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SENATE BILL 5889

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State of Washington

59th Legislature

2005 Regular Session

By Senators Pridemore, Oke, Rockefeller and Shin; by request of State Treasurer

Read first time 02/11/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to statewide nonpartisan offices; amending RCW  
2 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and  
3 29A.52.231; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The duties of the state treasurer to receive  
6 and disburse public money, account for public money as provided by law,  
7 manage the investment of state funds, oversee state borrowings, and  
8 carry out other duties as prescribed by the Constitution and statute,  
9 are all responsibilities that are fundamentally nonpartisan in nature.  
10 Accordingly, the office of state treasurer should be nonpartisan.

11 **Sec. 2.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to  
12 read as follows:

13 Filings for a nonpartisan office (other than judge of the supreme  
14 court, state treasurer, or superintendent of public instruction) shall  
15 be reopened for a period of three normal business days, such three-day  
16 period to be fixed by the election officer with whom such declarations  
17 of candidacy are filed and notice thereof given by notifying press,

1 radio, and television in the county and by such other means as may now  
2 or hereafter be provided by law, when:

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

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

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

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

17 **Sec. 3.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to  
18 read as follows:

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

22 (1) In an election for (~~judge of the supreme court or~~  
23 ~~superintendent of public instruction~~) a statewide nonpartisan office,  
24 a void in candidacy occurs on or after the sixth Tuesday prior to a  
25 primary, public filings and the primary being an indispensable phase of  
26 the election process for such offices;

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

32 (3) In other elections for nonpartisan office a void in candidacy  
33 occurs or a vacancy occurs involving an unexpired term to be filled on  
34 or after the sixth Tuesday prior to an election.

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

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

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

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

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

37           (3) The political party or independent candidacy of each candidate  
38 for partisan office shall be indicated next to the name of the

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

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

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

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

1       **Sec. 6.** RCW 29A.52.111 and 2004 c 271 s 173 are each amended to  
2 read as follows:

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

- 5       (1) Congressional offices;
- 6       (2) All state offices except: (a) Judicial offices ((and)); (b)  
7 the office of superintendent of public instruction; and (c) the state  
8 treasurer;
- 9       (3) All county offices except (a) judicial offices and (b) those  
10 offices where a county home rule charter provides otherwise.

11       **Sec. 7.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
12 read as follows:

13       The offices of state treasurer, superintendent of public  
14 instruction, justice of the supreme court, judge of the court of  
15 appeals, judge of the superior court, and judge of the district court  
16 shall be nonpartisan and the candidates therefor shall be nominated and  
17 elected as such.

18       All city, town, and special purpose district elective offices shall  
19 be nonpartisan and the candidates therefor shall be nominated and  
20 elected as such.

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