

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1577

57th Legislature  
2001 Regular Legislative Session

Passed by the House March 12, 2001  
Yeas 95 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 4, 2001  
Yeas 42 Nays 6

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1577** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1577

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Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

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

Read first time 01/30/2001. Referred to Committee on State Government.

1 AN ACT Relating to candidates for elected office; amending RCW  
2 29.24.020, 29.24.035, and 29.30.020; adding a new section to chapter  
3 29.27 RCW; and adding a new section to chapter 29.24 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.27 RCW  
6 to read as follows:

7 In a year in which the president and vice-president of the United  
8 States are to be elected, the secretary of state shall include in the  
9 certification prepared under RCW 29.27.050 the names of all candidates  
10 for president and vice-president who, at least fifty days before the  
11 general election, have certified a slate of electors to the secretary  
12 of state under RCW 29.71.020 and have been nominated either (1) by a  
13 major political party, as certified by the appropriate authority under  
14 party rules, or (2) by a minor party or as independent candidates under  
15 chapter 29.24 RCW. Major or minor political parties or independent  
16 presidential candidates may substitute a different candidate for vice-  
17 president for the one whose name appears on the party's certification  
18 or nominating petition at any time before forty-five days before the  
19 general election, by certifying the change to the secretary of state.

1 Substitutions must not be permitted to delay the printing of either  
2 ballots or a voters' pamphlet. Substitutions are valid only if  
3 submitted under oath and signed by the same individual who originally  
4 certified the nomination, or his or her documented successor, and only  
5 if the substitute candidate consents in writing.

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

8 (1) Any nomination of a candidate for partisan public office by  
9 other than a major political party (~~shall only be made either: (1)~~)  
10 may be made only: (a) In a convention held not earlier than the last  
11 Saturday in June and not later than the first Saturday in July or  
12 during any of the seven days immediately preceding the first day for  
13 filing declarations of candidacy as fixed in accordance with RCW  
14 29.68.080; (~~or (2)~~) (b) as provided by RCW (~~29.51.170~~) 29.62.180;  
15 or (c) as otherwise provided in this section.

16 (2) Nominations of candidates for president and vice-president of  
17 the United States other than by a major political party may be made  
18 either at a convention conducted under subsection (1) of this section,  
19 or at a similar convention taking place not earlier than the first  
20 Sunday in July and not later than seventy days before the general  
21 election. Conventions held during this time period may not nominate  
22 candidates for any public office other than president and vice-  
23 president of the United States, except as provided in subsection (3) of  
24 this section.

25 (3) If a special filing period for a partisan office is opened  
26 under RCW 29.15.230, candidates of minor political parties and  
27 independent candidates may file for office during that special filing  
28 period. The names of those candidates may not appear on the ballot  
29 unless they are nominated by convention held no later than five days  
30 after the close of the special filing period and a certificate of  
31 nomination is filed with the filing officer no later than three days  
32 after the convention. The requirements of RCW 29.24.025 do not apply  
33 to such a convention. If primary ballots or a voters' pamphlet are  
34 ordered to be printed before the deadline for submitting the  
35 certificate of nomination and the certificate has not been filed, then  
36 the candidate's name will be included but may not appear on the general  
37 election ballot unless the certificate is timely filed and the  
38 candidate otherwise qualifies to appear on that ballot.

1       (4) A minor political party may hold more than one convention but  
2 in no case shall any such party nominate more than one candidate for  
3 any one partisan public office or position. For the purpose of  
4 nominating candidates for the offices of president and vice-president,  
5 United States senator, or a statewide office, a minor party or  
6 independent candidate holding multiple conventions may add together the  
7 number of signatures of different individuals from each convention  
8 obtained in support of the candidate or candidates in order to obtain  
9 the number required by RCW 29.24.030. For all other offices for which  
10 nominations are made, signatures of the requisite number of registered  
11 voters must be obtained at a single convention.

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

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

23       NEW SECTION. **Sec. 4.** A new section is added to chapter 29.24 RCW  
24 to read as follows:

25       (1) If two or more valid certificates of nomination are filed  
26 purporting to nominate different candidates for the same position using  
27 the same party name, the filing officer must give effect to both  
28 certificates. If conflicting claims to the party name are not resolved  
29 either by mutual agreement or by a judicial determination of the right  
30 to the name, the candidates must be treated as independent candidates.  
31 Disputes over the right to the name must not be permitted to delay the  
32 printing of either ballots or a voters' pamphlet. Other candidates  
33 nominated by the same conventions may continue to use the partisan  
34 affiliation unless a court of competent jurisdiction directs otherwise.

35       (2) A person affected may petition the superior court of the county  
36 in which the filing officer is located for a judicial determination of  
37 the right to the name of a minor political party, either before or

1 after documents are filed with the filing officer. The court shall  
2 resolve the conflict between competing claims to the use of the same  
3 party name according to the following principles: (a) The prior  
4 established public use of the name during previous elections by a party  
5 composed of or led by the same individuals or individuals in documented  
6 succession; (b) prior established public use of the name earlier in the  
7 same election cycle; (c) the nomination of a more complete slate of  
8 candidates for a number of offices or in a number of different regions  
9 of the state; (d) documented affiliation with a national or statewide  
10 party organization with an established use of the name; (e) the first  
11 date of filing of a certificate of nomination; and (f) such other  
12 indicia of an established right to use of the name as the court may  
13 deem relevant. If more than one filing officer is involved, and one of  
14 them is the secretary of state, the petition must be filed in the  
15 superior court for Thurston County. Upon resolving the conflict  
16 between competing claims, the court may also address any ballot  
17 designation for the candidate who does not prevail.

18 **Sec. 5.** RCW 29.30.020 and 1990 c 59 s 11 are each amended to read  
19 as follows:

20 (1) The positions or offices on a primary ballot shall be arranged  
21 in substantially the following order: United States senator; United  
22 States representative; governor; lieutenant governor; secretary of  
23 state; state treasurer; state auditor; attorney general; commissioner  
24 of public lands; superintendent of public instruction; insurance  
25 commissioner; state senator; state representative; county officers;  
26 justices of the supreme court; judges of the court of appeals; judges  
27 of the superior court; and judges of the district court. For all other  
28 jurisdictions on the primary ballot, the offices in each jurisdiction  
29 shall be grouped together and be in the order of the position numbers  
30 assigned to those offices, if any.

31 (2) The order of the positions or offices on an election ballot  
32 shall be substantially the same as on a primary ballot except that the  
33 offices of president and vice-president of the United States shall  
34 precede all other offices on a presidential election ballot. State  
35 ballot issues shall be placed before all offices on an election ballot.  
36 The positions on a ballot to be assigned to ballot measures regarding  
37 local units of government shall be established by the secretary of  
38 state by rule.

1       (3) The political party or independent candidacy of each candidate  
2 for partisan office shall be indicated next to the name of the  
3 candidate on the primary and election ballot. A candidate shall file  
4 a written notice with the filing officer within three business days  
5 after the close of the filing period designating the political party to  
6 be indicated next to the candidate's name on the ballot if either: (a)  
7 The candidate has been nominated by two or more minor political parties  
8 or independent conventions; or (b) the candidate has both filed a  
9 declaration of candidacy declaring an affiliation with a major  
10 political party and been nominated by a minor political party or  
11 independent convention. If no written notice is filed the filing  
12 officer shall give effect to the party designation shown upon the first  
13 document filed. A candidate may be deemed nominated by a minor party  
14 or independent convention only if all documentation required by chapter  
15 29.24 RCW has been timely filed.

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