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**SENATE BILL 5122**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senators Kastama, Jacobsen, Weinstein, Rockefeller, Kline and Kohl-Welles

Read first time 01/13/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to nonpartisan elections for the office of  
2 secretary of state; amending RCW 29A.24.181, 29A.24.191, 29A.36.121,  
3 29A.36.171, 29A.52.111, and 29A.52.231; and adding a new section to  
4 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 29A.24.181 and 2004 c 271 s 166 are each amended to  
15 read as follows:

16 Filings for a nonpartisan office (other than judge of the supreme  
17 court, secretary of state, or superintendent of public instruction)  
18 shall be reopened for a period of three normal business days, such

1 three-day period to be fixed by the election officer with whom such  
2 declarations of candidacy are filed and notice thereof given by  
3 notifying press, radio, and television in the county and by such other  
4 means as may now or hereafter be provided by law, when:

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

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

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

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

19 **Sec. 3.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to  
20 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~~) a statewide nonpartisan office,  
26 a void in candidacy occurs on or after the sixth Tuesday prior to a  
27 primary, public filings and the primary being an indispensable phase of  
28 the election process for such offices;

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

1       **Sec. 4.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
2 read as follows:

3       (1)(a) The positions or offices on a primary consolidated ballot  
4 shall be arranged in substantially the following order: United States  
5 senator; United States representative; governor; lieutenant governor;  
6 secretary of state; state treasurer; state auditor; attorney general;  
7 commissioner of public lands; superintendent of public instruction;  
8 insurance commissioner; state senator; state representative; county  
9 officers; justices of the supreme court; judges of the court of  
10 appeals; judges of the superior court; and judges of the district  
11 court. For all other jurisdictions on the primary consolidated ballot,  
12 the offices in each jurisdiction shall be grouped together and be in  
13 the order of the position numbers assigned to those offices, if any.

14       (b)(i) The positions or offices on a primary party ballot must be  
15 arranged in substantially the following order: United States senator;  
16 United States representative; governor; lieutenant governor;  
17 (~~secretary of state;~~) state treasurer; state auditor; attorney  
18 general; commissioner of public lands; insurance commissioner; state  
19 senator; state representative; and partisan county officers. For all  
20 other jurisdictions on the primary party ballot, the offices in each  
21 jurisdiction must be grouped together and be in the order of the  
22 position numbers assigned to those offices, if any.

23       (ii) The positions or offices on a primary nonpartisan ballot must  
24 be arranged in substantially the following order: Secretary of state;  
25 superintendent of public instruction; justices of the supreme court;  
26 judges of the court of appeals; judges of the superior court; and  
27 judges of the district court. For all other jurisdictions on the  
28 primary nonpartisan ballot, the offices in each jurisdiction must be  
29 grouped together and be in the order of the position numbers assigned  
30 to those offices, if any.

31       (2) The order of the positions or offices on an election ballot  
32 shall be substantially the same as on a primary consolidated ballot  
33 except that state ballot issues must be placed before all offices. The  
34 offices of president and vice president of the United States shall  
35 precede all other offices on a presidential election ballot. The  
36 positions on a ballot to be assigned to ballot measures regarding local  
37 units of government shall be established by the secretary of state by  
38 rule.

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

16 **Sec. 5.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
17 read as follows:

18 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of  
19 this section, on the ballot at the general election for a nonpartisan  
20 office for which a primary was held, only the names of the candidate  
21 who received the greatest number of votes and the candidate who  
22 received the next greatest number of votes for that office shall appear  
23 under the title of that office, and the names shall appear in that  
24 order. If a primary was conducted, no candidate's name may be printed  
25 on the subsequent general election ballot unless he or she receives at  
26 least one percent of the total votes cast for that office at the  
27 preceding primary. On the ballot at the general election for any other  
28 nonpartisan office for which no primary was held, the names of the  
29 candidates shall be listed in the order determined under RCW  
30 29A.36.131.

31 (2) On the ballot at the general election for the office of justice  
32 of the supreme court, judge of the court of appeals, judge of the  
33 superior court, judge of the district court, secretary of state, or  
34 state superintendent of public instruction, if a candidate in a  
35 contested primary receives a majority of all the votes cast for that  
36 office or position, only the name of that candidate may be printed  
37 under the title of the office for that position.

