
HOUSE BILL 1762

State of Washington

55th Legislature

1997 Regular Session

By Representatives D. Schmidt, Scott, D. Sommers, Gardner, Dunn, Wolfe, Dunshee, Wensman, Smith, Doumit, Murray, Reams, Sheahan, Koster, Talcott, H. Sommers, Ogden, Sehlin, Bush, Benson, O'Brien, Backlund, Kastama, Anderson, Cody, Boldt, McDonald, Pennington, Johnson, Sterk, Fisher, Chandler, Radcliff, Linville, Blalock, Parlette, Huff, Gombosky, Mastin, Butler, Cairnes, Mulliken, Voloria, Carlson, Van Luven, Carrell, McMorris, Lambert, Cooper, Cole, Dickerson, Kessler, Hatfield, Sheldon, Dyer, Thompson, Mason, Constantine, Costa and Kenney

Read first time 02/07/97. Referred to Committee on Government Administration.

1 AN ACT Relating to changing primary dates and associated election
2 procedures; amending RCW 29.13.070, 29.24.020, 29.24.035, 29.15.020,
3 29.15.120, 29.18.150, 29.15.170, and 29.15.190; and providing an
4 effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 29.13.070 and 1977 ex.s. c 361 s 29 are each amended
7 to read as follows:

8 Nominating primaries for general elections to be held in November
9 shall be held at the regular polling places in each precinct on the
10 (~~third~~) second Tuesday of the preceding (~~September or on the seventh~~
11 ~~Tuesday immediately preceding such general election, whichever occurs~~
12 ~~first~~) August.

13 **Sec. 2.** RCW 29.24.020 and 1989 c 215 s 2 are each amended to read
14 as follows:

15 Any nomination of a candidate for partisan public office by other
16 than a major political party shall only be made either: (1) In a
17 convention held not earlier than the (~~last~~) third Saturday in
18 (~~June~~) May and not later than the (~~first~~) fourth Saturday in

1 ((July)) May or during any of the seven days immediately preceding the
2 first day for filing declarations of candidacy as fixed in accordance
3 with RCW 29.68.080; or (2) as provided by RCW ((29.51.170)) 29.62.180.
4 A minor political party may hold more than one convention but in no
5 case shall any such party nominate more than one candidate for any one
6 partisan public office or position. For the purpose of nominating
7 candidates for the offices of president and vice-president, United
8 States senator, or a state-wide office, a minor party or independent
9 candidate holding multiple conventions may add together the number of
10 signatures of different individuals from each convention obtained in
11 support of the candidate or candidates in order to obtain the number
12 required by RCW 29.24.030. For all other offices for which nominations
13 are made, signatures of the requisite number of registered voters must
14 be obtained at a single convention.

15 **Sec. 3.** RCW 29.24.035 and 1989 c 215 s 5 are each amended to read
16 as follows:

17 A nominating petition submitted under this chapter shall clearly
18 identify the name of the minor party or independent candidate
19 convention as it appears on the certificate of nomination as required
20 by RCW ((29.24.030(3))) 29.24.040(3). The petition shall also contain
21 a statement that the person signing the petition is a registered voter
22 of the state of Washington and shall have a space for the voter to sign
23 his or her name and to print his or her name and address. No person
24 may sign more than one nominating petition under this chapter for an
25 office for a primary or election.

26 **Sec. 4.** RCW 29.15.020 and 1990 c 59 s 81 are each amended to read
27 as follows:

28 (1) Except where otherwise provided by this title, declarations of
29 candidacy for the following offices shall be filed with the filing
30 officer during the regular filing period, which is during regular
31 business hours ((with the filing officer no earlier than)) for five
32 days beginning on the ((fourth)) second Monday in ((July and no later
33 than)) June and ending on the following Friday in the year in which the
34 office is scheduled to be voted upon:

35 ((+1)) (a) Offices that are scheduled to be voted upon for full
36 terms or both full terms and short terms at, or in conjunction with, a
37 state general election; and

1 (~~(2)~~) (b) Offices where a vacancy, other than a short term,
2 exists that has not been filled by election and for which an election
3 to fill the vacancy is required in conjunction with the next state
4 general election.

5 (2) If no eligible person has filed a declaration of candidacy for
6 a nonpartisan office during the regular filing period, the filing
7 officer shall open a special filing period for declarations of
8 candidacy for that office. This special filing period must be held
9 during regular business hours for three consecutive days beginning on
10 the Wednesday after the close of the regular filing period and ending
11 on the following Friday. If no eligible person has filed for the
12 nonpartisan office during this special filing period, the election is
13 lapsed under RCW 29.15.200.

14 (3) If no eligible person has filed a declaration of candidacy as
15 a member of a major political party for a partisan office during the
16 regular filing period, the filing officer shall open a special filing
17 period for declarations of candidacy as a member of that major
18 political party for that office. This special filing period must be
19 held during regular business hours for three consecutive days beginning
20 on the Wednesday after the close of the regular filing period and
21 ending on the following Friday. If no eligible person has filed as a
22 candidate of that major political party for that partisan office during
23 this special filing period, the major political party may select and
24 certify a nominee under RCW 29.18.150.

