

SENATE BILL REPORT

HB 2624

As Reported by Senate Committee On:
Government Operations & Security, February 22, 2016

Title: An act relating to election errors involving measures.

Brief Description: Concerning election errors involving measures.

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

Brief History: Passed House: 2/17/16, 98-0.

Committee Activity: Government Operations & Security: 2/22/16, 2/22/16 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Habib, McCoy and Takko.

Staff: Alex Kearns (786-7416)

Background: When a candidate is declared elected to office, a registered voter may challenge the candidate's right to assume office for certain causes, such as election error, misconduct, ineligibility, or the occurrence of illegal voting. In the event of an error, the voter must file an affidavit with the appropriate court within a specified time frame. The court may either dismiss the challenge for insufficient cause or pronounce judgment confirming or setting aside the election. If the court determines that the candidate initially declared elected does not have the highest number of legal votes, the court must declare the candidate with the highest number of legal votes duly elected. If the court sets aside the election of a candidate, and no appeal occurs within 10 days, the election of that candidate is void.

No election may be set aside due to improper conduct by a county canvassing board or its members, unless the conduct caused a candidate to be declared duly elected without receiving the highest number of legal votes. No election may be set aside due to illegal votes, unless removing the illegal votes from both candidates causes the winning candidate to have less legal votes than the losing candidate.

Summary of Bill: Voters may challenge the certification of an election result on any measure. These challenges will take place in the same manner as challenges to a candidate's

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right to assume office. If a court finds that the election results for a measure are reversed, the court must declare a change in result. If the court sets aside an election on a measure, and no appeal occurs within 10 days, the outcome of the challenged measure is void. The requirements for having an election on a measure set aside in the case of county canvassing board misconduct or illegal votes are the same as the requirements for setting aside elections for candidates.

A voter may also challenge the right of a candidate to appear on the general election ballot after a primary.

The timing requirements for when affidavits must be filed are reorganized.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a simple bill that gives people the right to challenge a ballot measure the same way they challenge the results of a candidate measure. It was requested by the Secretary of State and it provides good continuity for all measures on the ballot. This is almost a technical cleanup bill, as courts are already doing this in the absence of legislation. When a measure is contested the court generally follows the same process as when a candidate's election is contested. This bill just specifically lays that out in law. In two counties in the last year there were small goof-ups in the elections management. One involved a notice that was not published in the newspaper. A judge needed to weigh the issue to decide if the election could proceed.

Persons Testifying: PRO: Representative Hunt, Prime Sponsor; David Elliott, Legislative Policy Director, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.