

# HOUSE BILL REPORT

## HB 1577

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### As Passed Legislature

**Title:** An act relating to candidates for elected office.

**Brief Description:** Clarifying standards for candidates using party designations.

**Sponsors:** By Representatives D. Schmidt and Romero; by request of Secretary of State.

### Brief History:

#### Committee Activity:

State Government: 2/14/01, 2/23/01 [DP].

#### Floor Activity:

Passed House: 3/12/01, 95-0.

Passed Senate: 4/4/01, 42-6.

Passed Legislature.

### Brief Summary of Bill

- Clarifies how the names of major party candidates for president and vice-president are placed on the general election ballot.
- Allows minor party and independent conventions to be held in July and August for the sole purpose of nominating candidates for president and vice-president.
- Provides a means to settle disputes to determine which candidate is the nominee of a minor political party when more than one nominating petition have been submitted from that party nominating candidates for the same partisan office.
- Provides a means to determine which party affiliation is noted on the ballot for a candidate who has been nominated by more than one political party or independent convention.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice Chair; Haigh, Lambert, McDermott and D. Schmidt.

**Staff:** Steve Lundin (786-7127).

**Background:**

No laws direct how the names of major party candidates for president and vice-president are placed on the general election ballot.

Statutes describe how minor party candidates and independent candidates, for partisan offices, are placed before voters on the primary ballot and on the general election ballot.

Minor party and independent candidates for all partisan offices must be nominated by a convention. Conventions must be held no earlier than the last Saturday in June and not later than the first Saturday in July and be attended by at least 25 registered voters. A petition nominating candidates for a minor party or as an independent for president and vice-president, or a candidate for the United States Senate or any statewide partisan office, must be signed by at least 200 registered voters of the state. A petition nominating candidates for a minor party or as an independent for any other partisan office must be signed by at least 25 registered voters who are registered to vote in the jurisdiction for which the nomination is made.

A major or minor political party, or an independent candidate convention, that nominates candidates for president and vice-president must also nominate a slate of electors for this state.

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**Summary of Bill:**

It is clarified that a major political party may certify the names of its nominees for president and vice-president.

The Secretary of State shall certify candidates to the ballot for president and vice-president if, at least 50 days before the general election, the candidates have certified to the Secretary of State a slate of presidential electors and the candidates were either: (1) certified by a major political party; or (2) nominated at a minor party or independent convention and a nominating petition with sufficient valid voter signatures was filed nominating the candidates.

A minor party or independent convention to nominate candidates for president and vice-president may be held at the normal convention dates or at a similar convention that is held not earlier than the first Sunday in July and not later than 70 days before the general election. The special convention for a minor party or independent candidate to be nominated to fill a vacancy in a partisan office must be held no later than five days after the close of the special filing period and a certificate of the nomination must be filed no later than three days after the convention. A minor party or independent candidate who

is nominated to fill a vacancy in office will be included on the primary ballot if the ballots are ordered to be printed before this filing deadline and the certificate has not been filed, but the candidate will only appear on the general election ballot if the certificate is timely filed and the candidate otherwise qualifies to appear on the general election ballot.

Provisions are made to resolve conflicting claims of two or more persons to be the nominee of a minor party for the same partisan office if a valid nominating certificate for each of the candidates was filed from the same party. The conflict may be resolved by mutual agreement of the candidates or by the superior court of the county in which the filing officer is located, but the candidates are treated as independent candidates if the conflict is not resolved. The Thurston County Superior Court has jurisdiction if both the Secretary of State and one other filing officer are involved. Principles are provided guiding the superior court in its resolution of the conflict, including the prior use of the name during previous elections by a party led by the same individuals, prior established public use of the name earlier in the same election cycle, nomination of a more complete slate of candidates throughout the state, documented affiliation with a national or statewide party organization, and the earlier date of filing a certificate of nomination.

Provisions are made for designating a single political party for a candidate if the candidate has been nominated by two or more minor political parties or independent conventions or the candidate has filed a declaration of candidacy declaring affiliation with a major political party and also has been nominated by a minor political party or independent convention. The candidate may file written notice with the filing office making the choice within three business days after the close of the filing period. If notice is not made, the filing officer shall give effect to the party designation shown on the first document filed.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** There are problems in existing law. This clears up the problem of deciding which affiliation is used if more than one nominating petition is filed for the same minor party or more than one minor party nominates the same person.

**Testimony Against:** None.

**Testified:** Bill Huennekens, Office of the Secretary of State.