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HOUSE BILL 1826

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State of Washington

68th Legislature

2023 Regular Session

By Representative Rude

Read first time 02/14/23. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to removing party preferences from the ballot and  
2 voters' pamphlet; and amending RCW 29A.52.112, 29A.04.110,  
3 29A.32.032, 29A.24.031, and 42.17A.320.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29A.52.112 and 2014 c 7 s 1 are each amended to read  
6 as follows:

7 (1) A primary is a first stage in the public process by which  
8 voters elect candidates to public office.

9 (2) Whenever candidates for a partisan office are to be elected,  
10 the general election must be preceded by a primary conducted under  
11 this chapter. Based upon votes cast at the primary, the top two  
12 candidates will be certified as qualified to appear on the general  
13 election ballot, unless only one candidate qualifies as provided in  
14 RCW 29A.36.170.

15 (3) No primary may be held for any single county partisan office  
16 to fill an unexpired term if, after the last day allowed for  
17 candidates to withdraw, only one candidate has filed for the  
18 position.

19 (4) For partisan office, ~~((if a candidate has expressed a party~~  
20 ~~preference on the declaration of candidacy, then that preference will~~  
21 ~~be shown after the name of the candidate on the primary and general~~

1 ~~election ballots as set forth in rules of the secretary of state. A~~  
2 ~~candidate may choose to express no party preference. Any party~~  
3 ~~preferences are shown for the information of voters only and may in~~  
4 ~~no way limit the options available to voters)) any party preference~~  
5 ~~that a candidate chooses to identify with or express may not appear~~  
6 ~~on the primary or general election ballot.~~

7 **Sec. 2.** RCW 29A.04.110 and 2005 c 2 s 4 are each amended to read  
8 as follows:

9 "Partisan office" means (~~a public office for which a candidate~~  
10 ~~may indicate a political party preference on his or her declaration~~  
11 ~~of candidacy and have that preference appear on the primary and~~  
12 ~~general election ballot in conjunction with his or her name. The~~  
13 ~~following are partisan offices)):~~

- 14 (1) United States senator and United States representative;
- 15 (2) All state offices, including legislative, except (a) judicial  
16 offices and (b) the office of superintendent of public instruction;
- 17 (3) All county offices except (a) judicial offices and (b) those  
18 offices for which a county home rule charter provides otherwise.

19 Any party preference that a candidate chooses to identify with or  
20 express may not appear on the primary or general election ballot.

21 **Sec. 3.** RCW 29A.32.032 and 2005 c 2 s 11 are each amended to  
22 read as follows:

23 The text included in the voters' pamphlet ((must also)) by the  
24 secretary of state may not contain ((the)) a candidate's political  
25 party preference or independent status ((where)), even when a  
26 candidate appearing on the ballot has expressed or identified with  
27 such a preference ((on his or her declaration of candidacy)). Any  
28 candidate wishing to express the candidate's party preference or  
29 independent status in a voters' pamphlet may do so as part of the  
30 candidate's candidate statement.

31 **Sec. 4.** RCW 29A.24.031 and 2013 c 11 s 31 are each amended to  
32 read as follows:

33 A candidate who desires to have his or her name printed on the  
34 ballot for election to an office other than president of the United  
35 States, vice president of the United States, or an office for which  
36 ownership of property is a prerequisite to voting shall complete and  
37 file a declaration of candidacy. The secretary of state shall adopt,

1 by rule, a declaration of candidacy form for the office of precinct  
2 committee officer and a separate standard form for candidates for all  
3 other offices filing under this chapter. Included on the standard  
4 form shall be:

5 (1) A place for the candidate to declare that he or she is a  
6 registered voter within the jurisdiction of the office for which he  
7 or she is filing, and the address at which he or she is registered;

8 (2) A place for the candidate to indicate the position for which  
9 he or she is filing;

10 (3) ~~((A place for the candidate to state a party preference, if  
11 the office is a partisan office;~~

12 ~~(4))~~) A place for the candidate to indicate the amount of the  
13 filing fee accompanying the declaration of candidacy or for the  
14 candidate to indicate that he or she is filing a filing fee petition  
15 in lieu of the filing fee under RCW 29A.24.091;

16 ~~((5))~~) (4) A place for the candidate to sign the declaration of  
17 candidacy, stating that the information provided on the form is true  
18 and swearing or affirming that he or she will support the  
19 Constitution and laws of the United States and the Constitution and  
20 laws of the state of Washington.

21 In the case of a declaration of candidacy filed electronically,  
22 submission of the form constitutes agreement that the information  
23 provided with the filing is true, that he or she will support the  
24 Constitutions and laws of the United States and the state of  
25 Washington, and that he or she agrees to electronic payment of the  
26 filing fee established in RCW 29A.24.091.

27 The secretary of state may require any other information on the  
28 form he or she deems appropriate to facilitate the filing process.

