
**State Government & Tribal
Affairs Committee**

HB 1534

Brief Description: Modifying provisions affecting candidates for elective office.

Sponsors: Representatives Hunt, Williams, Armstrong and Moeller; by request of Secretary of State.

Brief Summary of Bill

- Changes the process for minor party and independent candidate nomination, revises candidate filing procedures, and makes changes to election procedures for precinct committee officers.

Hearing Date: 1/23/08

Staff: Marsha Reilly (786-7135).

Background:

Minor Party and Independent Candidate Nominating Procedures

Minor party and independent candidate nominations for partisan public office must be made at a convention held between the first and second Saturday in May or during any of the five days after the close of a special filing period opened for purposes of filling a vacancy in office. Minor party and independent candidate nominations for president and vice president of the United States must be made at a convention held between the first Saturday in June and the fourth Saturday in July.

If there is a special filing period for an office, minor party and independent candidates may hold a convention during that period and must submit nominations within five days after the close of the special filing period in order for their candidate to appear on the general election ballot.

In order to be nominated, minor party and independent candidates for the offices of president and vice president of the United States, United States senator, United States representative, or any statewide office must obtain the signatures of at least 1000 registered voters in the state. For all other offices, a candidate must obtain the signatures of one hundred persons registered to vote in

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the jurisdiction of the office the candidate seeks. Once the signature petitions are received and checked by the filing officer, notification of the sufficiency of signatures is sent to the presiding officer of the convention.

Before the name of a candidate may appear on the general election ballot, the full filing fee for the office must be paid. The filing fee for offices with a fixed annual salary of \$1,000 or less is \$10. For offices with a fixed annual salary over \$1,000, the filing fee is equal to one percent of the annual salary. A candidate who is not able to pay the filing fee may submit his or her declaration of candidacy with a filing fee petition containing the number of signatures of registered voters equal to the number of dollars for the filing fee.

Candidate Filing

A candidate for the state legislature, the court of appeals, and the superior court whose district is comprised of voters within one county has the option of filing a declaration of candidacy with either the Secretary of State or the county auditor. If the district is comprised of voters from two or more counties, the declaration of candidacy must be filed with the Secretary of State.

Candidates may withdraw declarations of candidacy at any time before the close of business on the Thursday following the last day for candidates to file. A candidate for precinct committee officer may withdraw at any time if no absentee ballots have been issued for that office and the ballots for that precinct have not been printed.

Candidates for a city or town elective position must file a declaration of candidacy with the appropriate county auditor no earlier than the first Monday and no later than the following Friday in June in the year of the election. City or town candidates may withdraw a declaration of candidacy at any time before the primary if the primary ballots have not been ordered.

Precinct Committee Officers

A candidate for precinct committee officer (PCO) may withdraw his or her candidacy at any time if no absentee ballots have been issued for that office and the ballots for that precinct have not been printed.

When two or more candidates have filed for the same PCO position, the office must be presented to absentee voters on the regular absentee ballot, or on a separate absentee ballot. To be declared elected, a candidate for PCO must receive at least 10 percent of the highest number of votes cast for a candidate in the precinct of the same party.

Summary of Bill:

Minor Party and Independent Candidate Nominating Procedures

Minor party and independent candidate nominations for partisan public office are made through a petition process, rather than by convention. Petitions must be filed no later than the 2nd Saturday in May. Filing for president and vice president must be no later than the first Monday in August.

The time period for filing nominations during a special filing period is change from five days to seven days after the close of the special filing period.

Nominating petitions must contain: 1,000 signatures made by registered voters of the state if the nomination is for president and vice president of the United States, United States senator, or statewide office; 500 signatures made by registered voters of the jurisdiction of the office if the

nomination is for United States representative; or 100 signatures made by registered voters of the jurisdiction of the office if the nomination is for any other partisan office. If the nomination is for president and vice president of the United States, the petition must contain a sworn statement from both nominees consenting to the nomination.

Notification of sufficiency of signatures is made to the candidate.

Candidate Filing

A candidate for U.S. Senate or U.S. Representative must declare that he or she will be a resident of the state at the time of the election.

A candidate for the state legislature, the court of appeals, and the superior court whose district is comprised of voters within one county must file a declaration of candidacy with the county auditor.

Candidates for a city or town elective position must file a declaration of candidacy with the county auditor not more than 45 nor less than 30 days prior to the primary election. Candidates may withdraw a declaration of candidacy within five days after the last day allowed for filing declarations of candidacy.

Precinct Committee Officers

A candidate for PCO must withdraw a declaration of candidacy at the same time as for other candidates, the close of business on the Thursday following the last day for candidate filing.

Precinct committee officer candidates are deemed to be elected immediately if only one person files. The requirement that a PCO is elected only if the candidate receives at least 10 percent of the highest number of votes in any race of the same party is removed.

Technical Changes

RCWs 29A.28.011 regarding major party ticket and 29A.28.021 regarding death or disqualification currently contained within the chapter on vacancies are each recodified as new sections in Chapter 29A.24 RCW regarding filing for office.

The following statutes are repealed:

1. 29A.20.131 - Convention Notice; requires notice of minor party nominating conventions to be published 10 days before convention.
2. 29A.20.141 - Convention - Requirements for validity; requires conventions to be attended by 100 registered voters to be valid, or 1000 for president and vice president.
3. 29A.20.161 - Certificate of nomination; requires certificate evidencing nominations made at convention.

Proposed substitute compared to original bill

The proposed substitute replaces the term "nominating petition" with "ballot qualifying petition. The filing fee for minor party and independent candidates is one half the fee required by law to be paid by major party candidates for the same office. The signature requirements for the nomination of a minor party candidate for Congress is changed from 500 to 250. The name of a candidate for the office of precinct committee officer must appear on the primary ballot, regardless of the number of candidates vying for the same position.

The following are removed from the substitute bill:

- The requirement that a declaration of candidacy form for Congress must include a statement that the candidate be a resident of the state at the time of the election;
- The provisions relating to where a candidate must file for office;
- The provisions stating that a precinct committee officer must withdraw a declaration of candidacy at the same time as for other candidates;
- The provisions that precinct committee officer candidates are deemed elected if unopposed for office.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.