
HOUSE BILL 2150

State of Washington

68th Legislature

2024 Regular Session

By Representatives Reeves, Reed, and Tharinger

Prefiled 01/04/24. Read first time 01/08/24. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to processes regarding the disqualification of
2 candidates who are ineligible for office; amending RCW 29A.24.075,
3 29A.56.031, and 29A.56.320; and adding a new chapter to Title 29A
4 RCW.

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

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

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

16 (3) If a person becomes ineligible or their ineligibility for
17 office becomes apparent after their declaration of candidacy has been
18 filed, the secretary of state shall issue an order stating that the
19 person is disqualified from that office. The person's name shall not
20 appear on the ballot for that position; or if ballots have already
21 been printed for distribution to voters, the number of votes that

1 person receives shall not be published and may not be disclosed for
2 any reason. This subsection applies to a special, primary, or general
3 election.

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

12 NEW SECTION. **Sec. 2.** (1) The qualifications for office in this
13 section apply in addition to any other qualifications provided by
14 law, including in the Constitutions of the state of Washington and
15 the United States.

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

24 (b) This section shall be interpreted in conformity with section
25 3 of the Fourteenth Amendment of the United States Constitution, and
26 with relevant court decisions interpreting that section.

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

32 NEW SECTION. **Sec. 3.** (1) The legislature may adopt a resolution
33 by majority vote in each the house of representatives and the senate
34 requesting the secretary of state to issue a determination regarding
35 a candidate's eligibility for office. The resolution must clearly
36 state the grounds on which the legislature believes the candidate is
37 or may be ineligible, citing the relevant provision or provisions of
38 law.

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

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

12 NEW SECTION. **Sec. 4.** (1) A person who is determined to be
13 ineligible to be a candidate for office under this chapter may file
14 an appeal in the superior court of Thurston county within five
15 business days after:

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

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

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

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

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

32 **Sec. 5.** RCW 29A.24.075 and 2013 c 11 s 25 are each amended to
33 read as follows:

34 (1) A person filing a declaration of candidacy for an office
35 shall, at the time of filing, be a registered voter and possess the
36 qualifications specified by law, including those provided in section
37 2 of this act, for persons who may be elected to the office. In
38 accordance with section 1(2) of this act, the filing officer shall

1 not accept a declaration of candidacy from any person who does not
2 attest that they meet such qualifications.

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

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

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

25 **Sec. 6.** RCW 29A.56.031 and 2019 c 7 s 2 are each amended to read
26 as follows:

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

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

38 (3) Notwithstanding the party's submissions, the secretary of
39 state shall not include on the presidential primary ballot the name

1 of any candidate who is disqualified from office under chapter
2 29A.--- RCW (the new chapter created in section 9 of this act).

3 **Sec. 7.** RCW 29A.56.320 and 2019 c 143 s 10 are each amended to
4 read as follows:

5 (1) In the year in which a presidential election is held, each
6 major political party and each minor political party or independent
7 candidate convention that nominates candidates for president and vice
8 president of the United States shall nominate presidential electors
9 for this state. The party or convention shall file with the secretary
10 of state a certificate signed by the presiding officer of the
11 convention at which the presidential electors were chosen, listing
12 the names and addresses of the presidential electors.

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

27 NEW SECTION. **Sec. 8.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act
32 constitute a new chapter in Title 29A RCW.

--- END ---