

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5182

68th Legislature
2023 Regular Session

Passed by the Senate April 14, 2023
Yeas 46 Nays 0

President of the Senate

Passed by the House April 11, 2023
Yeas 61 Nays 36

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5182** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5182

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Nguyen, Hunt, Boehnke, Keiser, MacEwen, Nobles, Shewmake, Trudeau, C. Wilson, and J. Wilson)

READ FIRST TIME 01/23/23.

1 AN ACT Relating to procedures and deadlines for candidate filing;
2 amending RCW 29A.24.050, 29A.24.040, 29A.24.070, 29A.24.081,
3 29A.24.091, 29A.24.131, and 29A.32.230; reenacting and amending RCW
4 29A.16.040; adding a new section to chapter 29A.24 RCW; and adding a
5 new section to chapter 29A.32 RCW.

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

7 **Sec. 1.** RCW 29A.24.050 and 2011 c 349 s 7 are each amended to
8 read as follows:

9 Except where otherwise provided by this title, declarations of
10 candidacy for the following offices shall be filed (~~during regular~~
11 ~~business hours~~) between 8:00 a.m. and 5:00 p.m. with the filing
12 officer beginning the first Monday (~~two weeks before Memorial day~~)
13 in May and ending the following Friday in the year in which the
14 office is scheduled to be voted upon:

15 (1) Offices that are scheduled to be voted upon for full terms or
16 both full terms and short terms at, or in conjunction with, a state
17 general election; and

18 (2) Offices where a vacancy, other than a short term, exists that
19 has not been filled by election and for which an election to fill the
20 vacancy is required in conjunction with the next state general
21 election.

1 This section supersedes all other statutes that provide for a
2 different filing period for these offices.

3 **Sec. 2.** RCW 29A.24.040 and 2011 c 349 s 6 are each amended to
4 read as follows:

5 A candidate may file (~~(his or her)~~) a declaration of candidacy
6 for an office by electronic means on a system specifically designed
7 and authorized by a filing officer to accept filings.

8 (1) Filings that are received electronically must capture all
9 information specified in RCW 29A.24.031 (1) through (4).

10 (2) Electronic filing may begin at (~~(9:00)~~) 8:00 a.m. the first
11 day of the filing period and continue through (~~(4:00)~~) 5:00 p.m. the
12 last day of the filing period.

13 **Sec. 3.** RCW 29A.24.070 and 2009 c 106 s 1 are each amended to
14 read as follows:

15 (1) Declarations of candidacy shall be filed with the following
16 filing officers:

17 (~~(1)~~) (a) The secretary of state for declarations of candidacy
18 for statewide offices, United States senate, (~~and~~) United States
19 house of representatives, Washington state legislature, court of
20 appeals, and superior court. The secretary of state shall establish
21 contingency plans, consistent with this subsection, to support
22 candidate filing for state legislative candidates who have not yet
23 filed their declaration of candidacy in the case that a localized or
24 system-wide internet outage or a disruption to the secretary of
25 state's candidate filing website occurs during the two hours
26 immediately preceding the filing deadline. The secretary of state
27 shall immediately process all filings received pursuant to the
28 contingency plan;

29 (~~(2)~~) ~~The secretary of state for declarations of candidacy for~~
30 ~~the state legislature, the court of appeals, and the superior court~~
31 ~~when the candidate is seeking office in a district comprised of~~
32 ~~voters from two or more counties;~~

33 ~~(3)~~) (b) The county auditor for all other offices. For any
34 nonpartisan office, other than judicial offices and school director
35 in joint districts, where voters from a district comprising more than
36 one county vote upon the candidates, a declaration of candidacy shall
37 be filed with the county auditor of the county in which a majority of
38 the registered voters of the district reside. For school directors in

1 joint school districts, the declaration of candidacy shall be filed
2 with the county auditor of the county designated by the
3 superintendent of public instruction as the county to which the joint
4 school district is considered as belonging under RCW 28A.323.040.

5 (2) Each official with whom declarations of candidacy are filed
6 under this section, within one business day following the closing of
7 the applicable filing period, shall transmit to the public disclosure
8 commission the information required in RCW 29A.24.031 (1) through (4)
9 for each declaration of candidacy filed (~~(in his or her)~~) with the
10 official's office during such filing period or a list containing the
11 name of each candidate who files such a declaration (~~(in his or her)~~)
12 with the official's office during such filing period together with a
13 precise identification of the position sought by each such candidate
14 and the date on which each such declaration was filed. Such official,
15 within three days following (~~(his or her)~~) the receipt of any letter
16 withdrawing a person's name as a candidate, shall also forward a copy
17 of such withdrawal letter to the public disclosure commission.

