11 1//0.1	H-4776.1					
-----------	----------	--	--	--	--	--

SUBSTITUTE HOUSE BILL 1534

State of Washington 60th Legislature 2008 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Williams, Armstrong, and Moeller; by request of Secretary of State)

READ FIRST TIME 02/11/08.

11

- AN ACT Relating to candidates for elective office; amending RCW 29A.20.111, 29A.20.121, 29A.20.151, 29A.20.171, 29A.20.181, 29A.20.191, 29A.20.201, 29A.24.131, 29A.24.320, 29A.28.041, 29A.32.031, 29A.36.121, 29A.36.191, 29A.40.061, 29A.52.321, 29A.56.320, 29A.80.051, and 35.02.086; adding a new section to chapter 29A.24 RCW; recodifying RCW 29A.28.011 and 29A.28.021; and repealing RCW 29A.20.131, 29A.20.141, and 29A.20.161.
- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 9 **Sec. 1.** RCW 29A.20.111 and 2004 c 271 s 188 are each amended to 10 read as follows:

((A "convention" for the purposes of this chapter, is an organized

- assemblage of registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle.)) As used in this chapter, ((the term)) "((election)) jurisdiction" ((shall)) means the state or any political subdivision or
- 16 jurisdiction of the state from which partisan officials are elected.
- 17 ((This term shall include county commissioner districts or council
- 18 districts for members of a county legislative authority,))
- 19 <u>"Jurisdiction" includes</u> counties for county officials ((who are

p. 1 SHB 1534

- 1 nominated and elected on a county-wide basis)), legislative districts
- 2 for members of the legislature, congressional districts for members of
- 3 Congress, and the state for president and vice president, members of
- 4 the United States senate, and state officials who are elected on a
- 5 statewide basis.

- **Sec. 2.** RCW 29A.20.121 and 2006 c 344 s 4 are each amended to read 7 as follows:
 - (1) Any nomination of a candidate for partisan public office by other than a major political party may be made only((; (a) In a convention held not earlier than the first Saturday in May and not later than the second Saturday in May or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided by RCW 29A.60.021; or (c))) by ballot qualifying petition filed no later than the second Monday in May, or as otherwise provided in this section. Minor political party and independent candidates may appear only on the general election ballot.
 - (2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made ((either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first Saturday in June and not later than the fourth Saturday in July. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section)) by ballot qualifying petition filed no later than the first Monday in August.
 - (3) If a special filing period for a partisan office is opened under RCW 29A.24.211 or 29A.28.041, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the general election ballot unless they are nominated by ((convention held)) petition filed no later than ((five)) seven days after the close of the special filing period ((and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of RCW 29A.20.131 do not apply to such a convention)).

- 1 (4) <u>Ballot qualifying petitions must be filed with the appropriate</u> 2 filing officer as provided in RCW 29A.24.070.
- (5) A minor political party may ((hold more than one convention but 3 in no case shall any such party)) not nominate more than one candidate 4 for any one partisan public office or position. ((For the purpose of 5 6 nominating candidates for the offices of president and vice president, 7 United States senator, United States representative, or a statewide 8 office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different 9 10 individuals from each convention obtained in support of the candidate 11 or candidates in order to obtain the number required by RCW 29A.20.141. For all other offices for which nominations are made, signatures of the 12 13 requisite number of registered voters must be obtained at a single 14 convention.))
- 15 **Sec. 3.** RCW 29A.20.151 and 2004 c 271 s 112 are each amended to read as follows:

18

19 20

21

2223

24

25

26

27

28

34

35

3637

- A ((nominating)) ballot qualifying petition submitted under this chapter shall ((clearly identify the name of the minor party or independent candidate convention as it appears on the certificate of nomination as required by RCW 29A.20.161(3). The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address)) include:
 - (1) The name and residential address of the candidate;
- (2) The name of the minor political party or the fact that the candidate is independent if not affiliated with a political party;
 - (3) The year and office for which the candidate is nominated;
- 29 <u>(4) A statement that each person signing the petition is a</u> 30 <u>registered voter of the state of Washington and the jurisdiction of the</u> 31 office;
- 32 (5) A space for each voter to sign his or her name and print his or her name and address;
 - (6)(a) Valid signatures of at least one thousand registered voters of the jurisdiction of the office if the nomination is for president and vice president of the United States, United States senator, or statewide office;

p. 3 SHB 1534

1 (b) Valid signatures of at least two hundred fifty registered 2 voters of the jurisdiction of the office if the nomination is for 3 United States representative; or

