

# Initiative Measure No. 1048

Filed

FEB 26 2009

SECRETARY OF STATE

1 AN ACT Relating to elections; amending RCW 29A.20.021, 29A.24.091,  
2 and 29A.36.106; reenacting and amending RCW 29A.04.127, 29A.52.112, and  
3 29A.04.310; creating a new section; repealing RCW 29A.36.170,  
4 29A.36.171, and 29A.36.191; and providing an effective date.

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

6 NEW SECTION. Sec. 1. The purpose of this act is to encourage  
7 ballot access in Washington's primary and general elections.

8 Sec. 2. RCW 29A.04.127 and 2005 c 2 s 5 are each reenacted and  
9 amended to read as follows:

10 "Primary" or "primary election" means a procedure for winnowing  
11 candidates for public office (~~to a final list of two as part of a~~  
12 ~~special or general election~~). Each voter has the right to cast a vote  
13 for any candidate for each office without any limitation based on party  
14 preference or affiliation, of either the voter or the candidate.

15 Sec. 3. RCW 29A.52.112 and 2005 c 2 s 7 are each reenacted and  
16 amended to read as follows:

1 (1) A primary is a first stage in the public process by which  
2 voters elect candidates to public office.

3 (2) Whenever candidates for a partisan office are to be elected,  
4 the general election must be preceded by a primary conducted under this  
5 chapter. ~~((Based upon votes cast at the primary, the top two  
6 candidates will be certified as qualified to appear on the general  
7 election ballot, unless only one candidate qualifies as provided in RCW  
8 29A.36.170-))~~

9 (3) For partisan office, if a candidate has expressed a party or  
10 independent preference on the declaration of candidacy, then that  
11 preference will be shown after the name of the candidate on the primary  
12 and general election ballots by appropriate abbreviation as set forth  
13 in rules of the secretary of state. A candidate may express no party  
14 or independent preference. Any party or independent preferences are  
15 shown for the information of voters only and may in no way limit the  
16 options available to voters.

17 **Sec. 4.** RCW 29A.04.310 and 2005 c 2 s 8 are each reenacted and  
18 amended to read as follows:

19 Primaries for general elections to be held in November must be held  
20 on ~~((~~(1)~~))~~ the third Tuesday of the preceding ~~((September, or  
21 ~~(2) The seventh Tuesday immediately preceding that general  
22 election, whichever occurs first))~~ August, unless otherwise specified  
23 by the secretary of state.~~

24 **Sec. 5.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to  
25 read as follows:

26 (1) A person filing a declaration of candidacy for an office shall,  
27 at the time of filing, be a registered voter and possess the  
28 qualifications specified by law for persons who may be elected to the  
29 office.

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

33 (3) The name of a candidate for an office shall not appear on a  
34 ballot for that office unless ~~((, except as provided in RCW 3.46.067 and  
35 3.50.057, the candidate is,))~~ at the time the candidate's declaration  
36 of candidacy is filed, ~~((properly registered to vote in the geographic~~

1 ~~area represented by the office. For the purposes of this section, each~~  
2 ~~geographic area in which registered voters may cast ballots for an~~  
3 ~~office is represented by that office. If a person elected to an office~~  
4 ~~must be nominated from a district or similar division of the geographic~~  
5 ~~area represented by the office, the name of a candidate for the office~~  
6 ~~shall not appear on a primary ballot for that office unless the~~  
7 ~~candidate is, at the time the candidate's declaration of candidacy is~~  
8 ~~filed, properly registered to vote in that district or division. The~~  
9 ~~officer with whom declarations of candidacy must be filed under this~~  
10 ~~title shall review each such declaration filed regarding compliance~~  
11 ~~with this subsection))~~ the candidate submits a petition signed by  
12 registered voters of the geographic area for which he or she seeks  
13 office. The number of signatures required are as follows:

14 (a) Any statewide office, five thousand signatures from at least  
15 five counties;

16 (b) State legislative office, one thousand five hundred signatures;

17 (c) City or county office, five hundred signatures.

18 (4) Any candidate who runs for office as an independent or as an  
19 affiliate of a party that did not hold a primary may appear on the  
20 ballot for the general election if he or she submits a petition with  
21 signatures equal to the number specified in subsection (3) of this  
22 section. The deadline for receiving the petition shall be determined  
23 by the secretary of state.

