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HOUSE BILL 1230

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State of Washington

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By Representatives Schmidt, McMorris, Miloscia, Dunshee, Pearson, Talcott, Kessler, Pennington, Clements, Ogden, Sump, Linville, Darneille, Wood, Cooper, Gombosky, Skinner and Edmonds

Read first time 01/22/2001. Referred to Committee on State Government.

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, 29.15.190, and 29.15.200; and  
4 providing an 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 statewide 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 an eligible person has not filed a declaration of candidacy  
6 for 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 first Monday after the close of the regular filing period and  
11 ending on the following Wednesday. If an eligible person has not filed  
12 for the nonpartisan office during this special filing period, the  
13 election is lapsed under RCW 29.15.200.

14       (3) If an eligible person has not filed a declaration of candidacy  
15 as 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 first Monday after the close of the regular filing period and  
21 ending on the following Wednesday. If an eligible person has not filed  
22 as a candidate of that major political party for that partisan office  
23 during this special filing period, the major political party may select  
24 and 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~~) the last  
35 day (~~for candidates to file~~) of the special filing period under RCW  
36 29.15.020 by filing, with the officer with whom the declaration of  
37 candidacy was filed, a signed request that his or her name not be  
38 printed on the ballot. (~~There shall be no withdrawal period for~~

1 ~~declarations of candidacy filed during special filing periods held~~  
2 ~~under this title.))~~ The filing officer may permit the withdrawal of a  
3 filing for the office of precinct committee officer at the request of  
4 the candidate at any time if no absentee ballots have been issued for  
5 that office and the general election ballots for that precinct have not  
6 been printed. The filing officer may permit the withdrawal of a filing  
7 for any elected office of a city, town, or special district at the  
8 request of the candidate at any time before a primary if the primary  
9 ballots for that city, town, or special district have not been ordered.  
10 No filing fee may be refunded to any candidate who withdraws under this  
11 section. Notice of the deadline for withdrawal of candidacy and that  
12 the filing fee is not refundable shall be given to each candidate at  
13 the time he 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 first  
32 Friday after the ~~((last day allowed for candidates to withdraw))~~ close  
33 of the regular filing period, together with the candidate's fee  
34 applicable to that office and a declaration of candidacy.

35 **Sec. 7.** RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each  
36 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       **Sec. 9.** RCW 29.15.200 and 1994 c 223 s 8 are each amended to read  
2 as follows:

3       If after ~~((both the normal))~~ the regular filing period ~~((and)),~~  
4 special filing period, and an additional three-day filing period ~~((as))~~  
5 provided by RCW 29.15.170 and 29.15.180 have passed, no candidate has  
6 filed for any single city, town, or district position to be filled, the  
7 election for ~~((such))~~ that position shall be deemed lapsed, the office  
8 deemed stricken from the ballot and no write-in votes counted. In such  
9 instance, the incumbent occupying such position shall remain in office  
10 and continue to serve until a successor is elected at the next election  
11 when such positions are voted upon.

12       NEW SECTION.   **Sec. 10.** This act takes effect January 1, 2002.

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