



*Washington Secretary of State*

# CLEARINGHOUSE

---

## ELECTIONS NOTICE

Issue #12-01  
April 18, 2012

### **Filing for Office**

Legislation and newly adopted WACs have brought about a number of procedural changes for candidate filing, vacancies in office, and voids in candidacy. The information summarized in this issue replaces Clearinghouse #11-03 issued June 9, 2011.

#### **Timelines and Procedures for Candidate Filing**

No later than February 1, County Auditors must send questionnaires to local jurisdictions confirming information needed to conduct candidate filings for the next General Election. The questionnaire must be sent during the twelve months before the local jurisdiction is scheduled to elect officers. The questionnaire should request a reply by March 1. (WAC 434-215-005)

Candidate Filing Week now begins the Monday two weeks before Memorial Day. The County Auditor's Office may maintain regular business hours during that week, but must be able to accept filings Monday through Friday. (RCW 29A.24.050)

Electronic filing opens Monday at 9:00 am and closes Friday at 4:00 pm. If a county offers online filing, the county must observe these hours. (RCW 29A.24.040)

Candidates may electronically submit declarations of candidacy and withdrawal requests. The submitted information must be legible, timely and satisfy all legal requirements. (RCW 29A.04.255 and WAC 434-208-060) If payment of a fee is required, the electronic filing is not complete until the fee is received. (WAC 434-208-060)

Counties that accept filings for state offices must electronically transmit all information on the Declaration of Candidacy to the Secretary of State the same day a filing is accepted. (WAC 434-215-040)

The acceptance of candidate filings submitted by mail has not changed. Counties accept filings by mail beginning 10 business days before the opening of filing week. Filings submitted by mail are retained for processing until filing opens for all candidates.

All candidate filing [forms](#), including the new declarations for Precinct Committee Officer (PCO), are available to download and print on demand. PCOs do not submit a filing fee. For more information regarding the PCO filing process, see [clearinghouse](#) #12-02, "Precinct Committee Officer Elections."

Candidates who submit filing fee petitions must provide all signatures upon initial submission and may not supplement the signatures later. (WAC 434-215-025)

Filing officers must receive a written request to withdraw a candidate from the ballot no later than the close of business on Monday following Candidate Filing Week. This deadline applies to both partisan and nonpartisan offices and no longer depends upon when ballots are formatted. (RCW 29A.24.131)

The Secretary of State must certify candidates for the Primary by the Tuesday following Candidate Filing Week. (RCW 29A.36.010)

Declarations of Write-in Candidacy must be filed 18 days before the Primary or Election Day. Because such declarations are filed no later than the day ballots are mailed, the County Auditor will be able to notify election workers of all write-in candidates prior to the beginning of initial processing. (RCW 29A.24.311)

#### **Vacancies in Office** (RCW 29A.24.171)

Different actions are required depending upon the *type* of office vacated and *when* the vacancy takes effect. The *effective date* of the vacancy determines which general election serves to fill the office. Vacancies occurring in partisan and nonpartisan offices are subject to candidate filing at the next election for which that jurisdiction is permitted to hold an election. (RCW 42.12.040 and 070)

The following procedures do not apply to federal offices or PCO vacancies.

#### **If the vacancy goes into effect before the beginning of Candidate Filing Week:**

- The office will be open for filing during Candidate Filing Week if that jurisdiction is permitted to hold an election that year;
- Notice of the vacancy and filing period must be provided to media and online;
- The race will appear on the Primary and General Election ballot.

**Example 1:** A state Senator resigns on May 1, 2012, for a term that ends in 2014. Because the vacancy takes effect prior to the start of Candidate Filing Week, the partisan position is opened for filing during the regular filing period and the race appears on both Primary and the General Election ballots.

**Example 2:** A city council member resigns on May 1, 2012, for a term that ends in 2015. Even though the vacancy occurs prior to the start of Candidate Filing Week, a city council vacancy can only be filled by election in years that other city council

positions are scheduled to appear on the ballot (odd-numbered years). The nonpartisan position is filled by appointment and opened for candidate filing in 2013.

**In an odd-numbered year**, depending upon the number of candidates filing, RCW 29A.52.010 and RCW 29A.52.220 may allow partisan and nonpartisan races to skip the Primary and appear only on the General Election ballot.

**Example 3:** A state Senator resigns on May 1, 2013, for a term that ends in 2016. Because the vacancy occurs prior to the start of Candidate Filing Week, the position is opened for filing during the regular filing week in 2013. If *more* than two candidates file, the race may appear on both Primary and General Election ballots. If *only* two candidates file, RCW 29A.52.010 states that there is no Primary for this unexpired term and the race only appears on the General Election ballot.

**If the vacancy is effective on or after the Monday of Candidate Filing Week**, the vacated office is filled by appointment until the next election for which that jurisdiction holds general elections. The office will open for candidate filing during the applicable filing week.

**Example 4:** A state Senator resigns on July 1, 2012, for a term that ends in 2014. Because the vacancy occurs after the start of Candidate Filing Week, it is too late for the partisan position to appear on the ballot in 2012. The vacancy is filled by appointment and is opened for candidate filing in 2013 as a one-year unexpired term.

**Example 5:** A city council member resigns on July 1, 2011, for a term that ends in 2013. Because the vacancy occurs after the start of filing week, it is too late for the nonpartisan position to appear on the ballot in 2011. The position is filled by appointment for two years until opened for candidate filing in 2013 as a short and full term.

**If the Filing Officer is not notified of a vacancy that went into effect before Candidate Filing Week**, managing the vacancy depends upon *when* the filing officer is notified. (WAC 434-215-005)

- If notified **before** the close of business on Tuesday of filing week – the vacancy will open immediately.
- If notified **after** the Tuesday of filing week, treat the vacancy like a void in candidacy with a special 3-day filing period. All candidates who file will appear on the General Election ballot and the top vote-getter is declared the winner. (RCW 29A.24.181, 29A.24.191, 29A.24.201, and 42.12.040)

**Voids in Candidacy** (RCW 29A.24.141 and 181)

Voids in candidacy only occur **after the close** of filing week for the following reasons:

- No candidate has filed for an office; or,
- All candidates who filed have died, withdrawn, or been disqualified.

As long as there remains a single candidate for the office, there is no void in candidacy.

With the exception of PCO, a void in partisan or nonpartisan office, occurring before the Primary, requires the opening of a special 3-day filing period.

### **Conducting a Special Filing Period** (RCW 29A.24.181)

When a special 3-day filing period is conducted to fill a void:

- Media must be notified;
- Notice of the special filing period must be posted online;
- All the rules for regular filing apply to special filing periods, including filing by mail and online;
- No candidate who files during a special 3-day filing period may withdraw;
- The race will appear only on the **General Election** ballot. This is true no matter how many candidates file for the office; and
- The top vote-getter in the General Election is declared the winner.

If no one files for an office opened for a special filing period, the office is deemed lapsed and will not appear on the General Election ballot.

**Example:** The only candidate who filed for School Director District 1 withdraws on Monday after filing week. The County Auditor announces to the press and radio in the county that the position for School Director District 1 will reopen for filing during a special 3-day filing period. Three people file. All three names will appear on the General Election ballot because:

- A void in candidacy occurred when the single candidate withdrew; and
- The void in candidacy occurred after the beginning of Candidate Filing Week.

The top vote-getter will be declared the winner.

### **Lapsed Elections** (RCW 29A.24.191)

If no candidate files for an office during the special filing period, no additional filing period will be opened. The office will be up for election at the next general election held for that jurisdiction.

# Effective January 1, 2012 Vacancies in Office Voids in Candidacy

