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HOUSE BILL 1913

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Hunt, Wallace, Moeller, Morrell and O'Brien

Read first time 02/10/2005.                      Referred to Committee on State Government Operations & Accountability.

1            AN ACT Relating to the date of the primary election; amending RCW  
2 29A.04.311,    29A.24.040,    29A.24.050,    29A.52.011,    42.17.080,    and  
3 42.17.710; repealing RCW 29A.04.158; and providing an effective date.

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

5            **Sec. 1.** RCW 29A.04.311 and 2004 c 271 s 105 are each amended to  
6 read as follows:

7            Nominating primaries for general elections to be held in November,  
8 and the election of precinct committee officers, must be held on the  
9 third Tuesday of the preceding (~~September~~) May or on the seventh  
10 Tuesday immediately preceding such general election, whichever occurs  
11 first.

12            **Sec. 2.** RCW 29A.24.040 and 2003 c 111 s 604 are each amended to  
13 read as follows:

14            A candidate may file his or her declaration of candidacy for an  
15 office by electronic means on a system specifically designed and  
16 authorized by a filing officer to accept filings.

17            (1) Filings that are received electronically must capture all  
18 information specified in RCW (~~29A.24.030~~) 29A.24.031 (1) through (4).

1 (2) Electronic filing may begin at 9:00 a.m. the fourth Monday in  
2 ((July)) March and continue through 4:00 p.m. the following Friday.

3 (3) In case of special filing periods established in this chapter,  
4 electronic filings may be accepted beginning at 9:00 a.m. on the first  
5 day of the special filing period through 4:00 p.m. the last day of the  
6 special filing period.

7 **Sec. 3.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to  
8 read as follows:

9 Except where otherwise provided by this title, declarations of  
10 candidacy for the following offices shall be filed during regular  
11 business hours with the filing officer no earlier than the fourth  
12 Monday in ((July)) March and no later than the following Friday in the  
13 year in which the office is scheduled to be voted upon:

14 (1) Offices that are scheduled to be voted upon for full terms or  
15 both full terms and short terms at, or in conjunction with, a state  
16 general election; and

17 (2) Offices where a vacancy, other than a short term, exists that  
18 has not been filled by election and for which an election to fill the  
19 vacancy is required in conjunction with the next state general  
20 election.

21 This section supersedes all other statutes that provide for a  
22 different filing period for these offices.

23 **Sec. 4.** RCW 29A.52.011 and 2004 c 271 s 172 are each amended to  
24 read as follows:

25 Whenever it shall be necessary to hold a special election in an  
26 odd-numbered year to fill an unexpired term of any office which is  
27 scheduled to be voted upon for a full term in an even-numbered year, no  
28 ((September)) primary election shall be held in the odd-numbered year  
29 if, after the last day allowed for candidates to withdraw, either of  
30 the following circumstances exist:

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

34 (2) No more than two candidates have filed a declaration of  
35 candidacy for a single nonpartisan office to be filled.

1 In either event, the officer with whom the declarations of  
2 candidacy were filed shall immediately notify all candidates concerned  
3 and the names of the candidates that would have been printed upon the  
4 (~~September~~) primary ballot, but for the provisions of this section,  
5 shall be printed as nominees for the positions sought upon the November  
6 general election ballot.

7 **Sec. 5.** RCW 42.17.080 and 2002 c 75 s 2 are each amended to read  
8 as follows:

9 (1) On the day the treasurer is designated, each candidate or  
10 political committee shall file with the commission and the county  
11 auditor or elections officer of the county in which the candidate  
12 resides, or in the case of a political committee, the county in which  
13 the treasurer resides, in addition to any statement of organization  
14 required under RCW 42.17.040 or 42.17.050, a report of all  
15 contributions received and expenditures made prior to that date, if  
16 any.

17 (2) At the following intervals each treasurer shall file with the  
18 commission and the county auditor or elections officer of the county in  
19 which the candidate resides, or in the case of a political committee,  
20 the county in which the committee maintains its office or headquarters,  
21 and if there is no office or headquarters then in the county in which  
22 the treasurer resides, a report containing the information required by  
23 RCW 42.17.090:

24 (a) On the twenty-first day and the seventh day immediately  
25 preceding the date on which the election is held; and

26 (b) On the tenth day of the first month after the election(~~+~~  
27 ~~PROVIDED, That this report shall not be required following a primary~~  
28 ~~election from:~~

29 ~~(i) A candidate whose name will appear on the subsequent general~~  
30 ~~election ballot; or~~

31 ~~(ii) Any continuing political committee)); and~~

32 (c) On the tenth day of each month in which no other reports are  
33 required to be filed under this section: PROVIDED, That such report  
34 shall only be filed if the committee has received a contribution or  
35 made an expenditure in the preceding calendar month and either the  
36 total contributions received or total expenditures made since the last  
37 such report exceed two hundred dollars.

1           When there is no outstanding debt or obligation, and the campaign  
2 fund is closed, and the campaign is concluded in all respects, and in  
3 the case of a political committee, the committee has ceased to function  
4 and has dissolved, the treasurer shall file a final report. Upon  
5 submitting a final report, the duties of the treasurer shall cease and  
6 there shall be no obligation to make any further reports.

