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SENATE BILL 5219

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Kastama, Schmidt, Rockefeller and Pridemore

Read first time 01/18/2005.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to changing primary dates and associated election  
2 procedures; amending RCW 29A.04.311, 29A.20.121, 29A.24.050,  
3 29A.24.131, 29A.24.171, 29A.24.201, and 29A.28.011; repealing RCW  
4 29A.04.158 and 29A.24.200; and providing an effective date.

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

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

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

13            **Sec. 2.** RCW 29A.20.121 and 2004 c 271 s 110 are each amended to  
14 read as follows:

15            (1) Any nomination of a candidate for partisan public office by  
16 other than a major political party may be made only: (a) In a  
17 convention held not earlier than the (~~last~~) fourth Saturday in  
18 (~~June~~) May and not later than the first Saturday in (~~July~~) June or

1 during any of the seven days immediately preceding the first day for  
2 filing declarations of candidacy as fixed in accordance with RCW  
3 29A.28.041; (b) as provided by RCW 29A.60.021; or (c) as otherwise  
4 provided in this section. Minor political party and independent  
5 candidates may appear only on the general election ballot.

6 (2) Nominations of candidates for president and vice president of  
7 the United States other than by a major political party may be made  
8 either at a convention conducted under subsection (1) of this section,  
9 or at a similar convention taking place not earlier than the first  
10 Sunday in July and not later than seventy days before the general  
11 election. Conventions held during this time period may not nominate  
12 candidates for any public office other than president and vice  
13 president of the United States, except as provided in subsection (3) of  
14 this section.

15 (3) If a special filing period for a partisan office is opened  
16 under RCW 29A.24.211, candidates of minor political parties and  
17 independent candidates may file for office during that special filing  
18 period. The names of those candidates may not appear on the general  
19 election ballot unless they are nominated by convention held no later  
20 than five days after the close of the special filing period and a  
21 certificate of nomination is filed with the filing officer no later  
22 than three days after the convention. The requirements of RCW  
23 29A.20.131 do not apply to such a convention.

24 (4) A minor political party may hold more than one convention but  
25 in no case shall any such party nominate more than one candidate for  
26 any one partisan public office or position. For the purpose of  
27 nominating candidates for the offices of president and vice president,  
28 United States senator, United States representative, or a statewide  
29 office, a minor party or independent candidate holding multiple  
30 conventions may add together the number of signatures of different  
31 individuals from each convention obtained in support of the candidate  
32 or candidates in order to obtain the number required by RCW 29A.20.141.  
33 For all other offices for which nominations are made, signatures of the  
34 requisite number of registered voters must be obtained at a single  
35 convention.

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

1        (1) Except where otherwise provided by this title, declarations of  
2 candidacy for the following offices shall be filed with the filing  
3 officer during the regular filing period, which is during regular  
4 business hours ((with the filing officer no earlier than)) for five  
5 days beginning on the ((fourth)) third Monday in ((July and no later  
6 than)) June and ending on the following Friday in the year in which the  
7 office is scheduled to be voted upon:

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

11        ((+2)) (b) Offices where a vacancy, other than a short term,  
12 exists that has not been filled by election and for which an election  
13 to fill the vacancy is required in conjunction with the next state  
14 general election.

15        (2) If an eligible person has not filed a declaration of candidacy  
16 for a nonpartisan office during the regular filing period, the filing  
17 officer shall open a special filing period for declarations of  
18 candidacy for that office. This special filing period must be held  
19 during regular business hours for three consecutive days beginning on  
20 the first Monday after the close of the regular filing period and  
21 ending on the following Wednesday. If an eligible person has not filed  
22 for the nonpartisan office during this special filing period, the  
23 election is lapsed under RCW 29A.24.201.

24        (3) If an eligible person has not filed a declaration of candidacy  
25 as a member of a major political party for a partisan office during the  
26 regular filing period, the filing officer shall open a special filing  
27 period for declarations of candidacy as a member of that major  
28 political party for that office. This special filing period must be  
29 held during regular business hours for three consecutive days beginning  
30 on the first Monday after the close of the regular filing period and  
31 ending on the following Wednesday. If an eligible person has not filed  
32 as a candidate of that major political party for that partisan office  
33 during this special filing period, the major political party may select  
34 and certify a nominee under RCW 29A.28.011.

35        (4) Notice of a special filing period must be given by notifying  
36 press, radio, and television in the county and by such other means as  
37 provided by law.

1       (5) This section supersedes all other statutes that provide for a  
2 different filing period for these offices.

