
SENATE BILL 6106

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson, Carlson and McCaslin

Read first time 02/21/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to changing the partisan primary to a preliminary
2 election if the major political parties do not pass party rules that
3 agree to a blanket primary; amending RCW 29.01.160, 29.15.150,
4 29.15.160, 29.15.190, 29.15.210, 29.15.220, 29.15.230, 29.18.150,
5 29.18.160, 29.18.200, 29.27.020, 29.30.085, 29.30.095, 29.30.101,
6 29.42.010, 29.42.020, 29.42.050, 29.62.010, 29.68.080, 29.68.100,
7 29.68.120, and 29.68.130; adding new sections to chapter 29.01 RCW;
8 adding a new section to chapter 29.15 RCW; and adding a new section to
9 chapter 29.18 RCW.

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

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.01 RCW
12 to read as follows:

13 "Preliminary election" means a statutory procedure where the name
14 of the candidate for a partisan office who receives sixty percent of
15 the vote will be the only candidate to be placed on the general or
16 special election ballot. Otherwise, the candidates with the greatest
17 and the next greatest number of votes will appear on the ballot for the
18 general or special election.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.01 RCW
2 to read as follows:

3 "Nonpartisan primary" means a statutory procedure for nominating
4 the candidate or candidates for a nonpartisan office at a general or
5 special election.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.01 RCW
7 to read as follows:

8 "Partisan primary" means a primary held to nominate a political
9 party's candidates for elective public office to run in the general or
10 special election.

11 **Sec. 4.** RCW 29.01.160 and 1965 c 9 s 29.01.160 are each amended to
12 read as follows:

13 "September primary" means the primary election or preliminary
14 election held in September to nominate candidates to be voted for at
15 the ensuing election.

16 **Sec. 5.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as
17 follows:

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

24 (1) No more than one candidate of each qualified political party
25 has filed a declaration of candidacy for the same partisan office to be
26 filled if RCW 29.18.200 applies; ~~((or))~~

27 (2) No more than two candidates have filed a declaration of
28 candidacy for a single partisan office to be filled if a preliminary
29 election is to be held; or

30 (3) No more than two candidates have filed a declaration of
31 candidacy for a single nonpartisan office to be filled.

32 ~~((In either event))~~ If any of the circumstances mentioned in
33 subsection (1), (2), or (3) of this section occur, the officer with
34 whom the declarations of candidacy were filed shall immediately notify
35 all candidates concerned and the names of the candidates that would
36 have been printed upon the September primary ballot, but for the

1 provisions of this section, shall be printed as nominees for the
2 positions sought upon the November general election ballot.

3 **Sec. 6.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each
4 amended to read as follows:

5 (1) A void in candidacy for a nonpartisan office occurs when an
6 election for such office, except for the short term, has been scheduled
7 and no valid declaration of candidacy has been filed for the position
8 or all persons filing such valid declarations of candidacy have died or
9 been disqualified.

10 (2) If a preliminary election is to be held, a void in candidacy
11 for a partisan office occurs when an election for the office, except
12 for the short term, has been scheduled and no valid declaration of
13 candidacy has been filed for the position or all persons filing valid
14 declarations of candidacy have died or been disqualified.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.15 RCW
16 to read as follows:

17 If a preliminary election is to be held, filings for a partisan
18 office must be reopened for a period of three business days as
19 specified by the election officer with whom such declarations of
20 candidacy are filed and notice of the period given by notifying press,
21 radio, and television in the county and by such other means as provided
22 by law, whenever no later than the first Friday after the last day
23 allowed for candidates to withdraw under RCW 29.15.120:

24 (1) A void in candidacy occurs; or

25 (2) A vacancy occurs in a partisan office leaving an unexpired term
26 to be filled by an election for which filings have not been held.

27 Candidacies validly filed within this three-day period will appear
28 on the ballot as if made during the earlier filing period.

29 **Sec. 8.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each
30 amended to read as follows:

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

34 (1) In an election for judge of the supreme court ~~((or))~~,
35 superintendent of public instruction, or a partisan office if a
36 preliminary election is to be held, a void in candidacy occurs on or

1 after the fourth Tuesday prior to a primary, public filings and the
2 primary being an indispensable phase of the election process for such
3 offices;

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

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

12 **Sec. 9.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each amended to
13 read as follows:

14 The election officer with whom declarations of candidacy are filed
15 shall give notice of a void in candidacy for a nonpartisan office or a
16 partisan candidate in a preliminary election, by notifying press,
17 radio, and television in the county or counties involved and by such
18 other means as may now or hereafter be provided by law. The notice
19 shall state the office, and the time and place for filing declarations
20 of candidacy.

