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SENATE BILL 6213

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State of Washington 57th Legislature 2001 Third Special Session

By Senators T. Sheldon, Deccio and McCaslin

Read first time 07/17/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to preserving the blanket primary by advancing to  
2 the general election ballot the two candidates receiving the most votes  
3 regardless of political party affiliation; amending RCW 29.30.085,  
4 29.15.150, 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220,  
5 29.27.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, and 29.62.010;  
6 and repealing RCW 29.15.200, 29.15.230, 29.18.150, 29.18.160, and  
7 29.30.095.

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

9 **Sec. 1.** RCW 29.30.085 and 1992 c 181 s 2 are each amended to read  
10 as follows:

11 (1) Except as provided in RCW 29.30.086 and in subsection (2) of  
12 this section, on the ballot at the general election for ((a  
13 ~~nonpartisan~~)) an office for which a primary was held, only the names of  
14 the candidate who received the greatest number of votes and the  
15 candidate who received the next greatest number of votes for that  
16 office shall appear under the title of that office, and the names shall  
17 appear in that order. ((If a primary was conducted, no candidate's  
18 name may be printed on the subsequent general election ballot unless he  
19 or she receives at least one percent of the total votes cast for that

1 office at the preceding primary.)) On the ballot at the general  
2 election for ((any other nonpartisan)) an office for which no primary  
3 was held, the names of the candidates shall be listed in the order  
4 determined under RCW 29.30.025.

5 (2) On the ballot at the general election for the office of justice  
6 of the supreme court, judge of the court of appeals, judge of the  
7 superior court, or state superintendent of public instruction, if a  
8 candidate in a contested primary receives a majority of all the votes  
9 cast for that office or position, only the name of that candidate may  
10 be printed under the title of the office for that position.

11 **Sec. 2.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as  
12 follows:

13 Whenever it shall be necessary to hold a special election in an  
14 odd-numbered year to fill an unexpired term of any office which is  
15 scheduled to be voted upon for a full term in an even-numbered year, no  
16 September primary election shall be held in the odd-numbered year if,  
17 after the last day allowed for candidates to withdraw, ((either of the  
18 following circumstances exist:

19 (1) ~~No more than one candidate of each qualified political party~~  
20 ~~has filed a declaration of candidacy for the same partisan office to be~~  
21 ~~filled; or~~

22 (2)) no more than two candidates have filed a declaration of  
23 candidacy for a single ((nonpartisan)) office to be filled.

24 In ((either)) this event, the officer with whom the declarations of  
25 candidacy were filed shall immediately notify all candidates concerned  
26 and the names of the candidates that would have been printed upon the  
27 September primary ballot, but for the provisions of this section, shall  
28 be printed as nominees for the positions sought upon the November  
29 general election ballot.

30 **Sec. 3.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each  
31 amended to read as follows:

32 A void in candidacy for ((a nonpartisan)) an office occurs when an  
33 election for such office, except for the short term, has been scheduled  
34 and no valid declaration of candidacy has been filed for the position  
35 or all persons filing such valid declarations of candidacy have died or  
36 been disqualified.

1       **Sec. 4.** RCW 29.15.170 and 2001 c 46 s 1 are each amended to read  
2 as follows:

3       Filings for (~~(a nonpartisan)~~) an office shall be reopened for a  
4 period of three normal business days, such three day period to be fixed  
5 by the election officer with whom such declarations of candidacy are  
6 filed and notice thereof given by notifying press, radio, and  
7 television in the county or counties involved and by such other means  
8 as may now or hereafter be provided by law whenever before the sixth  
9 Tuesday prior to a primary:

10       (1) A void in candidacy occurs;

11       (2) A vacancy occurs in (~~(any nonpartisan)~~) an office leaving an  
12 unexpired term to be filled by an election for which filings have not  
13 been held; or

14       (3) A nominee for judge of the superior court entitled to a  
15 certificate of election pursuant to Article 4, section 29, Amendment 41  
16 of the state Constitution, dies or is disqualified.

17       Candidacies validly filed within said three-day period shall appear  
18 on the ballot as if made during the earlier filing period.

