
SENATE BILL 5859

State of Washington

57th Legislature

2001 Regular Session

By Senators Gardner and Carlson

Read first time 02/06/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to preserving the blanket primary by advancing to
2 the general election ballot the two candidates receiving the most votes
3 regardless of political party affiliation; amending RCW 29.30.085,
4 29.15.150, 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220,
5 29.27.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, and 29.62.010;
6 and repealing RCW 29.15.200, 29.15.230, 29.18.150, 29.18.160, and
7 29.30.095.

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

9 **Sec. 1.** RCW 29.30.085 and 1992 c 181 s 2 are each amended to read
10 as follows:

11 (1) Except as provided in RCW 29.30.086 and in subsection (2) of
12 this section, on the ballot at the general election for ((a
13 ~~nonpartisan~~)) an office for which a primary was held, only the names of
14 the candidate who received the greatest number of votes and the
15 candidate who received the next greatest number of votes for that
16 office shall appear under the title of that office, and the names shall
17 appear in that order. ((If a primary was conducted, no candidate's
18 name may be printed on the subsequent general election ballot unless he
19 or she receives at least one percent of the total votes cast for that

1 ~~office at the preceding primary.))~~ On the ballot at the general
2 election for (~~any other nonpartisan~~) an office for which no primary
3 was held, the names of the candidates shall be listed in the order
4 determined under RCW 29.30.025.

5 (2) On the ballot at the general election for the office of justice
6 of the supreme court, judge of the court of appeals, judge of the
7 superior court, or state superintendent of public instruction, if a
8 candidate in a contested primary receives a majority of all the votes
9 cast for that office or position, only the name of that candidate may
10 be printed under the title of the office for that position.

11 **Sec. 2.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as
12 follows:

13 Whenever it shall be necessary to hold a special election in an
14 odd-numbered year to fill an unexpired term of any office which is
15 scheduled to be voted upon for a full term in an even-numbered year, no
16 September primary election shall be held in the odd-numbered year if,
17 after the last day allowed for candidates to withdraw, (~~either of the~~
18 ~~following circumstances exist:~~

19 (1) ~~No more than one candidate of each qualified political party~~
20 ~~has filed a declaration of candidacy for the same partisan office to be~~
21 ~~filled; or~~

22 (2)) no more than two candidates have filed a declaration of
23 candidacy for a single (~~nonpartisan~~) office to be filled.

24 In (~~either~~) this event, the officer with whom the declarations of
25 candidacy were filed shall immediately notify all candidates concerned
26 and the names of the candidates that would have been printed upon the
27 September primary ballot, but for the provisions of this section, shall
28 be printed as nominees for the positions sought upon the November
29 general election ballot.

30 **Sec. 3.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each
31 amended to read as follows:

32 A void in candidacy for (~~a nonpartisan~~) an office occurs when an
33 election for such office, except for the short term, has been scheduled
34 and no valid declaration of candidacy has been filed for the position
35 or all persons filing such valid declarations of candidacy have died or
36 been disqualified.

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

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

10 (1) A void in candidacy occurs;

11 (2) A vacancy occurs in (~~(any nonpartisan)~~) an office leaving an
12 unexpired term to be filled by an election for which filings have not
13 been held; 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 three-day period shall appear
18 on the ballot as if made during the earlier filing period.

19 **Sec. 5.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each
20 amended to read as follows:

21 A scheduled election shall be lapsed, the office deemed stricken
22 from the ballot, no purported write-in votes counted, and no candidate
23 certified as elected, when:

24 (1) In an election for judge of the supreme court (~~(or)~~),
25 superintendent of public instruction, or a partisan office, a void in
26 candidacy occurs on or after the fourth Tuesday prior to a primary,
27 public filings and the primary being an indispensable phase of the
28 election process for such offices;

29 (2) Except as otherwise specified in RCW 29.15.180, as now or
30 hereafter amended, a nominee for judge of the superior court entitled
31 to a certificate of election pursuant to Article 4, section 29,
32 Amendment 41 of the state Constitution dies or is disqualified on or
33 after the fourth Tuesday prior to a primary;

34 (3) In other elections for nonpartisan office a void in candidacy
35 occurs or a vacancy occurs involving an unexpired term to be filled on
36 or after the fourth Tuesday prior to an election.