18 **Sec. 4.** RCW 29A.24.081 and 2011 c 10 s 27 are each amended to
19 read as follows:

20 Any candidate may mail (~~(his or her)~~) a declaration of candidacy
21 for an office to the filing officer. Such declarations of candidacy
22 shall be processed by the filing officer in the following manner:

23 (1) Any declaration received by the filing officer by mail before
24 the tenth business day immediately preceding the first day for
25 candidates to file for office shall be returned to the candidate
26 submitting it, together with a notification that the declaration of
27 candidacy was received too early to be processed. The candidate shall
28 then be permitted to resubmit (~~(his or her)~~) the candidate's
29 declaration of candidacy during the filing period.

30 (2) Any properly executed declaration of candidacy received by
31 mail on or after the tenth business day immediately preceding the
32 first day for candidates to file for office and before (~~(the close of~~
33 ~~business))~~ 5:00 p.m. on the last day of the filing period shall be
34 included with filings made in person during the filing period.

35 (3) Any declaration of candidacy received by the filing officer
36 after (~~(the close of business))~~ 5:00 p.m. on the last day for
37 candidates to file for office shall be rejected and returned to the
38 candidate attempting to file it.

1 **Sec. 5.** RCW 29A.24.091 and 2018 c 187 s 1 are each amended to
2 read as follows:

3 (1) A filing fee of ten dollars shall accompany the declaration
4 of candidacy for any office with a fixed annual salary of one
5 thousand dollars or less. A filing fee equal to one percent of the
6 annual salary of the office at the time of filing shall accompany the
7 declaration of candidacy for any office with a fixed annual salary of
8 more than one thousand dollars per annum. No filing fee need
9 accompany a declaration of candidacy for precinct committee officer
10 or any office for which compensation is on a per diem or per meeting
11 attended basis, or any declaration of candidacy for a write-in
12 candidate filed after the close of filing and more than eighteen days
13 prior to a primary or election.

14 (2) A filing fee of twenty-five dollars shall accompany the
15 declaration of candidacy for write-in candidates for any office with
16 a fixed annual salary of one thousand dollars or less if filed
17 eighteen days or less prior to a primary or election.

18 (3) A filing fee equal to one percent of the annual salary of the
19 office at the time of filing shall accompany a declaration of
20 candidacy for write-in candidates for any office with a fixed annual
21 salary of more than one thousand dollars per annum if filed eighteen
22 days or less prior to a primary or election.

23 (4) A candidate who lacks sufficient assets or income at the time
24 of filing to pay the filing fee required by this section shall submit
25 with (~~his or her~~) the candidate's declaration of candidacy a filing
26 fee petition. The petition shall contain not less than a number of
27 signatures of registered voters equal to the number of dollars of the
28 filing fee. The signatures shall be of voters registered to vote
29 within the jurisdiction of the office for which the candidate is
30 filing.

31 (~~When the candidacy is for:~~

32 ~~(a) A statewide office, the United States senate, or the United~~
33 ~~States house of representatives, the fee shall be paid to the~~
34 ~~secretary of state;~~

35 ~~(b) A legislative or judicial office that includes territory from~~
36 ~~more than one county, the fee shall be paid to the secretary of state~~
37 ~~for equal division between the treasuries of the counties comprising~~
38 ~~the district;~~

39 ~~(c) A legislative or judicial office that includes territory from~~
40 ~~only one county, the fee shall be paid to the county auditor;~~

1 ~~(d) A city or town office, the fee shall be paid to the county~~
2 ~~auditor who shall transmit it to the city or town clerk for deposit~~
3 ~~in the city or town treasury.))~~

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.24
5 RCW to read as follows:

6 Fees paid when filing for office must be collected by the filing
7 officer and distributed as follows:

8 (1) When the candidacy is for a statewide office, the United
9 States senate, the United States house of representatives, or the
10 state supreme court, the fee shall be retained by the secretary of
11 state;

12 (2) When the candidacy is for a Washington state legislative,
13 state court of appeals, or a superior court judicial office, the fees
14 shall be distributed to the office of the county auditor or auditors
15 whose counties comprise the district. When the district includes
16 multiple counties, the distribution must be an equal division between
17 the counties comprising the district;

18 (3) When the candidacy is for a city or town office, the county
19 auditor shall transmit fees to the city or town clerk for deposit in
20 the city or town treasury; and

21 (4) When the candidacy is for any other office, the fees shall be
22 retained by the office of the filing officer.

