

HOUSE BILL REPORT

SB 6058

As Passed House - Amended:
March 1, 2018

Title: An act relating to write-in voting.

Brief Description: Modifying write-in voting provisions.

Sponsors: Senators Hunt, Zeiger and Kuderer.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/20/18, 2/21/18 [DPA].

Floor Activity:

Passed House - Amended: 3/1/18, 79-18.

**Brief Summary of Bill
(As Amended by House)**

- Requires write-in candidates to file declarations of candidacy by 8:00 p.m. on the day of the election.
- Modifies the filing fee for write-in candidates depending on when the candidate files their declaration.
- Modifies the process for counting write-in votes.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hudgins, Chair; Dolan, Vice Chair; McDonald, Ranking Minority Member; Appleton, Gregerson, Irwin, Johnson and Pellicciotti.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft, Assistant Ranking Minority Member.

Staff: Desiree Omli (786-7105).

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.

Background:

Declaration for Write-In Candidates.

Any person may file for an office as a write-in candidate after the closing of the filing period for elective offices. Write-in candidates may, but are not required to, file a declaration of write-in candidacy for the office up to 18 days before the election. A person may not file as a write-in candidate under the following conditions:

- at a general election, the person attempting to file has filed as a write-in candidate for the same office or the person's name appeared on the ballot for the same office at the preceding primary;
- the person attempting to file has already filed a valid write-in declaration for that primary or election;
- the name of the person attempting to file already appears on the ballot as a candidate for another office, other than precinct committee officer or a temporary elected position; or
- the office filed for is precinct committee officer.

Write-in votes cast for write-in candidates who filed a declaration of candidacy need to only specify the name of the candidate in the appropriate location on the ballot. Write-in votes for other candidates must designate the office sought and position number, if the manner in which the write-in is done does not make the office or position clear.

A declaration for write-in candidates must be accompanied by the filing fee for that office. The filing fee is either 1 percent of the annual salary for the office sought for any office with a fixed annual salary of more than \$1,000, or \$10 for any office with an annual salary of \$1,000 or less. No filing fee is required for an office compensated on a per-diem or per-meeting-attended basis.

Counting Write-In Votes.

No write-in vote may be rejected due to a variation in the name if the canvassing board can determine the voter's intent. Write-in votes cast for an individual candidate for an office whose name does not already appear on the ballot is not tabulated unless the total number of votes and undervotes for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the ballot or elected. Rules promulgated by the Secretary of State further specify that where there is only one candidate on the ballot in a primary, individual tallies for write-in candidates are required if the number of write-ins is greater than 1 percent of the total votes cast for that office.

Write-in votes for an individual candidate whose name is already printed on the ballot for that same office are not tabulated unless the difference between the number of votes cast for the candidate apparently qualified to appear on the ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the number of write-in votes cast for the office plus overvotes and undervotes, or a manual recount is conducted for that office.

Write-in votes for candidates for a statewide office or any office whose jurisdiction encompasses more than one county, that are not already required to be tabulated, may be tabulated at the discretion of the county auditor. Any abstract of votes must be modified to

reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount.

Summary of Amended Bill:

Declaration of Write-In Candidacy.

All write-in candidates are required to file a declaration of candidacy by 8:00 p.m. the night of the election. Any person who files a declaration of write-in candidacy more than 18 days before a primary or general election is not required to pay a filing fee. A person who files a declaration of write-in candidacy 18 or fewer days before a primary or general election must pay a filing fee of 1 percent of the office's annual salary if the annual salary is greater than \$1,000, or a \$25 filing fee if the annual salary is \$1,000 or less.

Counting Write-In Votes.

Provisions relating to tabulation of votes for write-in candidates are modified. Votes may not be counted for an individual write-in candidate who has not filed a declaration of write-in candidacy. Votes must be individually tallied for write-in candidates who filed a declaration of candidacy, under the following conditions:

- in a primary, if the name of only a single candidate appears on the ballot for an office, and the total number of write-in votes cast for that office exceeds 1 percent of the total number of votes cast for that office;
- in a primary, if two or more candidates appear on the ballot for an office and the total number of write-in votes cast for that office exceeds the number of votes cast for the candidate with the second highest number of votes; and
- in a general election, if the total number of write-in votes cast for an office exceeds the number of votes cast for the candidate apparently elected to that office.

No write-in vote for a declared write-in candidate may be rejected due to a variation in the name if the canvassing board can determine the voter's intent. For write-in candidates for a statewide office, the requirement to modify the abstract of votes to reflect the tabulation of write-in ballots is removed, and the county canvassing board must instead certify write-in votes. Additionally, tabulation of write-in votes may no longer be performed simultaneously with a recount.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) This bill requires those who want to run a write-in campaign to file a declaration of candidacy. It also removes the filing fee for those who file more than 18 days leading up to the election, and then filing fees would be due after that. Requiring a declaration gives certainty about a person's address and how to spell their name. It avoids counting votes for people who do not intend to run, which can be costly for local jurisdictions; this occurred in

Adams county. There was also another incident where a father and son had the same name and lived together, and there was a question about who received the votes. A filed declaration would avoid this confusion. The auditors are not in favor of the 8:00 p.m. deadline but were being responsive to policy makers. In counties where ballots are processed before the 18 days leading up to the election, election administrators will have to go back and review those ballots if there were subsequent declarations filed, but auditors are willing to do this. This bill does not exclude someone from running a write-in campaign. It provides accountability to ensure that a write-in candidate is serious and will accept the job if elected.

(Opposed) None.

Persons Testifying: Senator Hunt, prime sponsor; and Julie Anderson, Pierce County Auditor's Office.

Persons Signed In To Testify But Not Testifying: None.