

HOUSE BILL REPORT

HB 1534

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to candidates for elective office.

Brief Description: Modifying provisions affecting candidates for elective office.

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

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/23/08, 2/7/08 [DPS].

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz, Lias, Miloscia and Ormsby.

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

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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 1,000 registered voters in the state. For all other offices, a candidate must obtain the signatures of 100 persons registered to vote in 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

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 Substitute Bill:

Minor Party and Independent Candidate Nominating Procedures

The requirement that minor party and independent candidate nominations for partisan public office be made at a convention is removed. Rather, nominations are made through a ballot qualifying petition process. Petitions must be filed no later than the second Saturday in May. Filing for President and Vice President of the United States must be no later than the first Monday in August.

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

Ballot qualifying petitions must be signed by registered voters who reside within the same jurisdiction as the office. Signature requirements are as follows: 1,000 signatures if the nomination is for President and Vice President of the United States, United States senator, or statewide office; 250 signatures if the nomination is for United States representative; or 100 signatures if the nomination is for any other partisan office. Notification of sufficiency of signatures is made to the candidate.

Ballot qualifying petitions for the nomination of President and Vice President of the United States must contain a sworn statement from both nominees consenting to the nomination.

The filing fee for minor party and independent candidates is reduced to one-half the fee required by law to be paid by major party candidates for the same office.

Candidate Filing

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.

The requirement that a PCO is declared elected conditioned upon the receipt of 10 percent of votes cast for that party's candidate in the precinct receiving the greatest number of votes is removed.

Technical Changes

Statutes relating to certifying appointees to state or county offices when no candidate files or due to death or disqualification are recodified as new sections in the chapter pertaining to filing for office. Statutes relating to minor party conventions, including notice, convention requirements, and certificate of nomination, are repealed.

Substitute Bill 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; and
- the provisions that precinct committee officer candidates are deemed elected if unopposed for office.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The Progressive Party is supportive of the bill. This is historic in that the minor parties have been included in the process. We urge you to pass the bill, but to make the effective date immediately. This is Secretary of State request legislation from last year. The May date could possibly be changed.

(With concerns) The Libertarian Party is supportive of the bill, but has some concerns. There is no need to have the petitions due in May as minor party candidates do not appear on the primary ballot. It would be better to allow multiple candidates on the same petition. The 1 percent requirement to move to the general election is difficult. As written, minor party candidates are treated as independents. There are 39 states that have procedures to get minor party status using procedures other than by petition. There should be a process that a minor political party could use without getting signatures, some way to show a modicum of support. The deadline for presidential elections needs to be moved as currently signatures cannot be collected until July. None of the minor parties will be able to make financial contributions because there is no requirement for a certificate of election.

(Opposed) None.

Persons Testifying: (In support) Linda Knighton, Progressive Party of Washington; and Shane Hamlin, Office of the Secretary of State.

(With concerns) Ruth Bennett and Richard Shepard, Libertarian Party of Washington State.

Persons Signed In To Testify But Not Testifying: None.