
SENATE BILL 5783

State of Washington

57th Legislature

2001 Regular Session

By Senators Gardner and Hale; by request of Secretary of State

Read first time 02/02/2001. Referred to Committee on State & Local 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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