19       **Sec. 5.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each  
20 amended to read as follows:

21       A scheduled election shall be lapsed, the office deemed stricken  
22 from the ballot, no purported write-in votes counted, and no candidate  
23 certified as elected, when:

24       (1) In an election for judge of the supreme court (~~(or)~~),  
25 superintendent of public instruction, or a partisan office, a void in  
26 candidacy occurs on or after the fourth Tuesday prior to a primary,  
27 public filings and the primary being an indispensable phase of the  
28 election process for such offices;

29       (2) Except as otherwise specified in RCW 29.15.180, as now or  
30 hereafter amended, a nominee for judge of the superior court entitled  
31 to a certificate of election pursuant to Article 4, section 29,  
32 Amendment 41 of the state Constitution dies or is disqualified on or  
33 after the fourth Tuesday prior to a primary;

34       (3) In other elections for nonpartisan office a void in candidacy  
35 occurs or a vacancy occurs involving an unexpired term to be filled on  
36 or after the fourth Tuesday prior to an election.

1       **Sec. 6.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each amended to  
2 read as follows:

3       The election officer with whom declarations of candidacy are filed  
4 shall give notice of a void in candidacy for (~~(a nonpartisan)~~) an  
5 office(~~(7)~~) by notifying press, radio, and television in the county or  
6 counties involved and by such other means as may now or hereafter be  
7 provided by law. The notice shall state the office, and the time and  
8 place for filing declarations of candidacy.

9       **Sec. 7.** RCW 29.15.220 and 1972 ex.s. c 61 s 6 are each amended to  
10 read as follows:

11       Filings to fill a void in candidacy for (~~(nonpartisan)~~) an office  
12 shall be made in the same manner and with the same official as required  
13 during the regular filing period for such office: PROVIDED, That  
14 nominating signature petitions which may be required of candidates  
15 filing for certain district offices during the normal filing period  
16 shall not be required of candidates filing during the special three day  
17 filing period.

18       **Sec. 8.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read  
19 as follows:

20       On or before the day following the last day allowed for (~~(political~~  
21 ~~parties to fill vacancies in the ticket as provided by RCW 29.18.150))~~  
22 candidates to withdraw under RCW 29.15.120, the secretary of state  
23 shall certify to each county auditor a list of the candidates who have  
24 filed declarations of candidacy in his or her office for the primary.  
25 For each office, the certificate shall include the name of each  
26 candidate, his or her address, and his or her party designation, if  
27 any.

28       **Sec. 9.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to read  
29 as follows:

30       The names of the persons certified as nominees by the secretary of  
31 state or the county canvassing board shall be printed on the ballot at  
32 the ensuing election.

33       No name of any candidate whose nomination at a primary is required  
34 by law shall be placed upon the ballot at a general or special election  
35 unless it appears upon the certificate of either (1) the secretary of  
36 state(~~(7)~~) or (2) the county canvassing board(~~(7 or (3) a minor party~~

1 ~~convention or the state or county central committee of a major~~  
2 ~~political party to fill a vacancy on its ticket under RCW 29.18.160)).~~

3 Excluding the office of precinct committee officer or a temporary  
4 elected position such as a charter review board member or freeholder,  
5 a candidate's name shall not appear more than once upon a ballot for a  
6 position regularly nominated or elected at the same election.

7 **Sec. 10.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended  
8 to read as follows:

9 Each political party organization shall have the power to:

- 10 (1) Make its own rules and regulations;  
11 (2) Call conventions;  
12 (3) Elect delegates to conventions, state and national;  
13 (4) ~~((Fill vacancies on the ticket;~~  
14 ~~(+5))~~ Provide for the nomination of presidential electors; and  
15 ~~((+6))~~ (5) Perform all functions inherent in such an  
16 organization(~~(: PROVIDED, That only major political parties shall have~~  
17 ~~the power to designate candidates to appear on the state primary~~  
18 ~~election ballot as provided in RCW 29.18.150 as now or hereafter~~  
19 ~~amended))~~).

20 **Sec. 11.** RCW 29.42.020 and 1987 c 295 s 11 are each amended to  
21 read as follows:

22 The state committee of each major political party shall consist of  
23 one committeeman and one committeewoman from each county elected by the  
24 county committee at its organization meeting. It shall have a chair  
25 and vice-chair who must be of opposite sexes. This committee shall  
26 meet during January of each odd-numbered year for the purpose of  
27 organization at a time and place designated by a sufficient notice to  
28 all the newly elected state committeemen and committeewomen by the  
29 authorized officers of the retiring committee. For the purpose of this  
30 section a notice mailed at least one week prior to the date of the  
31 meeting shall constitute sufficient notice. At its organizational  
32 meeting it shall elect its chair and vice-chair, and such officers as  
33 its bylaws may provide, and adopt bylaws, rules and regulations. It  
34 shall have power to:

- 35 (1) Call conventions at such time and place and under such  
36 circumstances and for such purposes as the call to convention shall  
37 designate. The manner, number and procedure for selection of state

1 convention delegates shall be subject to the committee's rules and  
2 regulations duly adopted;

3 (2) Provide for the election of delegates to national conventions;

4 (3) ~~((Fill vacancies on the ticket for any federal or state office  
5 to be voted on by the electors of more than one county;~~

6 ~~(4))~~) Provide for the nomination of presidential electors; and

7 ~~((5))~~) (4) Perform all functions inherent in such an organization.

