
SENATE BILL 5141

State of Washington

57th Legislature

2001 Regular Session

By Senators Hale, Patterson, Costa, McCaslin, Haugen, Sheahan, Finkbeiner, Carlson, Hochstatter, Oke, Winsley and Rasmussen

Read first time 01/12/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010,
2 29.21.010, 29.21.015, 29.21.070, and 29.30.025; and adding a new
3 section to chapter 36.28 RCW.

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

5 **Sec. 1.** RCW 29.18.010 and 1990 c 59 s 78 are each amended to read
6 as follows:

7 Candidates for the following offices shall be nominated at partisan
8 primaries held pursuant to the provisions of this chapter:

9 (1) Congressional offices;

10 (2) All state offices except (a) judicial offices and (b) the
11 office of superintendent of public instruction;

12 (3) All county offices except (a) judicial offices, (b) sheriff,
13 except in a county for which the position is declared to be a partisan
14 office by the county's home rule charter, and ~~((b))~~ (c) those offices
15 where a county home rule charter provides otherwise.

16 **Sec. 2.** RCW 29.21.010 and 1990 c 59 s 89 are each amended to read
17 as follows:

1 All city and town primaries shall be nonpartisan. Primaries for
2 special purpose districts, except those districts that require
3 ownership of property within the district as a prerequisite to voting,
4 shall be nonpartisan. Primaries for the office of county sheriff shall
5 be nonpartisan except in a county for which the position is declared
6 to be a partisan office by the county's home rule charter. City, town,
7 county sheriff, and district primaries shall be held as provided in RCW
8 29.13.070.

9 The purpose of this section is to establish the holding of a
10 primary, subject to the exemptions in RCW 29.21.015, as a uniform
11 procedural requirement to the holding of city, town, county sheriff,
12 and district elections. These provisions supersede any and all other
13 statutes, whether general or special in nature, having different
14 election requirements.

15 **Sec. 3.** RCW 29.21.015 and 1998 c 19 s 1 are each amended to read
16 as follows:

17 (1) No primary may be held for any single position in any city,
18 town, district, ((or)) district court, or for the nonpartisan position
19 of county sheriff, as required by RCW 29.21.010, if, after the last day
20 allowed for candidates to withdraw, there are no more than two
21 candidates filed for the position. The county auditor shall, as soon
22 as possible, notify all the candidates so affected that the office for
23 which they filed will not appear on the primary ballot.

24 (2) No primary may be held for the office of commissioner of a park
25 and recreation district or for the office of cemetery district
26 commissioner.

27 (3) Names of candidates for offices that do not appear on the
28 primary ballot shall be printed upon the general election ballot in the
29 manner specified by RCW 29.30.025.

30 **Sec. 4.** RCW 29.21.070 and 1990 c 59 s 91 are each amended to read
31 as follows:

32 The offices of superintendent of public instruction, justice of the
33 supreme court, judge of the court of appeals, judge of the superior
34 court, and judge of the district court shall be nonpartisan and the
35 candidates therefor shall be nominated and elected as such. Except in
36 a county for which the position of sheriff is declared to be a partisan
37 office by the county's home rule charter, the office of county sheriff

1 shall be nonpartisan and the candidates therefor shall be nominated and
2 elected as such.

3 All city, town, and special purpose district elective offices shall
4 be nonpartisan and the candidates therefor shall be nominated and
5 elected as such.

6 **Sec. 5.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
7 as follows:

8 After the close of business on the last day for candidates to file
9 for office, the filing officer shall, from among those filings made in
10 person and by mail, determine by lot the order in which the names of
11 those candidates will appear on all sample and absentee ballots. In
12 the case of candidates for city, town, and district office, and for
13 nonpartisan sheriff, this procedure shall also determine the order for
14 candidate names on the official primary ballot used at the polling
15 place. The determination shall be done publicly and may be witnessed
16 by the media and by any candidate. If no primary is required for any
17 nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall
18 appear on the general election ballot in the order determined by lot.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.28 RCW
20 to read as follows:

21 A vacancy in the office of sheriff shall be filled by appointment
22 of the board of county commissioners.

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