1 **Sec. 6.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each amended to
2 read as follows:

3 The election officer with whom declarations of candidacy are filed
4 shall give notice of a void in candidacy for (~~(a nonpartisan)~~) an
5 office(~~(7)~~) by notifying press, radio, and television in the county or
6 counties involved and by such other means as may now or hereafter be
7 provided by law. The notice shall state the office, and the time and
8 place for filing declarations of candidacy.

9 **Sec. 7.** RCW 29.15.220 and 1972 ex.s. c 61 s 6 are each amended to
10 read as follows:

11 Filings to fill a void in candidacy for (~~(nonpartisan)~~) an office
12 shall be made in the same manner and with the same official as required
13 during the regular filing period for such office: PROVIDED, That
14 nominating signature petitions which may be required of candidates
15 filing for certain district offices during the normal filing period
16 shall not be required of candidates filing during the special three day
17 filing period.

18 **Sec. 8.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
19 as follows:

20 On or before the day following the last day allowed for (~~(political~~
21 ~~parties to fill vacancies in the ticket as provided by RCW 29.18.150))~~
22 candidates to withdraw under RCW 29.15.120, the secretary of state
23 shall certify to each county auditor a list of the candidates who have
24 filed declarations of candidacy in his or her office for the primary.
25 For each office, the certificate shall include the name of each
26 candidate, his or her address, and his or her party designation, if
27 any.

28 **Sec. 9.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to read
29 as follows:

30 The names of the persons certified as nominees by the secretary of
31 state or the county canvassing board shall be printed on the ballot at
32 the ensuing election.

33 No name of any candidate whose nomination at a primary is required
34 by law shall be placed upon the ballot at a general or special election
35 unless it appears upon the certificate of either (1) the secretary of
36 state(~~(7)~~) or (2) the county canvassing board(~~(7 or (3) a minor party~~

1 ~~convention or the state or county central committee of a major~~
2 ~~political party to fill a vacancy on its ticket under RCW 29.18.160)).~~

3 Excluding the office of precinct committee officer or a temporary
4 elected position such as a charter review board member or freeholder,
5 a candidate's name shall not appear more than once upon a ballot for a
6 position regularly nominated or elected at the same election.

7 **Sec. 10.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended
8 to read as follows:

9 Each political party organization shall have the power to:

- 10 (1) Make its own rules and regulations;
11 (2) Call conventions;
12 (3) Elect delegates to conventions, state and national;
13 (4) ~~((Fill vacancies on the ticket;~~
14 ~~(+5))~~ Provide for the nomination of presidential electors; and
15 ~~((+6))~~ (5) Perform all functions inherent in such an
16 organization(~~(: PROVIDED, That only major political parties shall have~~
17 ~~the power to designate candidates to appear on the state primary~~
18 ~~election ballot as provided in RCW 29.18.150 as now or hereafter~~
19 ~~amended))~~).

20 **Sec. 11.** RCW 29.42.020 and 1987 c 295 s 11 are each amended to
21 read as follows:

22 The state committee of each major political party shall consist of
23 one committeeman and one committeewoman from each county elected by the
24 county committee at its organization meeting. It shall have a chair
25 and vice-chair who must be of opposite sexes. This committee shall
26 meet during January of each odd-numbered year for the purpose of
27 organization at a time and place designated by a sufficient notice to
28 all the newly elected state committeemen and committeewomen by the
29 authorized officers of the retiring committee. For the purpose of this
30 section a notice mailed at least one week prior to the date of the
31 meeting shall constitute sufficient notice. At its organizational
32 meeting it shall elect its chair and vice-chair, and such officers as
33 its bylaws may provide, and adopt bylaws, rules and regulations. It
34 shall have power to:

- 35 (1) Call conventions at such time and place and under such
36 circumstances and for such purposes as the call to convention shall
37 designate. The manner, number and procedure for selection of state

1 convention delegates shall be subject to the committee's rules and
2 regulations duly adopted;

3 (2) Provide for the election of delegates to national conventions;

4 (3) ~~((Fill vacancies on the ticket for any federal or state office
5 to be voted on by the electors of more than one county;~~

6 ~~(4))~~) Provide for the nomination of presidential electors; and

7 ~~((5))~~) (4) Perform all functions inherent in such an organization.

