

HOUSE BILL REPORT

HB 1442

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

Title: An act relating to names used by candidates in elections.

Brief Description: Concerning names used by candidates in elections.

Sponsors: Representatives Goehner and Hudgins; by request of Secretary of State.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/12/19, 2/19/19 [DP].

Brief Summary of Bill

- Requires that candidates filing for public office use the name that appears on the candidate's voter registration for filing purposes.
- Requires that the ballot reflect the candidate's last name as it appears on the candidate's voter registration, but retains the candidate's ability to select the manner in which their first name appears on the ballot.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Desiree Omli (786-7105).

Background:

Candidates for certain public offices must file a declaration of candidacy with the appropriate elections official. Candidates for statewide and federal offices, and candidates in districts of multiple counties for appellate and superior courts and the state Legislature, must file their declarations with the Secretary of State (Secretary). For all other offices, candidates must file their declaration of candidacy with the local county auditor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Secretary has prepared a standard candidate filing form, different from the form for the office of precinct committee officer, which requires a candidate to:

- declare that he or she is a registered voter within the jurisdiction of the office sought, and the address at which he or she is registered;
- indicate the position for which he or she is filing;
- state a party preference, if seeking a partisan office;
- indicate the filing fee or that he or she is filing a filing fee petition; and
- affirm the information provided is true and that he or she will support the state and federal Constitutions and laws of the state, and sign the declaration of candidacy.

A candidate for public office may indicate the manner in which he or she would like their name printed on the ballot. However, for filing purposes, candidates may use a nickname by which the candidate is commonly known as a first name, but the last name must be the one under which the candidate is registered to vote. Candidates may not:

- use nicknames that denote occupation, including military rank;
- use nicknames that denote positions on issues or political affiliation; or
- use nicknames designed to mislead voters.

Summary of Bill:

Candidates for public office must file using the name appearing on the candidate's voter registration. Candidates may, separately, indicate the manner in which the candidate desires to have their first name printed on the ballot, but no candidate may use a last name that is different from the last name that appears on his or her voter registration.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is request legislation from the Secretary of State (Secretary) and is brought at the advice from the Attorney General's Office. There have been instances where a person wanted to run by another name, such as Mr. McBoatface. This bill still allows nicknames and other cultural allowances with regard to surnames, but will allow the Secretary to have a clear and defensible answer to people who want to run as someone other than who they are.

(Opposed) None.

Persons Testifying: Representative Goehner, prime sponsor; and Jay Jennings, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.