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

28 **Sec. 6.** RCW 29A.24.091 and 2006 c 206 s 3 are each amended to read  
29 as follows:

30 (1) A filing fee of one dollar shall accompany each declaration of  
31 candidacy for precinct committee officer; a filing fee of ten dollars  
32 shall accompany the declaration of candidacy for any office with a  
33 fixed annual salary of one thousand dollars or less; a filing fee equal  
34 to one percent of the annual salary of the office at the time of filing  
35 shall accompany the declaration of candidacy for any office with a  
36 fixed annual salary of more than one thousand dollars per annum. No

1 filing fee need accompany a declaration of candidacy for any office for  
2 which compensation is on a per diem or per meeting attended basis.

3 (2) A candidate who lacks sufficient assets or income at the time  
4 of filing to pay the filing fee required by this section shall submit  
5 with his or her declaration of candidacy a filing fee petition. The  
6 petition shall contain not less than a number of signatures of  
7 registered voters equal to the number of dollars of the filing fee.  
8 The signatures shall be of voters registered to vote within the  
9 jurisdiction of the office for which the candidate is filing.

10 (3) When the candidacy is for:

11 ~~((1))~~ (a) A legislative or judicial office that includes  
12 territory from more than one county, the fee shall be paid to the  
13 secretary of state for equal division between the treasuries of the  
14 counties comprising the district.

15 ~~((2))~~ (b) A legislative or judicial office that includes  
16 territory from only one county:

17 ~~((a))~~ (i) The fee shall be paid to the county auditor if the  
18 candidate filed his or her declaration of candidacy with the county  
19 auditor;

20 ~~((b))~~ (ii) The fee shall be paid to the secretary of state if the  
21 candidate filed his or her declaration of candidacy with the secretary  
22 of state. The secretary of state shall then promptly transmit the fee  
23 to the county auditor of the county in which the legislative or  
24 judicial office is located.

25 ~~((3))~~ (c) A city or town office, the fee shall be paid to the  
26 county auditor who shall transmit it to the city or town clerk for  
27 deposit in the city or town treasury.

28 (4) The filing fees for any office shall not exceed five hundred  
29 dollars.

30 **Sec. 7.** RCW 29A.36.106 and 2007 c 38 s 3 are each amended to read  
31 as follows:

32 (1) If the consolidated ballot format is used, the major political  
33 party identification check-off box must appear on the primary ballot  
34 before all offices and ballot measures. Clear and concise instructions  
35 to the voter must be prominently displayed immediately before the list  
36 of major political parties, and must include:

1 (a) A statement that, for partisan offices, the voter may only vote  
2 for candidates of one political party;

3 (b) A question asking the voter to indicate the major political  
4 party with which the voter chooses to affiliate;

5 (c) A statement that, for a major political party candidate, only  
6 votes cast by voters who choose to affiliate with that same major  
7 political party will be tabulated and reported;

8 (d) A statement that votes cast for a major political party  
9 candidate by a voter who chooses to affiliate with a different major  
10 political party will not be tabulated or reported;

11 (e) A statement that votes cast for a major political party  
12 candidate by a voter who selects more than one major political party  
13 with which to affiliate will not be tabulated or reported; ((and))

14 (f) A statement that party affiliation will not affect votes cast  
15 for candidates for nonpartisan offices, or for or against ballot  
16 measures;

17 (g) A statement that the option of "none of the above" will appear  
18 after the list of all the candidates for each office in the general  
19 election. The statement shall include an explanation that in the event  
20 the majority of votes are "none of the above" for an office, new  
21 candidates must be nominated.

22 (2) If the physically separate ballot format is used, clear and  
23 concise instructions to the voter must be prominently displayed, and  
24 must include:

25 (a) A statement that, for partisan offices, the voter may only vote  
26 for candidates of one political party;

27 (b) A statement explaining that only one ballot may be voted;

28 (c) A statement explaining that if more than one party ballot is  
29 voted, none of the partisan races will be tabulated or reported;  
30 ((and))

31 (d) A statement explaining that the nonpartisan ballot only lists  
32 nonpartisan races and ballot measures and does not list partisan races;

33 (e) A statement that the option of "none of the above" will appear  
34 after the list of all the candidates for each office in the general  
35 election. The statement shall include an explanation that in the event  
36 the majority of votes are "none of the above" for an office, new  
37 candidates must be nominated.

1        NEW SECTION.    **Sec. 8.**    The following acts or parts of acts are each  
2    repealed:

3        (1)    RCW 29A.36.170    (Top two candidates qualified for general  
4    election--Exception) and 2005 c 2 s 6 & 2003 c 111 s 917;

5        (2)    RCW 29A.36.171    (Nonpartisan candidates qualified for general  
6    election) and 2004 c 271 s 170; and

7        (3)    RCW 29A.36.191    (Partisan candidates qualified for general  
8    election) and 2004 c 271 s 133.

9        NEW SECTION.    **Sec. 9.**    This act takes effect January 1, 2010.

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