- (c) Valid signatures of at least one hundred registered voters of the jurisdiction of the office if the nomination is for any other partisan office; and
- (7) If the nomination is for president and vice president of the United States, a sworn statement from both nominees consenting to the nomination.
- No person may sign more than one ((nominating)) ballot qualifying petition under this chapter for an office for an election.
- **Sec. 4.** RCW 29A.20.171 and 2004 c 271 s 155 are each amended to 13 read as follows:
 - (1) If two or more ((valid certificates of nomination)) ballot qualifying petitions are filed purporting to nominate different candidates for the same position using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be permitted to delay the printing of either ballots or a voters' pamphlet. Other candidates nominated by the same ((conventions)) political party may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.
 - (2) A person affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing officer. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; (c) the nomination of a more complete slate of candidates for a number of offices or in a number of different regions of the state; (d) documented affiliation with a national or statewide party organization with an established use of the name; (e) the first

date of filing of a ((certificate of nomination)) ballot qualifying petition; and (f) such other indicia of an established right to use of the name as the court may deem relevant. If more than one filing officer is involved, and one of them is the secretary of state, the petition must be filed in the superior court for Thurston county. Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail.

Sec. 5. RCW 29A.20.181 and 2004 c 271 s 156 are each amended to read as follows:

8

9

20

2122

23

24

25

26

27

28

2930

31

32

3334

35

- 10 ((A)) Minor political party or independent ((candidate convention))11 nominating)) candidates for the offices of president and vice president 12 of the United States, or their designees, shall, not later than ten 13 days after the ((adjournment of the convention)) filing of ballot qualifying petitions, submit a list of presidential electors to the 14 office of the secretary of state. The list shall contain the names and 15 16 the mailing addresses of the persons selected ((and shall be verified 17 by the presiding officer of the convention)).
- 18 **Sec. 6.** RCW 29A.20.191 and 2004 c 271 s 157 are each amended to 19 read as follows:

Upon the receipt of the ((certificate of nomination)) ballot qualifying petitions, the officer with whom it is filed shall check the ((certificate)) petitions and canvass the signatures ((on the accompanying nominating petitions)) to determine if the requirements of RCW ((29A.20.141)) 29A.20.151 have been met. Once the determination has been made, the filing officer shall notify the ((presiding officer of the convention and any other persons requesting the notification,)) candidate of his or her decision regarding the sufficiency of the ((certificate or the nominating)) ballot qualifying petitions. appeal regarding the filing officer's determination must be filed with the superior court of the county in which the ((certificate or)) petitions were filed not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. ((Nominating)) Ballot qualifying petitions shall not be available for public inspection or copying.

p. 5 SHB 1534

1 **Sec. 7.** RCW 29A.20.201 and 2004 c 271 s 113 are each amended to 2 read as follows:

3 Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county 4 5 auditors of the names and designations of all minor party and independent candidates who have filed valid ((convention certificates 6 7 and nominating)) ballot qualifying petitions with that office. Except for the offices of president and vice president, persons nominated 8 under this chapter shall file declarations of candidacy as provided by 9 10 RCW 29A.24.031 and 29A.24.070. The name of a nominated candidate ((nominated at a convention)) shall not be printed upon the general 11 election ballot unless he or she pays one half of the fee required by 12 13 law to be paid by candidates for the same office to be nominated at a 14 primary.

15 **Sec. 8.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to 16 read as follows:

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

35 **Sec. 9.** RCW 29A.24.320 and 2003 c 111 s 623 are each amended to read as follows:

SHB 1534 p. 6

17

18

19 20

21

2223

24

2526

27

28

2930

31

32

3334

The secretary of state shall notify each county auditor of any declarations filed with the secretary under RCW ((29A.24.310))

29A.24.311 for offices appearing on the ballot in that county. The county auditor shall ensure that those persons charged with counting the ballots for a primary or election are notified of all valid write-in candidates before the tabulation of those ballots.