23 **Sec. 7.** RCW 29A.24.131 and 2011 c 349 s 8 are each amended to
24 read as follows:

25 A candidate may withdraw (~~his or her~~) the candidate's
26 declaration of candidacy at any time before (~~the close of business~~)
27 5:00 p.m. on the Monday following the last day for candidates to file
28 under RCW 29A.24.050 by filing, with the officer with whom the
29 declaration of candidacy was filed, a signed request that (~~his or~~
30 ~~her~~) the candidate's name not be printed on the ballot. There shall
31 be no withdrawal period for declarations of candidacy filed during
32 special filing periods held under this title. No filing fee may be
33 refunded to any candidate who withdraws under this section. Notice of
34 the deadline for withdrawal of candidacy and that the filing fee is
35 not refundable shall be given to each candidate at the time (~~he or~~
36 ~~she~~) the candidate files.

1 **Sec. 8.** RCW 29A.16.040 and 2011 c 349 s 5 and 2011 c 10 s 26 are
2 each reenacted and amended to read as follows:

3 The county legislative authority of each county in the state
4 shall divide the county into election precincts and establish the
5 boundaries of the precincts.

6 (1) Precinct boundaries may be altered at any time as long as
7 sufficient time exists prior to a given election for the necessary
8 procedural steps to be honored. Except as permitted under subsection
9 (3) of this section, no precinct changes may be made during the
10 period starting (~~fourteen~~) seven days prior to the first day for
11 candidates to file for the primary election and ending with the day
12 of the general election.

13 (2) The county legislative authority may establish by ordinance a
14 limitation on the maximum number of active registered voters in each
15 precinct within its jurisdiction. The number may be less than the
16 number established by law, but in no case may the number exceed one
17 thousand five hundred active registered voters.

18 (3) The county auditor shall temporarily adjust precinct
19 boundaries when a city or town annexes unincorporated territory to
20 the city or town, or whenever unincorporated territory is
21 incorporated as a city or town. The adjustment must be made as soon
22 as possible after the approval of the annexation or incorporation.
23 The temporary adjustment must be limited to the minimum changes
24 necessary to accommodate the addition of the territory to the city or
25 town, or to establish the eligible voters within the boundaries of
26 the new city or town, and remains in effect only until precinct
27 boundary modifications reflecting the annexation or incorporation are
28 adopted by the county legislative authority.

29 NEW SECTION. **Sec. 9.** A new section is added to chapter 29A.32
30 RCW to read as follows:

31 The secretary may, by rule, set a deadline for submission of
32 candidate statements and photographs for inclusion in the statewide
33 voters' pamphlet. The deadline for submission of candidate statements
34 and photographs must be not sooner than 11 days immediately following
35 the deadline for filing declarations of candidacy under RCW
36 29A.24.050.

37 **Sec. 10.** RCW 29A.32.230 and 2003 c 111 s 815 are each amended to
38 read as follows:

1 The county auditor or, if applicable, the city clerk of a first-
2 class or code city shall, in consultation with the participating
3 jurisdictions, adopt and publish administrative rules necessary to
4 facilitate the provisions of any ordinance authorizing production of
5 a local voters' pamphlet. Any amendment to such a rule shall also be
6 adopted and published. Copies of the rules shall identify the date
7 they were adopted or last amended and shall be made available to any
8 person upon request. One copy of the rules adopted by a county
9 auditor and one copy of any amended rules shall be submitted to the
10 county legislative authority. One copy of the rules adopted by a city
11 clerk and one copy of any amended rules shall be submitted to the
12 city legislative authority. These rules shall include but not be
13 limited to the following:

14 (1) Deadlines for decisions by cities, towns, or special taxing
15 districts on being included in the pamphlet;

16 (2) Limits on the length and deadlines for submission of
17 arguments for and against each measure;

18 (3) The basis for rejection of any explanatory or candidates'
19 statement or argument deemed to be libelous or otherwise
20 inappropriate. Any statements by a candidate shall be limited to
21 those about the candidate himself or herself;

22 (4) Limits on the length (~~and deadlines for submission~~) of
23 candidates' statements;

24 (5) Deadlines for submission of candidates' statements not sooner
25 than 11 days following the deadline for filing declarations of
26 candidacy under RCW 29A.24.050;

27 (6) An appeal process in the case of the rejection of any
28 statement or argument.

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