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**HOUSE BILL 2150**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Reeves, Reed, and Tharinger

AN ACT Relating to processes regarding the disqualification of candidates who are ineligible for office; amending RCW 29A.24.075, 29A.56.031, and 29A.56.320; and adding a new chapter to Title 29A RCW.

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

NEW SECTION. **Sec.**  (1) No person shall be eligible for any state or federal office who does not meet the qualifications for that office as specified in section 2 of this act or in any other provision of law, including the Constitutions of the state of Washington and the United States.

(2) The filing officer shall not accept a declaration of candidacy submitted by a person who does not attest that they are eligible for that office. The secretary of state shall develop a standard oath for applicants to attest that they meet all eligibility requirements for office.

(3) If a person becomes ineligible or their ineligibility for office becomes apparent after their declaration of candidacy has been filed, the secretary of state shall issue an order stating that the person is disqualified from that office. The person's name shall not appear on the ballot for that position; or if ballots have already been printed for distribution to voters, the number of votes that person receives shall not be published and may not be disclosed for any reason. This subsection applies to a special, primary, or general election.

(4) The secretary of state is required to determine that each candidate meets the qualifications for office. If a candidate is ineligible for that office, the secretary of state shall issue an order stating that the person is disqualified from that office. The person's name shall not appear on the ballot for that position; or if ballots have already been printed for distribution to voters, votes for that person shall not be counted. This subsection applies to a special, primary, presidential primary, or general election.

NEW SECTION. **Sec.**  (1) The qualifications for office in this section apply in addition to any other qualifications provided by law, including in the Constitutions of the state of Washington and the United States.

(2)(a) No person shall be eligible for any state or federal office who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; unless congress has voted by two-thirds of each house to remove this disability.

(b) This section shall be interpreted in conformity with section 3 of the Fourteenth Amendment of the United States Constitution, and with relevant court decisions interpreting that section.

(3) No person shall be eligible for any state or federal office who has been convicted of, or charged with and not yet acquitted of, any state or federal crime arising from actions taken while serving as a state or federal officer, whether or not those actions were taken in the course of official duties.

NEW SECTION. **Sec.**  (1) The legislature may adopt a resolution by majority vote in each the house of representatives and the senate requesting the secretary of state to issue a determination regarding a candidate's eligibility for office. The resolution must clearly state the grounds on which the legislature believes the candidate is or may be ineligible, citing the relevant provision or provisions of law.

(2) The secretary of state must, within 10 business days of the request, issue an order stating whether the candidate is disqualified from the office they are seeking.

(3) If the secretary of state determines that the candidate is not disqualified, the legislature may override that determination by adopting a resolution with a two-thirds majority vote in each the house of representatives and the senate stating that the candidate is disqualified from the office they are seeking. In such a case, the candidate's name shall not appear on the ballot for that position; or if ballots have already been printed for distribution to voters, votes for that person shall not be counted.

NEW SECTION. **Sec.**  (1) A person who is determined to be ineligible to be a candidate for office under this chapter may file an appeal in the superior court of Thurston county within five business days after:

(a) The secretary of state issues an order declaring that the person is ineligible for that office; or

(b) The legislature adopts a resolution declaring that the person is ineligible for that office.

(2) A copy of the notice of appeal must be served on the secretary of state and the attorney general.

(3) The court shall review the disqualification decision de novo and may accept evidence and hear argument. The court must issue a decision within 21 days after the appeal is filed.

(4) The decision of the superior court may be appealed by any party directly to the supreme court within seven days after the decision is issued. The supreme court must, within five business days, either accept the case for argument or dismiss the appeal. If the supreme court accepts the appeal, it must hold argument and issue a ruling expeditiously. If the supreme court dismisses the appeal, the superior court's order is final.

**Sec.**  RCW 29A.24.075 and 2013 c 11 s 25 are each amended to read as follows:

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law, including those provided in section 2 of this act, for persons who may be elected to the office. In accordance with section 1(2) of this act, the filing officer shall not accept a declaration of candidacy from any person who does not attest that they meet such qualifications.

(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except for judge of the superior court and as provided in RCW 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution.

**Sec.**  RCW 29A.56.031 and 2019 c 7 s 2 are each amended to read as follows:

(1) Each party must determine which candidates are to be placed on the presidential primary ballot for that party. The chair of each party must submit to the secretary of state the names of the candidates to appear on the ballot for that party no later than sixty-three days before the presidential primary. Once submitted, changes must not be made to the candidates that will appear on the ballot.

(2) No later than the seventh day before the presidential nomination primary, the chair of each party must submit to the secretary of state the names of write-in candidates, if any, to be counted for that party.

(3) Notwithstanding the party's submissions, the secretary of state shall not include on the presidential primary ballot the name of any candidate who is disqualified from office under chapter 29A.--- RCW (the new chapter created in section 9 of this act).

**Sec.**  RCW 29A.56.320 and 2019 c 143 s 10 are each amended to read as follows:

(1) In the year in which a presidential election is held, each major political party and each minor political party or independent candidate convention that nominates candidates for president and vice president of the United States shall nominate presidential electors for this state. The party or convention 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.

(2) The names of presidential electors shall not appear on the ballots. Instead, the ballot shall display the names of the presidential and vice presidential candidates nominated by the party, unless a candidate is disqualified from office under chapter 29A.--- RCW (the new chapter created in section 9 of this act). The votes cast for candidates for president and vice president of each political party shall be counted for the candidates for presidential electors of that political party; however, if the interstate compact entitled the "agreement among the states to elect the president by national popular vote," as set forth in RCW 29A.56.300, governs the appointment of the presidential electors for a presidential election as provided in clause 9 of Article III of that compact, then the final appointment of presidential electors for that presidential election shall be in accordance with that compact.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 29A RCW.

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