Sec. 10. RCW 29A.28.041 and 2006 c 344 s 12 are each amended to 8 read as follows:

- (1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy. Minor political party candidates and independent candidates may be nominated through the ((convention)) petition procedures provided in chapter 29A.20 RCW.
- (2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating major political party candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.
- (3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary((τ)) and special vacancy election((τ) , and minor party and independent candidate nominating conventions)) must be held in concert with the state primary and state general election in that year.
- (4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period.

p. 7 SHB 1534

- The last day of the filing period shall not be later than the sixth Tuesday before the primary at which major political party candidates are to be nominated. The names of major political party candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot. ((The requirements of RCW 29A.20.131 do not apply to a minor political party or independent candidate convention held under this subsection.))
 - (5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary((τ)) and special vacancy election((τ)) and the minor party and independent candidate conventions)) to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.
- 14 Sec. 11. RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No. 960) are each amended to read as follows:
- 16 The voters' pamphlet must contain:

- (1) Information about each measure for an advisory vote of the people and each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;
 - (2) In even-numbered years, statements, if submitted, advocating the candidacies of nominees for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit a campaign mailing address and telephone number and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;
 - (3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;
- 36 (4) In even-numbered years, a section explaining how voters may 37 participate in the election campaign process; the address and telephone

number of the public disclosure commission established under RCW 42.17.350; and a summary of the disclosure requirements that apply when contributions are made to candidates and political committees;

- (5) In even-numbered years the name, address, and telephone number of each political party with nominees listed in the pamphlet, if filed with the secretary of state ((by the state committee of a major political party or the presiding officer of the convention of a minor political party));
- (6) In each odd-numbered year immediately before a year in which a president of the United States is to be nominated and elected, information explaining the precinct caucus and convention process used by each major political party to elect delegates to its national presidential candidate nominating convention. The pamphlet must also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods used by the parties to nominate candidates for president;
 - (7) An application form for an absentee ballot;
- 18 (8) A brief statement explaining the deletion and addition of 19 language for proposed measures under RCW 29A.32.080;
 - (9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.
- **Sec. 12.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to 24 read as follows:
 - (1)(a) The positions or offices on a primary consolidated ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary consolidated ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.
 - (b)(i) The positions or offices on a primary party ballot must be arranged in substantially the following order: United States senator;

p. 9 SHB 1534

United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; and partisan county officers. For all other jurisdictions on the primary party ballot, the offices in each jurisdiction must be grouped together and be in the order of the position numbers assigned to those offices, if any.

- (ii) The positions or offices on a primary nonpartisan ballot must be arranged in substantially the following order: Superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary nonpartisan ballot, the offices in each jurisdiction must be grouped together and be in the order of the position numbers assigned to those offices, if any.
- (2) The order of the positions or offices on an election ballot shall be substantially the same as on a primary consolidated ballot except that state ballot issues must be placed before all offices. The offices of president and vice president of the United States shall precede all other offices on a presidential election ballot. The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.
- (3) The political party or independent candidacy of each candidate for partisan office shall be indicated ((next to the name of the candidate)) on the primary and election ballot. A candidate shall file a written notice with the filing officer within three business days after the close of the filing period designating the political party to be indicated next to the candidate's name on the ballot if either: (a) The candidate has been nominated by two or more minor political ((parties)) party or independent ((conventions)) candidacy petitions; or (b) the candidate has both filed a declaration of candidacy declaring an affiliation with a major political party and been nominated by a minor political party or independent ((convention)) candidacy petition. If no written notice is filed the filing officer shall give effect to the party designation shown upon the first document filed. A minor political party or independent candidate may be deemed nominated ((by a minor party or independent convention)) only

- if all documentation required by chapter 29A.20 RCW has been timely filed.
- 3 **Sec. 13.** RCW 29A.36.191 and 2004 c 271 s 133 are each amended to 4 read as follows:

The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless, at the preceding primary, the candidate receives ((a number of votes equal to at least one percent of the total number of votes cast for all candidates for that office and)):

