

# SENATE BILL REPORT

## SB 5225

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As Reported by Senate Committee On:  
State Government, Tribal Affairs & Elections, February 11, 2025

**Title:** An act relating to candidate filing requirements.

**Brief Description:** Concerning candidate filing requirements.

**Sponsors:** Senators MacEwen, Lias, Nobles, Riccelli and Shewmake.

**Brief History:**

**Committee Activity:** State Government, Tribal Affairs & Elections: 1/21/25, 2/11/25  
[DPS, DNP, w/oRec].

**Brief Summary of First Substitute Bill**

- Authorizes filing officers to list in consecutive order candidates for the same office with names so similar as to be confusing to voters and to include additional distinguishing information.
- Provides it is unlawful to file a declaration of candidacy, with the intent to confuse and mislead voters, using a surname similar to a well-known candidate for the same office regardless of whether the declaration of candidacy is filed before or after the well-known person.

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass.

Signed by Senators Valdez, Chair; Krishnadasan, Vice Chair; Hasegawa, Kauffman and Riccelli.

**Minority Report:** Do not pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Fortunato, McCune and Short.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Wilson, J., Ranking Member.

**Staff:** William Bridges (786-7312)

**Background:** Filing Declarations of Candidacy. Candidates for elective office must file a declaration of candidacy to appear on the ballot. Candidates for statewide office and federal office file declarations of candidacy with the Secretary of State (Secretary), as do candidates for legislative, appellate court, and superior court districts which span multiple counties. Candidates for other offices file declarations with the local county auditor.

Unlawful Acts when Filing a Declaration of Candidacy. In Washington, the following acts are crimes when filing a declaration of candidacy:

- using a fake name or someone else's name;
- using a name similar to that of an incumbent seeking reelection to the same office with intent to confuse and mislead voters by taking advantage of the incumbent's public reputation; or
- using a surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead voters by capitalizing on the public reputation of the candidate who had previously filed.

**Summary of Bill (First Substitute):** Allowing Similar Candidate Names to be Listed Consecutively. Filing officers are authorized to list candidates for the same office in consecutive order when the names are so similar as to be confusing to voters and to include additional distinguishing information.

Expanding the Crime of Capitalizing on the Surname of a Well-Known Candidate. It is a crime to file a declaration of candidacy, with the intent to confuse and mislead voters, using a surname similar to a well-known candidate for the same office, regardless of whether the declaration of candidacy is filed before or after the well-known person.

**EFFECT OF CHANGES MADE BY STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS COMMITTEE (First Substitute):**

- Strikes the provisions relating to filing fees and signature petitions for candidates of the Washington State Legislature, statewide offices, and U.S. Congress.
- Amends the title.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The bill is designed to prevent efforts to confuse voters. Requiring signatures means a candidate has skin in the game and has a certain level of support. The filing fee is split into two payments to protect candidates who are unable to collect the required signature count by allowing them to avoid the second payment.

OTHER: The Secretary of State generally supports the following: (1) the change to the criminal statute that addresses a candidate with a similar surname who files for the same office of a widely known candidate, with the intent to confuse and mislead voters, and (2) the new section that allows for the consecutive listing of similar candidate names, along with additional information allowing voters to differentiate the candidates. But the secretary of state says the signature requirement would be difficult to implement because of the time and effort it would take to verify the signatures.

**Persons Testifying:** PRO: Senator Drew MacEwen, Prime Sponsor.

OTHER: Shawn Merchant, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** No one.