25 (4) Notice of a special filing period must be given by notifying
26 press, radio, and television in the county and by such other means as
27 provided by law.

28 (5) This section supersedes all other statutes that provide for a
29 different filing period for these offices.

30 **Sec. 5.** RCW 29.15.120 and 1994 c 223 s 6 are each amended to read
31 as follows:

32 A candidate who filed for office during the regular filing period
33 may withdraw his or her declaration of candidacy at any time before the
34 close of regular business hours on the (~~Thursday following~~) Friday
35 after the last day for candidates to file under RCW 29.15.020 by
36 filing, with the officer with whom the declaration of candidacy was
37 filed, a signed request that his or her name not be printed on the
38 ballot. (~~There shall be no withdrawal period for declarations of~~

1 ~~candidacy filed during special filing periods held under this title.))~~
2 The filing officer may permit the withdrawal of a filing for the office
3 of precinct committee officer at the request of the candidate at any
4 time if no absentee ballots have been issued for that office and the
5 general election ballots for that precinct have not been printed. The
6 filing officer may permit the withdrawal of a filing for any elected
7 office of a city, town, or special district at the request of the
8 candidate at any time before a primary if the primary ballots for that
9 city, town, or special district have not been ordered. No filing fee
10 may be refunded to any candidate who withdraws under this section.
11 Notice of the deadline for withdrawal of candidacy and that the filing
12 fee is not refundable shall be given to each candidate at the time he
13 or she files.

14 **Sec. 6.** RCW 29.18.150 and 1990 c 59 s 102 are each amended to read
15 as follows:

16 ~~((Should))~~ If a place on the ticket of a major political party
17 ~~((be))~~ is vacant because no person has filed for nomination as the
18 candidate of that major political party, after the last day allowed for
19 candidates to withdraw as provided by RCW 29.15.120, ~~((and if the~~
20 ~~vacancy is for a state or county office to be voted on solely by the~~
21 ~~electors of a single county,))~~ the county central committee of the
22 major political party may select and certify a candidate to fill the
23 vacancy~~((?))~~ if the vacancy is for ~~((any other))~~ a state or county
24 office to be voted on solely by the voters of a single county, or the
25 state central committee of the major political party may select and
26 certify a candidate to fill the vacancy~~((?))~~ if the vacancy is for any
27 other office.

28 The certificate must set forth the cause of the vacancy, the name
29 of the person nominated, the office for which he or she is nominated,
30 and other pertinent information required in an ordinary certificate of
31 nomination and be filed in the proper office no later than the
32 ~~((first))~~ second Friday after the ~~((last day allowed for candidates to~~
33 ~~withdraw))~~ close of the regular filing period, together with the
34 candidate's fee applicable to that office and a declaration of
35 candidacy.

36 **Sec. 7.** RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each
37 amended to read as follows:

1 Filings for a nonpartisan office shall be reopened after the
2 special filing period for a period of three normal business days, such
3 three-day period to be fixed by the election officer with whom such
4 declarations of candidacy are filed and notice thereof given by
5 notifying press, radio, and television in the county and by such other
6 means as may now or hereafter be provided by law, whenever before the
7 fourth Tuesday prior to a primary:

8 (1) A void in candidacy occurs for an office where one or more
9 eligible persons had filed for the office during the regular or special
10 filing period;

11 (2) A vacancy occurs in any nonpartisan office leaving an unexpired
12 term to be filled by an election for which filings have not been held;
13 or

14 (3) A nominee for judge of the superior court entitled to a
15 certificate of election pursuant to Article 4, section 29, Amendment 41
16 of the state Constitution, dies or is disqualified.

17 Candidacies validly filed within (~~said~~) this three-day period
18 shall appear on the ballot as if made during the earlier regular or
19 special filing period.

20 **Sec. 8.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each
21 amended to read as follows:

22 A scheduled election shall be lapsed, the office deemed stricken
23 from the ballot, no purported write-in votes counted, and no candidate
24 certified as elected, when:

25 (1) In an election for judge of the supreme court or superintendent
26 of public instruction, a void in candidacy (~~occurs~~) exists on or
27 after the fourth Tuesday (~~prior to~~) before a primary, public filings
28 and the primary being an indispensable phase of the election process
29 for such offices;

30 (2) Except as otherwise specified in RCW 29.15.180, (~~as now or~~
31 ~~hereafter amended,~~) a nominee for judge of the superior court entitled
32 to a certificate of election pursuant to Article 4, section 29,
33 Amendment 41 of the state Constitution dies or is disqualified on or
34 after the fourth Tuesday (~~prior to~~) before a primary;

35 (3) In other elections for nonpartisan office a void in candidacy
36 (~~occurs~~) exists or a vacancy occurs involving an unexpired term to be
37 filled on or after the fourth Tuesday (~~prior to~~) before an election.

1 NEW SECTION. **Sec. 9.** This act takes effect January 1, 1998.

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