
SUBSTITUTE SENATE BILL 5122

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Jacobsen, Weinstein, Rockefeller, Kline and Kohl-Welles)

READ FIRST TIME 02/03/05.

1 AN ACT Relating to nonpartisan elections for the offices of
2 secretary of state and county auditor; amending RCW 36.16.030,
3 29A.04.110, 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111,
4 and 29A.52.231; and adding a new section to chapter 43.07 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.07 RCW
7 to read as follows:

8 Effective on the date that the newly elected secretary of state
9 takes office after the 2008 general election, the office of the
10 secretary of state shall be a nonpartisan office. Candidates seeking
11 election for the office of secretary of state in the 2008 general
12 election shall run as nonpartisan candidates and be qualified and
13 elected as such.

14 **Sec. 2.** RCW 36.16.030 and 1996 c 108 s 1 are each amended to read
15 as follows:

16 Except as provided elsewhere in this section, in every county there
17 shall be elected from among the qualified voters of the county a county
18 assessor, a county auditor, a county clerk, a county coroner, three

1 county commissioners, a county prosecuting attorney, a county sheriff
2 and a county treasurer, except that in each county with a population of
3 less than forty thousand no coroner shall be elected and the
4 prosecuting attorney shall be ex officio coroner. Whenever the
5 population of a county increases to forty thousand or more, the
6 prosecuting attorney shall continue as ex officio coroner until a
7 coroner is elected, at the next general election at which the office of
8 prosecuting attorney normally would be elected, and assumes office as
9 provided in RCW ((29.04.170)) 29A.20.040. In any county where the
10 population has once attained forty thousand people and a current
11 coroner is in office and a subsequent census indicates less than forty
12 thousand people, the county legislative authority may maintain the
13 office of coroner by resolution or ordinance. If the county
14 legislative authority has not passed a resolution or enacted an
15 ordinance to maintain the office of coroner, the elected coroner shall
16 remain in office for the remainder of the term for which he or she was
17 elected, but no coroner shall be elected at the next election at which
18 that office would otherwise be filled and the prosecuting attorney
19 shall be the ex officio coroner. In a county with a population of two
20 hundred fifty thousand or more, the county legislative authority may
21 replace the office of coroner with a medical examiner system and
22 appoint a medical examiner as specified in RCW 36.24.190. The county
23 legislative authority may enact a resolution or ordinance to declare
24 the office of county auditor to be a nonpartisan office. Beginning six
25 months after such a declaration, elections for county auditor shall be
26 conducted in accordance with general law governing the election of
27 nonpartisan offices. A noncharter county may have five county
28 commissioners as provided in RCW 36.32.010 and 36.32.055 through
29 36.32.0558.

30 **Sec. 3.** RCW 29A.04.110 and 2005 c 2 s 4 (Initiative Measure No.
31 872) are each amended to read as follows:

32 "Partisan office" means a public office for which a candidate may
33 indicate a political party preference on his or her declaration of
34 candidacy and have that preference appear on the primary and general
35 election ballot in conjunction with his or her name. The following are
36 partisan offices:

37 (1) United States senator and United States representative;

1 (2) All state offices, including legislative, except (a) judicial
2 offices and (b) the office of superintendent of public instruction;

3 (3) All county offices except (a) judicial offices (~~(and)~~); (b)
4 those offices for which a county home rule charter provides otherwise;
5 and (c) the county auditor, if the position is declared to be a
6 nonpartisan office by the county legislative authority.

7 **Sec. 4.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to
8 read as follows:

9 Filings for a nonpartisan office (other than judge of the supreme
10 court, secretary of state, or superintendent of public instruction)
11 shall be reopened for a period of three normal business days, such
12 three-day period to be fixed by the election officer with whom such
13 declarations of candidacy are filed and notice thereof given by
14 notifying press, radio, and television in the county and by such other
15 means as may now or hereafter be provided by law, when:

16 (1) A void in candidacy for such nonpartisan office occurs on or
17 after the sixth Tuesday prior to a primary but prior to the sixth
18 Tuesday before an election; or

19 (2) A (~~nominee~~) candidate for judge of the superior court
20 eligible after a contested primary for a certificate of election by
21 Article 4, section 29, Amendment 41 of the state Constitution, dies or
22 is disqualified within the ten-day period immediately following the
23 last day allotted for a candidate to withdraw; or

24 (3) A vacancy occurs in any nonpartisan office on or after the
25 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
26 an election leaving an unexpired term to be filled by an election for
27 which filings have not been held.

28 The candidate receiving a plurality of the votes cast for that
29 office in the general election shall be deemed elected.

30 **Sec. 5.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to
31 read as follows:

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

35 (1) In an election for (~~judge of the supreme court or~~
36 ~~superintendent of public instruction~~) a statewide nonpartisan office,

1 a void in candidacy occurs on or after the sixth Tuesday prior to a
2 primary, public filings and the primary being an indispensable phase of
3 the election process for such offices;

4 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for
5 judge of the superior court entitled to a certificate of election
6 pursuant to Article 4, section 29, Amendment 41 of the state
7 Constitution dies or is disqualified on or after the sixth Tuesday
8 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 sixth Tuesday prior to an election.

