.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Appleton, Gregory and Hawkins.

Minority Report: Do not pass. Signed by 2 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member.

Staff: Sean Flynn (786-7124).

Background:

Candidacy Declarations.

Any candidate for elected office who wants his or her name printed on an election ballot must file a declaration of candidacy. The declaration must be filed within the week that is two weeks before Memorial Day. A candidate may not file for more than one position. Candidates must pay a filing fee to submit a declaration of candidacy. The filing fee is the equivalent of 1 percent of the annual salary of the office that the candidate is seeking.

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.

Write-In Candidates.

A candidate who has not submitted a declaration of candidacy within the filing period may still file a declaration of candidacy as a write-in candidate for elected office. The write-in declaration deadline is 18 days before the election, the day that ballots must be mailed.

Write-in candidates must pay the same filing fee as a regular candidate for office.

A person may not file as a write-in candidate for a general election if that person filed as a write-in for the same position at the preceding primary, or his or her name appeared on the primary ballot for that position. A person also may not file a write-in declaration if that person already filed a declaration for the same election or primary, or if his or her name appears on the ballot for another position.

The number of write-in votes must be recorded and reported to the local canvassing board. Write-in votes for an individual candidate are only counted if the total number of write-in votes and undervotes recorded for that office are greater than the number of votes cast for the elected candidate or for the candidate who qualifies to appear on the general election ballot. A candidate who otherwise qualifies must receive at least 1 percent of the total votes cast in a primary in order to appear on the general election ballot.

A write-in vote in a general election for a person who has not filed a write-in declaration is invalid if that person filed as a candidate for the same office in the preceding primary. Write-in votes for undeclared candidates must clearly designate the office and position number of the candidate in order to be counted.

Summary of Substitute Bill:

Write-in votes are invalid for a person who has not filed a declaration as a regular or write-in candidate. A candidate can declare up to the day before the primary or election. The filing fee for write-in candidates is not required; however, a successful candidate must pay the filing fee by the date of certification of the primary in order to appear on the general election ballot.

In order to qualify to appear on the general election ballot, a candidate must receive 4 percent of the total votes cast in the primary. Except, in a statewide primary, or a countywide primary in a county over 430,000, a candidate must receive 2 percent of the total votes cast.

Substitute Bill Compared to Original Bill:

The substitute: allows write-in candidates to declare up to the day before the primary or election; waives the filing fee, but requires payment if the candidate qualifies for the general election; and requires primary candidates to receive 4 percent of the primary votes, or 2 percent in a statewide or large county, in order to appear on the general election ballot.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) When only one candidate is on the ballot, voters can feel obligated to write in the name of another candidate. There can be thousands of write-in names in a single candidate race, including names of people who have no intention of running for office. In 2014 there were five write-in candidates who qualified for the general election, but had not declared to run and had no intention of running. In some circumstances, the write-in candidates can be elected officials who are barred from running for another position. Also, it is hard to determine the intent of a voter who votes for a write-in candidate where there are two or more people with the same name, and neither has declared their candidacy.

Eliminating the filing fee would encourage less serious candidates to declare because there is no investment required to declare. The 1 percent threshold is sufficient to keep out non-serious candidates. Obtaining 5 percent is a huge obstacle for a write-in candidate, and would be prohibitive for most people from ever making onto a primary ballot. Making canvassers count write-in votes up to 5 percent would create more work for the county auditors, who otherwise could stop counting when the 1 percent threshold is reached.

(Opposed) None.

Persons Testifying: Toni McKinley-Camp and Sheryl Moss, Office of the Secretary of State; and Monty Cobb, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.