8 Notwithstanding any provision of this chapter, the committee shall  
9 not set rules which shall govern the conduct of the actual proceedings  
10 at a party state convention.

11 **Sec. 12.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to  
12 read as follows:

13 The statutory requirements for filing as a candidate at the  
14 primaries shall apply to candidates for precinct committee officer  
15 except that the filing period for this office alone shall be extended  
16 to and include the second Friday immediately following the last day for  
17 ~~((political parties to fill vacancies in the ticket as provided by RCW  
18 29.18.150))~~ the filing of declarations of candidacy under RCW  
19 29.15.020, and the office shall not be voted upon at the primaries, but  
20 the names of all candidates must appear under the proper party and  
21 office designations on the ballot for the general November election for  
22 each even-numbered year and the one receiving the highest number of  
23 votes shall be declared elected: PROVIDED, That to be declared  
24 elected, a candidate must receive at least ten percent of the number of  
25 votes cast for the candidate of the candidate's party receiving the  
26 greatest number of votes in the precinct. Any person elected to the  
27 office of precinct committee officer who has not filed a declaration of  
28 candidacy shall pay the fee of one dollar to the county auditor for a  
29 certificate of election. The term of office of precinct committee  
30 officer shall be for two years, commencing upon completion of the  
31 official canvass of votes by the county canvassing board of election  
32 returns. Should any vacancy occur in this office by reason of death,  
33 resignation, or disqualification of the incumbent, or because of  
34 failure to elect, the respective county chair of the county central  
35 committee shall be empowered to fill such vacancy by appointment:  
36 PROVIDED, HOWEVER, That in legislative districts having a majority of  
37 its precincts in a county with a population of one million or more,  
38 such appointment shall be made only upon the recommendation of the

1 legislative district chair: PROVIDED, That the person so appointed  
2 shall have the same qualifications as candidates when filing for  
3 election to such office for such precinct: PROVIDED FURTHER, That when  
4 a vacancy in the office of precinct committee officer exists because of  
5 failure to elect at a state general election, such vacancy shall not be  
6 filled until after the organization meeting of the county central  
7 committee and the new county chair selected as provided by RCW  
8 29.42.030.

9 **Sec. 13.** RCW 29.62.010 and 1990 c 59 s 62 are each amended to read  
10 as follows:

11 Every canvassing board or officer responsible for canvassing and  
12 certifying the returns of any primary or election shall:

13 (1) Adopt administrative rules to facilitate and govern the  
14 canvassing process in that jurisdiction;

15 (2) For each primary and election, prepare and sign a statement of  
16 the returns for each office, candidate, and issue voted on in that  
17 jurisdiction;

18 (3) If, at a ((partisan)) primary, two or more candidates of the  
19 same party receive the second greatest, and identical, number of votes  
20 for an office or position, resolve the tie vote by lot((÷

21 ~~(4) If, at a nonpartisan or judicial primary, two or more~~  
22 ~~candidates receive the second greatest, and identical, number of votes~~  
23 ~~for that office or position, resolve the tie vote by lot)).~~

24 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 29.15.200 (Lapse of election when no filing for single  
27 positions--Effect) and 1994 c 223 s 8 & 1975-'76 2nd ex.s. c 120 s 13;

28 (2) RCW 29.15.230 (Vacancy in partisan elective office--Special  
29 filing period) and 2001 c 46 s 3 & 1981 c 180 s 2;

30 (3) RCW 29.18.150 (Vacancies on major party ticket caused by no  
31 filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965  
32 c 9 s 29.18.150;

33 (4) RCW 29.18.160 (Vacancies by death or disqualification--How  
34 filled--Correcting ballots and labels--Counting votes already cast) and  
35 2001 c 46 s 4 & 1977 ex.s. c 329 s 13; and

1 (5) RCW 29.30.095 (Partisan candidates qualified for general  
2 election) and 1990 c 59 s 96.

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