

SENATE BILL REPORT

SB 6058

As Amended by House, 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, Tribal Relations & Elections: 1/12/18, 1/19/18
[DP, w/oRec].

Floor Activity:

Passed Senate: 2/13/18, 46-1.

Passed House: 3/01/18, 79-18.

Brief Summary of Bill

- Requires write-in candidates to file declarations of candidacy to be eligible to have votes for the candidate tabulated.
- Eliminates filing fee for write-in candidates who declare candidacy at least 18 days before the election.
- Requires write-in candidates for offices with annual salaries of less than \$1,000 to pay a \$25 filing fee if declaring candidacy within 18 days of the election.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Saldaña and Zeiger.

Minority Report: That it be referred without recommendation.

Signed by Senator Miloscia, Ranking Member.

Staff: Samuel Brown (786-7470)

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: Write-In Candidacies. 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 declaration of write-in candidacy must be accompanied by the filing fee for the office—1 percent of the annual salary for the office sought, 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 basis.

A person may not file as a write-in candidate under the following conditions:

- 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
- the office filed for is committee precinct officer.

Counting Write-In Votes. The number of write-in votes cast for each office must be recorded and reported with the canvass for the election. A write-in vote for an individual candidate is not tabulated unless:

- the difference between the number of votes cast for the two candidates receiving the most votes and the write-in candidate is less than the total number of write-in votes for the office; or
- a manual recount is conducted for that office.

Summary of Bill: Counting Write-In Votes. Votes may not be counted or individually tallied for an individual write-in candidate who has not filed a declaration of write-in candidacy, accompanied by the appropriate filing fee, by 8:00 p.m. the night of the election.

Declaration of Write-In Candidacy. 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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This is aimed at making sure votes for Mickey Mouse or Donald Duck do not have to be tallied, while legitimate write-in candidates have access to the ballot. This will solve election administration problems. The requirement that contact information must be provided for a declaration be filed, removes confusion arising from common names, and eliminates someone getting enough votes and not wanting to be a

write-in candidate. The bill places a very reasonable burden on a person who would like to serve in elected office.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Greg Kimsey, Auditor, Washington Association of County Auditors & Washington Association of County Officials; Julie Anderson, Auditor, Washington Association of County Auditors & Washington Association of County Officials.

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

EFFECT OF HOUSE AMENDMENT(S): Restores provision in current law that a ballot is invalid and may not be counted if found folded together with another ballot.