SENATE BILL REPORT
SB 5225

As of January 21, 2025

Title: An act relating to candidate filing requirements.

Brief Description: Concerning candidate filing requirements.

Sponsors: Senators MacEwen, Liias, Nobles, Riccelli and Shewmake.

Brief History:
Committee Activity: State Government, Tribal Affairs & Elections: 1/21/25.

Brief Summary of Bill

- Changes the schedule for when filing fees are paid for candidates of the Washington State Legislature, statewide offices, and U.S. Congress.
- Requires signature petitions for candidates of the Washington State Legislature, statewide offices, and U.S. Congress.
- 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.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

Staff: William Bridges (786-7312)

Background: Filing Declarations of Candidacy. Candidates for elective office must file a

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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.

Filing Fees. Unless a candidate submits a filing fee petition, each candidate must pay a filing fee when filing a declaration of candidacy. Filing fees are generally 1 percent of the annual salary of the office being sought. The Secretary retains the fees from candidates for statewide office, federal office, and the state supreme court. County auditors retain the fees from candidates for state legislative offices and the lower courts.

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: Changing the Schedule for When Filing Fees are Paid by Certain Candidates. Candidates of the Washington State Legislature, statewide offices, and U.S. Congress must pay half of the filing fee upon filing of declaration of candidacy and the remainder at conclusion of filing week, along with signature petitions of registered voters in the appropriate jurisdictions.

Requiring Signature Petitions for Certain Candidates. At the conclusion of filing week, candidates for the Washington State Legislature, Statewide Offices, and U.S. Congress must submit signature petitions to the Secretary along with payment of the second half of the filing fee. The required number of signatures vary by the office:

- state Legislature: not less than 500 signatures;
- U.S. House: not less than 750 signatures;
- statewide offices: not less than 1,000 signatures; and
- U.S. Senate: not less than 1000 signatures.

The Secretary is authorized to increase filing fee to cover signature verifications.

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.

Appropriation: None.

Fiscal Note: Not requested.

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: 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.