12 **Sec. 6.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to
13 read as follows:

14 (1)(a) The positions or offices on a primary consolidated ballot
15 shall be arranged in substantially the following order: United States
16 senator; United States representative; governor; lieutenant governor;
17 secretary of state; state treasurer; state auditor; attorney general;
18 commissioner of public lands; superintendent of public instruction;
19 insurance commissioner; state senator; state representative; county
20 officers; justices of the supreme court; judges of the court of
21 appeals; judges of the superior court; and judges of the district
22 court. For all other jurisdictions on the primary consolidated ballot,
23 the offices in each jurisdiction shall be grouped together and be in
24 the order of the position numbers assigned to those offices, if any.

25 (b)(i) The positions or offices on a primary party ballot must be
26 arranged in substantially the following order: United States senator;
27 United States representative; governor; lieutenant governor;
28 (~~secretary of state;~~) state treasurer; state auditor; attorney
29 general; commissioner of public lands; insurance commissioner; state
30 senator; state representative; and partisan county officers. For all
31 other jurisdictions on the primary party ballot, the offices in each
32 jurisdiction must be grouped together and be in the order of the
33 position numbers assigned to those offices, if any.

34 (ii) The positions or offices on a primary nonpartisan ballot must
35 be arranged in substantially the following order: Secretary of state;
36 superintendent of public instruction; justices of the supreme court;
37 judges of the court of appeals; judges of the superior court; and

1 judges of the district court. For all other jurisdictions on the
2 primary nonpartisan ballot, the offices in each jurisdiction must be
3 grouped together and be in the order of the position numbers assigned
4 to those offices, if any.

5 (2) The order of the positions or offices on an election ballot
6 shall be substantially the same as on a primary consolidated ballot
7 except that state ballot issues must be placed before all offices. The
8 offices of president and vice president of the United States shall
9 precede all other offices on a presidential election ballot. The
10 positions on a ballot to be assigned to ballot measures regarding local
11 units of government shall be established by the secretary of state by
12 rule.

13 (3) The political party or independent candidacy of each candidate
14 for partisan office shall be indicated next to the name of the
15 candidate on the primary and election ballot. A candidate shall file
16 a written notice with the filing officer within three business days
17 after the close of the filing period designating the political party to
18 be indicated next to the candidate's name on the ballot if either: (a)
19 The candidate has been nominated by two or more minor political parties
20 or independent conventions; or (b) the candidate has both filed a
21 declaration of candidacy declaring an affiliation with a major
22 political party and been nominated by a minor political party or
23 independent convention. If no written notice is filed the filing
24 officer shall give effect to the party designation shown upon the first
25 document filed. A candidate may be deemed nominated by a minor party
26 or independent convention only if all documentation required by chapter
27 29A.20 RCW has been timely filed.

28 **Sec. 7.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to
29 read as follows:

30 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
31 this section, on the ballot at the general election for a nonpartisan
32 office for which a primary was held, only the names of the candidate
33 who received the greatest number of votes and the candidate who
34 received the next greatest number of votes for that office shall appear
35 under the title of that office, and the names shall appear in that
36 order. If a primary was conducted, no candidate's name may be printed
37 on the subsequent general election ballot unless he or she receives at

1 least one percent of the total votes cast for that office at the
2 preceding primary. On the ballot at the general election for any other
3 nonpartisan office for which no primary was held, the names of the
4 candidates shall be listed in the order determined under RCW
5 29A.36.131.

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

13 **Sec. 8.** RCW 29A.52.111 and 2004 c 271 s 173 are each amended to
14 read as follows:

15 Candidates for the following offices shall be nominated at partisan
16 primaries held pursuant to the provisions of this chapter:

- 17 (1) Congressional offices;
- 18 (2) All state offices except (a) judicial offices (~~and~~); (b) the
19 secretary of state; (c) the office of superintendent of public
20 instruction; and (d) the county auditor, if the position is declared to
21 be a nonpartisan office by the county legislative authority;
- 22 (3) All county offices except (a) judicial offices and (b) those
23 offices where a county home rule charter provides otherwise.

24 **Sec. 9.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to
25 read as follows:

26 The offices of superintendent of public instruction, justice of the
27 supreme court, judge of the court of appeals, judge of the superior
28 court, and judge of the district court shall be nonpartisan and the
29 candidates therefor shall be nominated and elected as such.

30 Effective on the date that the newly elected secretary of state
31 takes office after the 2008 general election, the office of the
32 secretary of state shall be a nonpartisan office. Candidates seeking
33 election for the office of secretary of state in the 2008 general
34 election shall run as nonpartisan candidates and be qualified and
35 elected as such.

1 The office of county auditor shall be nonpartisan, if the position
2 is declared to be a nonpartisan office by the county legislative
3 authority.

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.

--- END ---