

SENATE BILL REPORT

SHB 1534

As Reported By Senate Committee On:
Government Operations & Elections, February 28, 2008

Title: An act relating to candidates for elective office.

Brief Description: Modifying provisions affecting candidates for elective office.

Sponsors: House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Williams, Armstrong and Moeller; by request of Secretary of State).

Brief History: Passed House: 2/14/08, 91-0.

Committee Activity: Government Operations & Elections: 2/22/08, 2/28/08 [DPA, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senators Roach, Ranking Minority Member; Benton.

Staff: Sharon Swanson (786-7447)

Background: Minor Party and Independent Candidate Nominating Procedures. Minor party and independent candidate nominations for partisan public office must be made at a convention held between the first and second Saturday in May or during any of the five days after the close of a special filing period opened for purposes of filling a vacancy in office. Minor party and independent candidate nominations for President and Vice President of the United States must be made at a convention held between the first Saturday in June and the fourth Saturday in July. If there is a special filing period for an office, minor party and independent candidates may hold a convention during that period and must submit nominations within five days after the close of the special filing period in order for their candidate to appear on the general election ballot.

In order to be nominated, minor party and independent candidates for the offices of President and Vice President of the United States, United States senator, United States representative, or any statewide office must obtain the signatures of at least 1,000 registered voters in the state. For all other offices, a candidate must obtain the signatures of 100 persons registered to vote in the jurisdiction of the office the candidate seeks. Once the signature petitions are received and

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checked by the filing officer, notification of the sufficiency of signatures is sent to the presiding officer of the convention.

Before the name of a candidate may appear on the general election ballot, the full filing fee for the office must be paid. The filing fee for offices with a fixed annual salary of \$1,000 or less is \$10. The filing fee is equal to 1 percent of the annual salary for offices with a fixed annual salary over \$1,000. A candidate who is not able to pay the filing fee may submit his or her declaration of candidacy with a filing fee petition containing the number of signatures of registered voters equal to the number of dollars for the filing fee.

Candidate Filing. Candidates may withdraw declarations of candidacy at any time before the close of business on the Thursday following the last day for candidates to file. A candidate for precinct committee officer may withdraw at any time if no absentee ballots have been issued for that office and the ballots for that precinct have not been printed.

Candidates for a city or town elective position must file a declaration of candidacy with the appropriate county auditor no earlier than the first Monday and no later than the following Friday in June in the year of the election. City or town candidates may withdraw a declaration of candidacy at any time before the primary if the primary ballots have not been ordered.

Precinct Committee Officers. A candidate for precinct committee officer (PCO) may withdraw his or her candidacy at any time if no absentee ballots have been issued for that office and the ballots for that precinct have not been printed.

When two or more candidates have filed for the same PCO position, the office must be presented to absentee voters on the regular absentee ballot, or on a separate absentee ballot. To be declared elected, a candidate for PCO must receive at least 10 percent of the highest number of votes cast for a candidate in the precinct of the same party.

Summary of Bill (Recommended Amendments): Minor Party and Independent Candidate Nominating Procedures. The requirement that minor party and independent candidate nominations for partisan public office be made at a convention is removed. Rather, nominations are made through a ballot qualifying petition process. Filing for President and Vice President of the United States must be no later than the first Monday in August. The time period for filing nominations during a special filing period is changed from five days to seven days after the close of the special filing period. Ballot qualifying petitions must be signed by registered voters who reside within the same jurisdiction as the office. Signature requirements are as follows: 1,000 signatures if the nomination is for President and Vice President of the United States, United States senator, or statewide office; 250 signatures if the nomination is for United States representative; or 100 signatures if the nomination is for any other partisan office. Notification of sufficiency of signatures is made to the candidate.

Ballot qualifying petitions for the nomination of President and Vice President of the United States must contain a sworn statement from both nominees consenting to the nomination.

Candidate Filing. Candidates for a city or town elective position must file a declaration of candidacy with the county auditor not more than 45 days, nor less than 30 days, prior to the primary election. Candidates may withdraw a declaration of candidacy within five days after the last day allowed for filing declarations of candidacy.

Precinct Committee Officers. A candidate for PCO must withdraw a declaration of candidacy at the same time as for other candidates, the close of business on the Thursday following the last day for candidate filing.

The requirement that a PCO is declared elected conditioned upon the receipt of 10 percent of votes cast for that party's candidate in the precinct receiving the greatest number of votes is removed.

Technical Changes. Statutes relating to certifying appointees to state or county offices when no candidate files or due to death or disqualification are recodified as new sections in the chapter pertaining to filing for office. Statutes relating to minor party conventions, including notice, convention requirements, and certificate of nomination, are repealed.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Amendments): The striking amendment repeals RCW 29A.20.201. Changes the requirement that an independent or minor party candidate file their ballot qualifying petition during the regular filing period with the declaration of candidacy pursuant to RCW 29A.24.050. Adds language that eliminates the options to file a declaration of candidacy with the Secretary of State's Office for candidates for single county offices. A candidate for a single county office must file with the county auditor. Candidates for statewide offices are required to file a declaration of candidacy and pay a filing fee to the Secretary of State. The striking amendment contains a null and void clause.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Substitute Bill: PRO: The Progressive Party is supportive of this bill. This bill represents a step in the right direction. The issue of paying half of the filing fee for minor party candidates relates to the money being spent on the voters pamphlet. Minor party candidates do not appear on the primary ballot, only the general election ballot. It makes sense that minor party candidates should only pay half of the filing fee if they receive only half the benefit. We ask that this bill contain an emergency clause.

Persons Testifying: PRO: Linda Knighton, Progressive Party of Washington; Ruth Bennett, Libertarian Party of Washington; Shane Hamlin, Secretary of State.