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

23 Filings to fill a void in candidacy for nonpartisan office
24 (~~shall~~) or a partisan office in a preliminary election must be made
25 in the same manner and with the same official as required during the
26 regular filing period for such office: PROVIDED, That nominating
27 signature petitions which may be required of candidates filing for
28 certain district offices during the normal filing period shall not be
29 required of candidates filing during the special three day filing
30 period.

31 **Sec. 11.** RCW 29.15.230 and 1981 c 180 s 2 are each amended to read
32 as follows:

33 If RCW 29.18.200 applies, filings for a partisan elective office
34 shall be opened for a period of three normal business days whenever, on
35 or after the first day of the regular filing period and before the
36 fourth Tuesday prior to a primary, a vacancy occurs in that office,

1 leaving an unexpired term to be filled by an election for which filings
2 have not been held.

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

9 Candidacies validly filed within the special three-day filing
10 period shall appear on the primary ballot as if filed during the
11 regular filing period.

12 **Sec. 12.** RCW 29.18.150 and 1990 c 59 s 102 are each amended to
13 read as follows:

14 (~~Should~~) If RCW 29.18.200 applies, if a place on the ticket of a
15 major political party (~~be~~) is vacant because no person has filed for
16 nomination as the candidate of that major political party, after the
17 last day allowed for candidates to withdraw as provided by RCW
18 29.15.120, and if the vacancy is for a state or county office to be
19 voted on solely by the electors of a single county, the county central
20 committee of the major political party may select and certify a
21 candidate to fill the vacancy; if the vacancy is for any other office
22 the state central committee of the major political party may select and
23 certify a candidate to fill the vacancy; the certificate must set forth
24 the cause of the vacancy, the name of the person nominated, the office
25 for which he is nominated and other pertinent information required in
26 an ordinary certificate of nomination and be filed in the proper office
27 no later than the first Friday after the last day allowed for
28 candidates to withdraw, together with the candidate's fee applicable to
29 that office and a declaration of candidacy.

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

32 If RCW 29.18.200 applies, a vacancy caused by the death or
33 disqualification of any candidate or nominee of a major or minor
34 political party may be filled at any time up to and including the day
35 prior to the election for that position. For state partisan offices in
36 any political subdivision voted on solely by electors of a single
37 county, an individual shall be appointed to fill such vacancy by the

1 county central committee in the case of a major political party or by
2 the state central committee or comparable governing body in the case of
3 a minor political party. For other partisan offices, including federal
4 or statewide offices, an individual shall be appointed to fill such
5 vacancy by the state central committee or comparable governing body of
6 the appropriate political party.

7 Should such vacancy occur no later than the third Tuesday prior to
8 the state primary or general election concerned and the ballots and
9 voting machine labels have been printed, it shall be mandatory that
10 they be corrected by the appropriate election officers. In making such
11 correction, it shall not be necessary to reprint complete ballots if
12 any other less expensive technique can be used and the resulting
13 correction is reasonably clear.

14 Should such vacancy occur after the third Tuesday prior to said
15 state primary or general election and time does not exist in which to
16 correct paper ballots (including absentee ballots) or voting machine
17 labels, either in total or in part, then the votes cast or recorded for
18 the person who has died or become disqualified shall be counted for the
19 person who has been named to fill such vacancy.

20 When the secretary of state is the person with whom the appointment
21 by the major or minor political party is filed, he shall, in certifying
22 candidates or nominations to the various county officers insert the
23 name of the person appointed to fill a vacancy.

24 In the event that the secretary of state has already sent forth his
25 certificate when the appointment to fill a vacancy is filed with him,
26 he shall forthwith certify to the county auditors of the proper
27 counties the name and place of residence of the person appointed to
28 fill a vacancy, the office for which he is a candidate or nominee, the
29 party he represents and all other pertinent facts pertaining to the
30 vacancy.

31 **Sec. 14.** RCW 29.18.200 and 1990 c 59 s 88 are each amended to read
32 as follows:

33 (1) Except as provided otherwise in chapter 29.19 RCW, all properly
34 registered voters may vote for their choice at any primary held under
35 this title, for any candidate for each office, regardless of political
36 affiliation and without a declaration of political faith or adherence
37 on the part of the voter.