7           The report filed twenty-one days before the election shall report  
8 all contributions received and expenditures made as of the end of the  
9 fifth business day before the date of the report. The report filed  
10 seven days before the election shall report all contributions received  
11 and expenditures made as of the end of the one business day before the  
12 date of the report. Reports filed on the tenth day of the month shall  
13 report all contributions received and expenditures made from the  
14 closing date of the last report filed through the last day of the month  
15 preceding the date of the current report.

16           (3) For the period beginning the first day of the fourth month  
17 preceding the date on which the special or general election is held and  
18 ending on the date of that election, each Monday the treasurer shall  
19 file with the commission and the appropriate county elections officer  
20 a report of each bank deposit made during the previous seven calendar  
21 days. The report shall contain the name of each person contributing  
22 the funds so deposited and the amount contributed by each person.  
23 However, contributions of no more than twenty-five dollars in the  
24 aggregate from any one person may be deposited without identifying the  
25 contributor. A copy of the report shall be retained by the treasurer  
26 for his or her records. In the event of deposits made by a deputy  
27 treasurer, the copy shall be forwarded to the treasurer for his or her  
28 records. Each report shall be certified as correct by the treasurer or  
29 deputy treasurer making the deposit.

30           (4) If a city requires that candidates or committees for city  
31 offices file reports with a city agency, the candidate or treasurer so  
32 filing need not also file the report with the county auditor or  
33 elections officer.

34           (5) The treasurer or candidate shall maintain books of account  
35 accurately reflecting all contributions and expenditures on a current  
36 basis within five business days of receipt or expenditure. During the  
37 eight days immediately preceding the date of the election the books of

1 account shall be kept current within one business day. As specified in  
2 the committee's statement of organization filed under RCW 42.17.040,  
3 the books of account must be open for public inspection as follows:

4 (a) For at least two consecutive hours between 8:00 a.m. and 8:00  
5 p.m. on the eighth day immediately before the election, except when it  
6 is a legal holiday, in which case on the seventh day immediately before  
7 the election, at the principal headquarters or, if there is no  
8 headquarters, at the address of the treasurer or such other place as  
9 may be authorized by the commission; and

10 (b) By appointment for inspections to be conducted at the  
11 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any  
12 other day from the seventh day through the day immediately before the  
13 election, other than Saturday, Sunday, or a legal holiday. It is a  
14 violation of this chapter for a candidate or political committee to  
15 refuse to allow and keep an appointment for an inspection to be  
16 conducted during these authorized times and days in the week prior to  
17 the election. The appointment must be allowed at an authorized time  
18 and day for such inspections that is within twenty-four hours of the  
19 time and day that is requested for the inspection.

20 (6) The treasurer or candidate shall preserve books of account,  
21 bills, receipts, and all other financial records of the campaign or  
22 political committee for not less than five calendar years following the  
23 year during which the transaction occurred.

24 (7) All reports filed pursuant to subsection (1) or (2) of this  
25 section shall be certified as correct by the candidate and the  
26 treasurer.

27 (8) Copies of all reports filed pursuant to this section shall be  
28 readily available for public inspection for at least two consecutive  
29 hours Monday through Friday, excluding legal holidays, between 8:00  
30 a.m. and 8:00 p.m., as specified in the committee's statement of  
31 organization filed pursuant to RCW 42.17.040, at the principal  
32 headquarters or, if there is no headquarters, at the address of the  
33 treasurer or such other place as may be authorized by the commission.

34 (9) After January 1, 2002, a report that is filed with the  
35 commission electronically need not also be filed with the county  
36 auditor or elections officer.

37 (10) The commission shall adopt administrative rules establishing

1 requirements for filer participation in any system designed and  
2 implemented by the commission for the electronic filing of reports.

3 **Sec. 6.** RCW 42.17.710 and 2003 c 164 s 3 are each amended to read  
4 as follows:

5 (1) (~~During the period beginning on the thirtieth day before the~~  
6 ~~date a regular legislative session convenes and continuing thirty days~~  
7 ~~past the date of final adjournment, and during the period beginning on~~  
8 ~~the date a special legislative session convenes and continuing through~~  
9 ~~the date that session adjourns,)~~ No state official or a person  
10 employed by or acting on behalf of a state official or state legislator  
11 may solicit or accept contributions to a public office fund, to a  
12 candidate or authorized committee, or to retire a campaign debt during  
13 the following periods:

14 (a) Beginning December 24th before a legislative session convenes  
15 in an even-numbered year and continuing through the date of adjournment  
16 of that session; and

17 (b) Beginning December 24th before a legislative session convenes  
18 in an odd-numbered year in which a special election shall occur and  
19 continuing through the sixtieth day of that session.

20 (2) This section does not apply to activities authorized in RCW  
21 43.07.370.

22 NEW SECTION. **Sec. 7.** RCW 29A.04.158 (September primary) and 2004  
23 c 271 s 187 are each repealed.

24 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2006.

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