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SENATE BILL 5411

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Rasmussen, Hale, Brandland, Haugen, Reardon, Kline, Prentice, Regala, McCaslin, Carlson, Winsley and Schmidt

Read first time 01/24/2003.      Referred to Committee on Government Operations & Elections.

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:

18            All city and town primaries shall be nonpartisan. Primaries for

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

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

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

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

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

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

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

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

1 office by the county's home rule charter, the office of county sheriff  
2 shall be nonpartisan and the candidates therefor shall be nominated and  
3 elected as such.

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

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

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

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

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

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