

Top 2 Primary Advisory 06: Superior Court Judges July 11, 2008

All superior court judge positions are up for election in 2008. The administration of judicial elections, especially superior court judges, is a complex undertaking. Specific requirements for superior court judges are based on the number of candidates filing and the size of the county.

If only one candidate files:

- For counties with a population of over 100,000, no election—primary or general—is held for these candidates. A certificate of election is issued after candidate filing is concluded. (Article IV, Sec. 29 of the Constitution)
- For counties with a population under 100,000, the candidate appears in both the primary and general election ballots. (The state constitution provides exemptions for single candidates in counties over 100,000 and multi-candidate races where a single candidate receives a majority. There are no exemptions for single candidate races in a smaller county. As a result, the race appears in both the primary and general elections.)

If two or more candidates file:

For all counties, the position appears on the primary ballot.

For the general election ballot the following applies:

- If a single candidate receives a majority in the primary, the candidate is considered elected and does not appear on the general election ballot. (RCW 29A.36.171 (2) and Art IV, Sec 29 read together)
Note: The position will continue to the general election if a write-in candidate files in accordance with Article IV, Sec. 29 of the Constitution.
- If a single candidate does not receive a majority, the two candidates with the most votes go on to the general election. (RCW 29A.36.171 (1))
- Every candidate advancing to the general election ballot must also have received at least 1% of the total votes cast for that race in the primary. (RCW 29A.36.171 (1))

To determine if a candidate receives 1% of the “total number of votes cast for all candidates for that office...” add all votes cast for candidates and the number of write-in votes together. Undervotes and overvotes are not considered votes for a candidate. Take 1% of the total. (RCW 29A.36.191)

To determine if write-ins need to be tabulated, add the number of undervotes, overvotes, and write-ins. If this total equals or exceeds the number of votes required to go onto the general, the individual write-in votes must be tabulated. When tabulating write-in votes, overvotes and undervotes must be examined to verify a valid write-in vote has not been overlooked. This will be especially important for single candidate races.

Recently, questions have been asked about the definition of “majority.” A majority is more than 50% of the total votes cast or a minimum of 50% plus one vote. Simply receiving the most votes in a multi-candidate race is a plurality, not a majority. (Again, total votes cast include the number of write-in votes.)

As always, we encourage you to use the attached judge reference sheet. You may also find this document at:

http://www.secstate.wa.gov/elections/pdf/2006/Judicial_Offices_Appearing_on_the_Ballot.pdf

Please contact the Certification and Training Program at (360) 902-4165 if you have any questions.