

# SENATE BILL REPORT

## SB 5509

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As Reported by Senate Committee On:  
State Government, Tribal Relations & Elections, February 15, 2019

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

**Brief Description:** Concerning names used by candidates in elections.

**Sponsors:** Senators Zeiger, Hunt and Kuderer; by request of Secretary of State.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 2/06/19, 2/15/19 [DPS].

**Brief Summary of First Substitute Bill**

- Requires that candidates file for public office using the name that appears on the candidate's voter registration, but retains ability for candidates to have a different form of their first name or nickname printed on the ballot.

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hasegawa, Hawkins and Takko.

**Staff:** Samuel Brown (786-7470)

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

For all offices other than precinct committee officer, the Secretary of State has prepared a standard candidate filing form which requires a candidate to:

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- declare the candidate is a registered voter within the jurisdiction of the office sought;
- indicate the position for which the candidate is filing;
- state a party preference, if seeking a partisan office;
- indicate the filing fee or that the candidate is filing a filing fee petition; and
- affirm the information provided is true and sign the declaration of candidacy.

A candidate for public office may indicate the manner in which the candidate would like their name printed on the ballot. 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 (First Substitute):** Candidates for public office must file using the name appearing on the candidate's voter registration and may, separately, indicate the manner in which the candidate desires to have their first name printed on the ballot.

**EFFECT OF CHANGES MADE BY STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS COMMITTEE (First Substitute):** Candidates may use last or surnames on the ballot that are not materially different from the last or surname on the candidate's voter registration.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The use of nicknames has worked well, but we should never underestimate the creative brilliance of candidates. Our assistant attorney general recommended we tighten up this statutory language, and the bill does just that.

**Persons Testifying:** PRO: Senator Hans Zeiger, Prime Sponsor; Jay Jennings, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** No one.