29 **Sec. 5.** RCW 42.17A.320 and 2019 c 261 s 3 are each amended to  
30 read as follows:

31 (1) All written political advertising, whether relating to  
32 candidates or ballot propositions, shall include the sponsor's name  
33 and address. All radio and television political advertising, whether  
34 relating to candidates or ballot propositions, shall include the  
35 sponsor's name. The use of an assumed name for the sponsor of  
36 electioneering communications, independent expenditures, or political  
37 advertising shall be unlawful. ~~((For partisan office, if a candidate  
38 has expressed a party or independent preference on the declaration of  
39 candidacy, that party or independent designation shall be clearly~~

1 ~~identified in electioneering communications, independent~~  
2 ~~expenditures, or political advertising.))~~

3 (2) In addition to the information required by subsection (1) of  
4 this section, except as specifically addressed in subsections (4) and  
5 (5) of this section, all political advertising undertaken as an  
6 independent expenditure or an electioneering communication by a  
7 person or entity other than a bona fide political party must include  
8 as part of the communication:

9 (a) The statement: "No candidate authorized this ad. It is paid  
10 for by (name, address, city, state)";

11 (b) If the sponsor is a political committee, the statement: "Top  
12 Five Contributors," followed by a listing of the names of the five  
13 persons making the largest contributions as determined by RCW  
14 42.17A.350(1); and if necessary, the statement "Top Three Donors to  
15 PAC Contributors," followed by a listing of the names of the three  
16 individuals or entities, other than political committees, making the  
17 largest aggregated contributions as determined by RCW 42.17A.350(2);  
18 and

19 (c) If the sponsor is a political committee established,  
20 maintained, or controlled directly, or indirectly through the  
21 formation of one or more political committees, by an individual,  
22 corporation, union, association, or other entity, the full name of  
23 that individual or entity.

24 (3) The information required by subsections (1) and (2) of this  
25 section shall:

26 (a) Appear on the first page or fold of the written advertisement  
27 or communication in at least ten-point type, or in type at least ten  
28 percent of the largest size type used in a written advertisement or  
29 communication directed at more than one voter, such as a billboard or  
30 poster, whichever is larger;

31 (b) Not be subject to the half-tone or screening process; and

32 (c) Be set apart from any other printed matter. No text may be  
33 before, after, or immediately adjacent to the information required by  
34 subsections (1) and (2) of this section.

35 (4) In an independent expenditure or electioneering communication  
36 transmitted via television or other medium that includes a visual  
37 image, the following statement must either be clearly spoken, or  
38 appear in print and be visible for at least four seconds, appear in  
39 letters greater than four percent of the visual screen height on a  
40 solid black background on the entire bottom one-third of the

1 television or visual display screen, or bottom one-fourth of the  
2 screen if the sponsor does not have or is otherwise not required to  
3 list its top five contributors, and have a reasonable color contrast  
4 with the background: "No candidate authorized this ad. Paid for by  
5 (name, city, state)." If the advertisement or communication is  
6 undertaken by a nonindividual other than a party organization, then  
7 the following notation must also be included: "Top Five Contributors"  
8 followed by a listing of the names of the five persons making the  
9 largest aggregate contributions as determined by RCW 42.17A.350(1);  
10 and if necessary, the statement "Top Three Donors to PAC  
11 Contributors," followed by a listing of the names of the three  
12 individuals or entities other than political committees making the  
13 largest aggregate contributions to political committees as determined  
14 by RCW 42.17A.350(2). Abbreviations may be used to describe  
15 contributing entities if the full name of the entity has been clearly  
16 spoken previously during the broadcast advertisement.

17 (5) The following statement shall be clearly spoken in an  
18 independent expenditure or electioneering communication transmitted  
19 by a method that does not include a visual image: "No candidate  
20 authorized this ad. Paid for by (name, city, state)." If the  
21 independent expenditure or electioneering communication is undertaken  
22 by a nonindividual other than a party organization, then the  
23 following statement must also be included: "Top Five Contributors"  
24 followed by a listing of the names of the five persons making the  
25 largest contributions as determined by RCW 42.17A.350(1); and if  
26 necessary, the statement "Top Three Donors to PAC Contributors,"  
27 followed by a listing of the names of the three individuals or  
28 entities, other than political committees, making the largest  
29 aggregate contributions to political committees as determined by RCW  
30 42.17A.350(2). Abbreviations may be used to describe contributing  
31 entities if the full name of the entity has been clearly spoken  
32 previously during the broadcast advertisement.

33 (6) Political advertising costing one thousand dollars or more  
34 supporting or opposing ballot measures sponsored by a political  
35 committee must include the information on the top five contributors  
36 and top three contributors, other than political committees, as  
37 required by RCW 42.17A.350. A series of political advertising  
38 sponsored by the same political committee, each of which is under one  
39 thousand dollars, must include the top five contributors and top  
40 three contributors, other than political committees, as required by

1 RCW 42.17A.350 once their cumulative value reaches one thousand  
2 dollars or more.

3 (7) Political yard signs are exempt from the requirements of this  
4 section that the sponsor's name and address, and the top five  
5 contributors and top three PAC contributors as required by RCW  
6 42.17A.350, be listed on the advertising. In addition, the public  
7 disclosure commission shall, by rule, exempt from the identification  
8 requirements of this section forms of political advertising such as  
9 campaign buttons, balloons, pens, pencils, sky-writing, inscriptions,  
10 and other forms of advertising where identification is impractical.

11 (8) For the purposes of this section, "yard sign" means any  
12 outdoor sign with dimensions no greater than eight feet by four feet.

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