- 11 (1) A plurality of the votes cast ((by voters affiliated with that
 12 party)) for candidates for ((that)) the same office ((affiliated with
 13 that)) of the same party; and
 - <u>(2) At least:</u>

5

7

8

10

14

- 15 <u>(a) One thousand votes if the nomination is for United States</u> 16 <u>senate or a statewide office;</u>
- 17 <u>(b) Two hundred fifty votes if the nomination is for United States</u>
 18 house of representatives; or
- 19 <u>(c) One hundred votes if the nomination is for any other partisan</u> 20 office.
- 21 **Sec. 14.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to 22 read as follows:
- 23 (1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next 24 25 occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee 26 ballot or ongoing absentee status received by the county auditor is 27 complete and correct and the applicant is qualified to vote under 28 29 federal or state law. Otherwise, the county auditor shall notify the 30 applicant of the reason or reasons why the request cannot be accepted. Whenever ((two or more candidates have)) a candidate has filed for the 31 32 position of precinct committee officer ((for the same party in the same precinct, the contest for)), that position must be presented to 33 34 absentee voters from that precinct by either including the contest on 35 the regular absentee ballot or a separate absentee ballot. The ballot

p. 11 SHB 1534

1 must provide space designated for writing in the name of additional 2 candidates.

- (2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.
- (3) A copy of the state voters' pamphlet must be sent to registered voters temporarily outside the state, out-of-state voters, overseas voters, and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election and is available to the county auditor at the time of mailing. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406.
- **Sec. 15.** RCW 29A.52.321 and 2004 c 271 s 146 are each amended to read as follows:
 - No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors the names of all persons nominated for offices at a primary, or ((at)) by an independent candidate or minor party ((convention)) petition.
- **Sec. 16.** RCW 29A.56.320 and 2003 c 111 s 1425 are each amended to 24 read as follows:

In the year in which a presidential election is held, each major or minor political party that nominates candidates for president and vice president of the United States and each ((minor political party or)) independent candidate ((convention held under chapter 29A.20 RCW that nominates candidates)) nominated for president and vice president of the United States shall nominate presidential electors for this state. The party or ((convention)) independent candidate shall file with the secretary of state a certificate ((signed by the presiding officer of the convention at which the presidential electors were chosen,)) listing the names and addresses of the presidential electors. presidential elector shall execute and file with the secretary of state a pledge that, as an elector, he or she will vote for the candidates

nominated by that party. The names of presidential electors shall not appear on the ballots. The votes cast for candidates for president and vice president of each political party shall be counted for the

4 candidates for presidential electors of that political party.

7

8

9

10 11

12

13

1415

16

17

18

21

22

23

2425

26

2728

29

30

31

32

3334

35

36

5 **Sec. 17.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to 6 read as follows:

In an even-numbered year, the statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer. The office must be voted upon at the ((primaries, and)) primary. The names of all candidates must appear under the proper party and office designations on the ballot ((for the primary for each even numbered year)), and the one receiving the highest number of votes will be declared elected. ((However, to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct.)) The term of office of precinct committee officer is two years, commencing the first day of December following the primary.

19 **Sec. 18.** RCW 35.02.086 and 2006 c 344 s 20 are each amended to 20 read as follows:

Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located not more than forty-five nor less than thirty days prior to the primary election at which the initial elected officials are nominated((, according to RCW 29A.24.050)). The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration ((according to RCW 29A.24.131)) at any time within five days after the last day allowed for filing declarations of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

p. 13 SHB 1534

- NEW SECTION. Sec. 19. RCW 29A.28.011 and 29A.28.021 are each recodified as sections in chapter 29A.24 RCW.
- 3 <u>NEW SECTION.</u> **Sec. 20.** The following acts or parts of acts are 4 each repealed:
 - (1) RCW 29A.20.131 (Convention--Notice) and 2004 c 271 s 189;
- 6 (2) RCW 29A.20.141 (Convention--Requirements for validity) and 2004
- 7 c 271 s 111; and
- 8 (3) RCW 29A.20.161 (Certificate of nomination--Requisites) and 2004
- 9 c 271 s 154.

--- END ---