8 Notwithstanding any provision of this chapter, the committee shall
9 not set rules which shall govern the conduct of the actual proceedings
10 at a party state convention.

11 **Sec. 12.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
12 read as follows:

13 The statutory requirements for filing as a candidate at the
14 primaries shall apply to candidates for precinct committee officer
15 except that the filing period for this office alone shall be extended
16 to and include the second Friday immediately following the last day for
17 ~~((political parties to fill vacancies in the ticket as provided by RCW
18 29.18.150))~~ the filing of declarations of candidacy under RCW
19 29.15.020, and the office shall not be voted upon at the primaries, but
20 the names of all candidates must appear under the proper party and
21 office designations on the ballot for the general November election for
22 each even-numbered year and the one receiving the highest number of
23 votes shall be declared elected: PROVIDED, That to be declared
24 elected, a candidate must receive at least ten percent of the number of
25 votes cast for the candidate of the candidate's party receiving the
26 greatest number of votes in the precinct. Any person elected to the
27 office of precinct committee officer who has not filed a declaration of
28 candidacy shall pay the fee of one dollar to the county auditor for a
29 certificate of election. The term of office of precinct committee
30 officer shall be for two years, commencing upon completion of the
31 official canvass of votes by the county canvassing board of election
32 returns. Should any vacancy occur in this office by reason of death,
33 resignation, or disqualification of the incumbent, or because of
34 failure to elect, the respective county chair of the county central
35 committee shall be empowered to fill such vacancy by appointment:
36 PROVIDED, HOWEVER, That in legislative districts having a majority of
37 its precincts in a county with a population of one million or more,
38 such appointment shall be made only upon the recommendation of the

1 legislative district chair: PROVIDED, That the person so appointed
2 shall have the same qualifications as candidates when filing for
3 election to such office for such precinct: PROVIDED FURTHER, That when
4 a vacancy in the office of precinct committee officer exists because of
5 failure to elect at a state general election, such vacancy shall not be
6 filled until after the organization meeting of the county central
7 committee and the new county chair selected as provided by RCW
8 29.42.030.

9 **Sec. 13.** RCW 29.62.010 and 1990 c 59 s 62 are each amended to read
10 as follows:

11 Every canvassing board or officer responsible for canvassing and
12 certifying the returns of any primary or election shall:

13 (1) Adopt administrative rules to facilitate and govern the
14 canvassing process in that jurisdiction;

15 (2) For each primary and election, prepare and sign a statement of
16 the returns for each office, candidate, and issue voted on in that
17 jurisdiction;

18 (3) If, at a ((partisan)) primary, two or more candidates of the
19 same party receive the second greatest, and identical, number of votes
20 for an office or position, resolve the tie vote by lot((÷

21 ~~(4) If, at a nonpartisan or judicial primary, two or more~~
22 ~~candidates receive the second greatest, and identical, number of votes~~
23 ~~for that office or position, resolve the tie vote by lot)).~~

24 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 29.15.200 (Lapse of election when no filing for single
27 positions--Effect) and 1994 c 223 s 8 & 1975-'76 2nd ex.s. c 120 s 13;

28 (2) RCW 29.15.230 (Vacancy in partisan elective office--Special
29 filing period) and 1981 c 180 s 2;

30 (3) RCW 29.18.150 (Vacancies on major party ticket caused by no
31 filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965
32 c 9 s 29.18.150;

33 (4) RCW 29.18.160 (Vacancies by death or disqualification--How
34 filled--Correcting ballots and labels--Counting votes already cast) and
35 1977 ex.s. c 329 s 13; and

1 (5) RCW 29.30.095 (Partisan candidates qualified for general
2 election) and 1990 c 59 s 96.

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