1 (2) This section applies only if all major political parties agree
2 to a blanket primary as described in subsection (1) of this section by
3 party rules at least one hundred twenty days before the date prescribed
4 by RCW 29.13.070; otherwise a preliminary election will be held.

5 NEW SECTION. Sec. 15. A new section is added to chapter 29.18 RCW
6 to read as follows:

7 If RCW 29.18.200 does not apply, a preliminary election will be
8 held in place of a partisan primary. If a candidate for a partisan
9 office receives sixty percent of the vote, that candidate will be the
10 only candidate placed on the ballot. Otherwise, the names of the two
11 candidates running for a position who receive the greatest and next
12 greatest number of votes among all candidates for that position will be
13 placed on the ballot for the general election.

14 This section does not apply to nonpartisan primaries or
15 presidential primary elections.

16 All dates for holding a primary apply to preliminary elections.

17 **Sec. 16.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
18 as follows:

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

27 **Sec. 17.** RCW 29.30.085 and 1992 c 181 s 2 are each amended to read
28 as follows:

29 (1) Except as provided in RCW 29.30.086 and in subsection (2) of
30 this section, on the ballot at the general election for a nonpartisan
31 office for which a primary was held or partisan office for which a
32 preliminary election was held, only the names of the candidate who
33 received the greatest number of votes and the candidate who received
34 the next greatest number of votes for that office shall appear under
35 the title of that office, and the names shall appear in that order. If
36 a partisan primary was conducted and RCW 29.18.200 applies, no

1 candidate's name may be printed on the subsequent general election
2 ballot unless he or she receives at least one percent of the total
3 votes cast for that office at the preceding primary. On the ballot at
4 the general election for any other nonpartisan office for which no
5 primary was held or a partisan office for which no preliminary election
6 was held, the names of the candidates shall be listed in the order
7 determined under RCW 29.30.025.

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

14 **Sec. 18.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read
15 as follows:

16 The name of a candidate for a partisan office for which a primary
17 was conducted shall not be printed on the ballot for that office at the
18 subsequent general election unless the candidate receives a number of
19 votes equal to at least one percent of the total number cast for all
20 candidates for that position sought and a plurality of the votes cast
21 for the candidates of his or her party for that office at the preceding
22 primary.

23 This section applies only if a blanket primary is held under RCW
24 29.18.200.

25 **Sec. 19.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to
26 read as follows:

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

30 If RCW 29.18.200 applies, no name of any candidate whose nomination
31 at a primary is required by law shall be placed upon the ballot at a
32 general or special election unless it appears upon the certificate of
33 either (1) the secretary of state, or (2) the county canvassing board,
34 or (3) a minor party convention or the state or county central
35 committee of a major political party to fill a vacancy on its ticket
36 under RCW 29.18.160.

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

5 **Sec. 20.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended
6 to read as follows:

7 Each political party organization shall have the power to:

8 (1) Make its own rules and regulations;

9 (2) Call conventions;

10 (3) Elect delegates to conventions, state and national;

11 (4) Fill vacancies on the ticket if a blanket primary is held under
12 RCW 29.18.200;

13 (5) Provide for the nomination of presidential electors; and

14 (6) Perform all functions inherent in such an organization:
15 PROVIDED, That only major political parties shall have the power to
16 designate candidates to appear on the state primary election ballot as
17 provided in RCW 29.18.150 (~~as now or hereafter amended~~) if a blanket
18 primary is held under RCW 29.18.200.

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

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

34 (1) Call conventions at such time and place and under such
35 circumstances and for such purposes as the call to convention shall
36 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 to
5 be voted on by the electors of more than one county if a blanket
6 primary is held under RCW 29.18.200;

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

8 (5) Perform all functions inherent in such an organization.

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

12 **Sec. 22.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
13 read as follows:

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

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

9 **Sec. 23.** 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 held under RCW 29.18.200, two or more
19 candidates of the same party receive the greatest, and identical,
20 number of votes for an office, resolve the tie vote by lot;

21 (4) If, at a preliminary election, a candidate fails to receive
22 sixty percent of the votes and two or more candidates receive the
23 second greatest, and identical, number of votes for an office or
24 position, resolve the tie vote by lot;

25 (5) If, at a nonpartisan or judicial primary, two or more
26 candidates receive the second greatest, and identical, number of votes
27 for that office or position, resolve the tie vote by lot.

