

---

**SENATE BILL 5273**

---

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senators Gardner, McCaslin, Haugen and Winsley

Read first time 01/17/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to election filing dates; and amending RCW  
2 29.15.170, 29.15.180, 29.15.230, and 29.18.160.

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

4 **Sec. 1.** RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each  
5 amended to read as follows:

6 Filings for a nonpartisan office shall be reopened for a period  
7 of three normal business days, such three day period to be fixed  
8 by the election officer with whom such declarations of candidacy  
9 are filed and notice thereof given by notifying press, radio, and  
10 television in the county and by such other means as may now or  
11 hereafter be provided by law whenever before the (~~fourth~~) sixth  
12 Tuesday prior to a primary:

13 (1) A void in candidacy occurs;

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

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

1 Candidacies validly filed within said three-day period shall  
2 appear on the ballot as if made during the earlier filing period.

3 **Sec. 2.** RCW 29.15.180 and 1975-'76 2nd ex.s. c 120 s 11 are each  
4 amended to read as follows:

5 Filings for a nonpartisan office (other than judge of the  
6 supreme court or superintendent of public instruction) shall be  
7 reopened for a period of three normal business days, such three  
8 day period to be fixed by the election officer with whom such  
9 declarations of candidacy are filed and notice thereof given by  
10 notifying press, radio, and television in the county and by such  
11 other means as may now or hereafter be provided by law, when:

12 (1) A void in candidacy for such nonpartisan office occurs on  
13 or after the (~~fourth~~) sixth Tuesday prior to a primary but prior  
14 to the (~~fourth~~) sixth Tuesday before an election; or

15 (2) A nominee for judge of the superior court eligible after a  
16 contested primary for a certificate of election by Article 4,  
17 section 29, Amendment 41 of the state Constitution, dies or is  
18 disqualified within the ten day period (~~when a petition for write-~~  
19 ~~in candidacy may be received~~) immediately following the last day  
20 alloted for a candidate to withdraw; or

21 (3) A vacancy occurs in any nonpartisan office on or after the  
22 (~~fourth~~) sixth Tuesday prior to a primary but prior to the  
23 (~~fourth~~) sixth Tuesday before an election leaving an unexpired  
24 term to be filled by an election for which filings have not been  
25 held.

26 The candidate receiving a plurality of the votes cast for that  
27 office in the general election shall be deemed elected.

28 **Sec. 3.** RCW 29.15.230 and 1981 c 180 s 2 are each amended to read  
29 as follows:

30 Filings for a partisan elective office shall be opened for a  
31 period of three normal business days whenever, on or after the  
32 first day of the regular filing period and before the (~~fourth~~)  
33 sixth Tuesday prior to a primary, a vacancy occurs in that office,  
34 leaving an unexpired term to be filled by an election for which  
35 filings have not been held.

36 Any such special three-day filing period shall be fixed by the

1 election officer with whom declarations of candidacy for that  
2 office are filed. The election officer shall give notice of the  
3 special three-day filing period by notifying the press, radio, and  
4 television in the county or counties involved, and by such other  
5 means as may be required by law.

6 Candidacies validly filed within the special three-day filing  
7 period shall appear on the primary ballot as if filed during the  
8 regular filing period.

9

10 **Sec. 4.** RCW 29.18.160 and 1977 ex.s. c 329 s 13 are each amended  
11 to read as follows:

12 A vacancy caused by the death or disqualification of any  
13 candidate or nominee of a major or minor political party may be  
14 filled at any time up to and including the day prior to the  
15 election for that position. For state partisan offices in any  
16 political subdivision voted on solely by electors of a single  
17 county, an individual shall be appointed to fill such vacancy by  
18 the county central committee in the case of a major political  
19 party or by the state central committee or comparable governing  
20 body in the case of a minor political party. For other partisan  
21 offices, including federal or statewide offices, an individual  
22 shall be appointed to fill such vacancy by the state central  
23 committee or comparable governing body of the appropriate  
24 political party.

25 Should such vacancy occur no later than the (~~third~~) sixth  
26 Tuesday prior to the state primary or general election concerned  
27 and the ballots (~~and voting machine labels~~) have been printed,  
28 it shall be mandatory that they be corrected by the appropriate  
29 election officers. In making such correction, it shall not be  
30 necessary to reprint complete ballots if any other less expensive  
31 technique can be used and the resulting correction is reasonably  
32 clear.

33 Should such vacancy occur after the (~~third~~) sixth Tuesday  
34 prior to said state primary or general election and time does not  
35 exist in which to correct (~~paper~~) ballots (including absentee  
36 ballots) (~~or voting machine labels~~), either in total or in part,  
37 then the votes cast or recorded for the person who has died or

1 become disqualified shall be counted for the person who has been  
2 named to fill such vacancy.

3       When the secretary of state is the person with whom the  
4 appointment by the major or minor political party is filed, he  
5 shall, in certifying candidates or nominations to the various  
6 county officers insert the name of the person appointed to fill a  
7 vacancy.

8       In the event that the secretary of state has already sent forth  
9 his certificate when the appointment to fill a vacancy is filed  
10 with him, he shall forthwith certify to the county auditors of the  
11 proper counties the name and place of residence of the person  
12 appointed to fill a vacancy, the office for which he is a  
13 candidate or nominee, the party he represents and all other  
14 pertinent facts pertaining to the vacancy.

--- END ---