3       **Sec. 4.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to  
4 read as follows:

5       A candidate who filed for office during the regular filing period  
6 may withdraw his or her declaration of candidacy at any time before the  
7 close of regular business hours on the (~~Thursday following the~~) last  
8 day (~~for candidates to file~~) of the special filing period under RCW  
9 29A.24.050 by filing, with the officer with whom the declaration of  
10 candidacy was filed, a signed request that his or her name not be  
11 printed on the ballot. (~~There shall be no withdrawal period for~~  
12 ~~declarations of candidacy filed during special filing periods held~~  
13 ~~under this title.~~) The filing officer may permit the withdrawal of a  
14 filing for the office of precinct committee officer at the request of  
15 the candidate at any time if no absentee ballots have been issued for  
16 that office and the ballots for that precinct have not been printed.  
17 The filing officer may permit the withdrawal of a filing for any  
18 elected office of a city, town, or special district at the request of  
19 the candidate at any time before a primary if the primary ballots for  
20 that city, town, or special district have not been ordered. No filing  
21 fee may be refunded to any candidate who withdraws under this section.  
22 Notice of the deadline for withdrawal of candidacy and that the filing  
23 fee is not refundable shall be given to each candidate at the time he  
24 or she files.

25       **Sec. 5.** RCW 29A.24.171 and 2004 c 271 s 165 are each amended to  
26 read as follows:

27       Filings for a nonpartisan office shall be reopened after the  
28 special filing period for a period of three normal business days, such  
29 three-day period to be fixed by the election officer with whom such  
30 declarations of candidacy are filed and notice thereof given by  
31 notifying press, radio, and television in the county and by such other  
32 means as may now or hereafter be provided by law, whenever before the  
33 sixth Tuesday prior to a primary:

34       (1) A void in candidacy occurs for an office where one or more  
35 eligible persons had filed for the office during the regular or special  
36 filing period;

1 (2) A vacancy occurs in any nonpartisan office leaving an unexpired  
2 term to be filled by an election for which filings have not been held;  
3 or

4 (3) A nominee for judge of the superior court entitled to a  
5 certificate of election pursuant to Article 4, section 29, Amendment 41  
6 of the state Constitution, dies or is disqualified.

7 Candidacies validly filed within (~~said~~) this three-day period  
8 shall appear on the ballot as if made during the earlier regular or  
9 special filing period.

10 **Sec. 6.** RCW 29A.24.201 and 2004 c 271 s 190 are each amended to  
11 read as follows:

12 If after (~~both the normal~~) the regular filing period (~~and~~),  
13 special filing period, and an additional three-day filing period (~~as~~)  
14 provided by RCW 29A.24.171 and 29A.24.181 have passed, no candidate has  
15 filed for any single city, town, or district position to be filled, the  
16 election for (~~such~~) that position shall be deemed lapsed, the office  
17 deemed stricken from the ballot, and no write-in votes counted. In  
18 such instance, the incumbent occupying such position shall remain in  
19 office and continue to serve until a successor is elected at the next  
20 election when such positions are voted upon.

21 **Sec. 7.** RCW 29A.28.011 and 2004 c 271 s 191 are each amended to  
22 read as follows:

23 If a place on the ticket of a major political party is vacant  
24 because no person has filed for nomination as the candidate of that  
25 major political party, after the last day allowed for candidates to  
26 withdraw as provided by RCW 29A.24.131, (~~and if the vacancy is for a~~  
27 ~~state or county office to be voted on solely by the electors of a~~  
28 ~~single county,~~) the county central committee of the major political  
29 party may select and certify a candidate to fill the vacancy. If the  
30 vacancy is for (~~any other~~) a state or county office to be voted on  
31 solely by the voters of a single county, or the state central committee  
32 of the major political party may select and certify a candidate to fill  
33 the vacancy if the vacancy is for any other office.

34 The certificate must set forth the cause of the vacancy, the name  
35 of the person nominated, the office for which the person is nominated,  
36 and other pertinent information required in an ordinary certificate of

1 nomination and be filed in the proper office no later than the first  
2 Friday after the (~~last day allowed for candidates to withdraw~~) close  
3 of the regular filing period, together with the candidate's fee  
4 applicable to that office and a declaration of candidacy.

5 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each  
6 repealed:

- 7 (1) RCW 29A.04.158 (September primary) and 2004 c 271 s 187; and  
8 (2) RCW 29A.24.200 (Lapse of election when no filing for single  
9 positions--Effect) and 2003 c 111 s 620.

10 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2006.

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