28 **Sec. 24.** RCW 29.68.080 and 1990 c 59 s 105 are each amended to
29 read as follows:

30 (1) Whenever a vacancy occurs in the office of United States
31 representative or United States senator from this state or any
32 congressional district of this state, the governor shall order a
33 special election to fill the vacancy.

34 (2) Within ten days of such vacancy occurring, he or she shall
35 issue a writ of election fixing a date for the special vacancy election
36 not less than ninety days after the issuance of the writ, fixing a date
37 for the blanket primary if RCW 29.18.200 applies or a preliminary

1 election if RCW 29.18.200 does not apply for nominating candidates for
2 the special vacancy election not less than thirty days before the day
3 fixed for holding the special vacancy election, fixing the dates for
4 the special filing period, and designating the term or part of the term
5 for which the vacancy exists. If the vacancy is in the office of
6 United States representative, the writ of election shall specify the
7 congressional district that is vacant.

8 (3) If the vacancy occurs less than six months before a state
9 general election and before the second Friday following the close of
10 the filing period for that general election, the special primary or
11 preliminary election and special vacancy elections shall be held in
12 concert with the state primary and state general election in that year.

13 (4) If the vacancy occurs on or after the first day for filing
14 under RCW 29.15.020 and on or before the second Friday following the
15 close of the filing period, a special filing period of three normal
16 business days shall be fixed by the governor and notice thereof given
17 to all media, including press, radio, and television within the area in
18 which the vacancy election is to be held, to the end that, insofar as
19 possible, all interested persons will be aware of such filing period.
20 The last day of the filing period shall not be later than the third
21 Tuesday before the primary or preliminary election at which candidates
22 are to be nominated. The names of candidates who have filed valid
23 declarations of candidacy during this three-day period shall appear on
24 the approaching primary ballot.

25 (5) If the vacancy occurs later than the second Friday following
26 the close of the filing period, a special primary or preliminary
27 election and special vacancy election to fill the position shall be
28 held after the next state general election but, in any event, no later
29 than the ninetieth day following the November election.

30 (6) As used in this chapter, "county" means, in the case of a
31 vacancy in the office of United States senator, any or all of the
32 counties in the state and, in the case of a vacancy in the office of
33 United States representative, only those counties wholly or partly
34 within the congressional district in which the vacancy has occurred.

35 **Sec. 25.** RCW 29.68.100 and 1985 c 45 s 5 are each amended to read
36 as follows:

37 After calling a special primary or preliminary election and special
38 vacancy election to fill a vacancy in the office of United States

1 representative or United States senator from this state, the governor
2 shall immediately notify the secretary of state who shall, in turn,
3 immediately notify the county auditor of each county wholly or partly
4 within which the vacancy exists.

5 Each county auditor shall publish notices of the special primary or
6 preliminary election and the special vacancy election at least once in
7 any legal newspaper published in the county, as provided by RCW
8 29.27.030 and 29.27.080 respectively.

9 **Sec. 26.** RCW 29.68.120 and 1985 c 45 s 6 are each amended to read
10 as follows:

11 (1) The canvass of the votes cast at a special primary or
12 preliminary election for a United States representative or senator
13 shall be completed in each county within ten days after the primary or
14 preliminary election. The returns shall be transmitted immediately to
15 the secretary of state, who shall certify the returns in the manner
16 provided by RCW 29.62.100. As soon as possible after the canvass, the
17 secretary of state shall certify the names of the nominees to the
18 county auditors.

19 (2) The canvass of the votes cast at a special vacancy election for
20 a United States representative or senator shall be completed in each
21 county within fifteen days after the vacancy election. The returns
22 shall be transmitted immediately to the secretary of state, who shall
23 certify the returns in the manner provided in RCW 29.62.120.

24 **Sec. 27.** RCW 29.68.130 and 1985 c 45 s 7 are each amended to read
25 as follows:

26 The general election laws and laws relating to partisan primaries
27 or preliminary elections shall apply to the special primaries or
28 preliminary elections and vacancy elections provided for in RCW
29 29.68.080 through 29.68.120 to the extent that they are not
30 inconsistent with the provisions of these sections. Statutory time
31 deadlines relating to availability of absentee ballots, certification,
32 canvassing, and related procedures that cannot be met in a timely
33 fashion may be modified for the purposes of a specific primary,
34 preliminary election, or vacancy election under this chapter by the
35 secretary of state through emergency rules adopted under RCW 29.04.080.

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