

department of licensing. To the extent they are inconsistent with RCW 80.50.140, the provisions of RCW 34.04.130, 34.04.133, and 34.04.140 shall not apply to review of decisions made under RCW 80.50.100. To the extent they are inconsistent with any provisions of chapter 43.43 RCW, the provisions of this chapter shall not apply to such provisions. All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the administrative procedure act, shall be subject to the entire act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 28, 1984.

Passed the Senate February 22, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 142

[Substitute House Bill No. 1282]

INDIGENT CANDIDATES—PUBLIC OFFICE FILING PROCEDURES

AN ACT Relating to candidate filings; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; adding new sections to chapter 29.18 RCW; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. It is the intention of the legislature that this act shall provide an equitable qualifying procedure for candidates who, at the time of filing, lack sufficient assets or income to pay the filing fees otherwise required of candidates for public office.

NEW SECTION. Sec. 2. There is added to chapter 29.18 RCW a new section to read as follows:

Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the last Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

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

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

Sec. 3. Section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030 are each amended to read as follows:

~~((The name of no candidate shall be printed upon the official ballot used at a state primary, unless not earlier than the last Monday of July nor later than the next succeeding Friday, a declaration of candidacy is filed in the form hereinafter set forth))~~ Each candidate who desires to have his or her name printed on the ballot at a primary, a special election, or a general election for any office other than president of the United States, vice president of the United States, or an office in a jurisdiction where ownership of property is a prerequisite to voting shall execute and file a declaration and affidavit of candidacy in substantially the following form:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington }
County of } ss.

((DECLARATION))

I,, ~~((declare upon honor))~~ hereby swear, or affirm:

(1) That I am a registered voter residing at ((No. street)) (street and number, or rural route) (city or town ((of))) ((county of)) county, state of Washington (ZIP code)

(2) That, ((and)) at the time of filing this declaration and affidavit, I am legally qualified to assume office if elected;

(3) That I hereby declare myself to be a candidate for nomination to the office of: ((or position No. for the office of (fill in whichever blank is applicable) to be made))

(4) For the following term of office: a full term or a full term and short term or an unexpired term;

(5) At the primary election to be held on the day of,

(6) That this office is: nonpartisan, or partisan and ((hereby)) I request that my name be printed upon the ((official primary)) ballots((, as provided by law;)) as a candidate of the (((do not fill this in if office sought is nonpartisan))) party, or an independent candidate nominated under chapter 29.24 RCW; and

(7) That there is no filing fee because the office is without a fixed annual salary, or I accompany herewith the sum of dollars, the fee required by law ((of me)) for becoming a candidate, or I am without sufficient assets or income to pay the fee required by law and I have attached a nominating petition in lieu of this fee.

((AFFIDAVIT

FURTHER;)) I ((do solemnly)) further swear, ((~~(t)~~) or affirm(~~(j)~~)), that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington(~~(; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence, and that I do not knowingly belong to any organization, foreign or otherwise, which engages in or advocates, the overthrow, destruction or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them, by revolution, force or violence)~~)).

.....
(Please print name (Signature of
(~~(to assure correct~~ candidate) (~~(as name~~
spelling))) as name to to appear upon
appear upon ballot) ballot))

Subscribed and sworn to before me this day of,
19...

.....
(signature of official)
.....
(Official title)

((Any candidate may in writing withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy. Should the candidate desire to mail his declaration of withdrawal it shall be honored if the instrument is postmarked no later than the last day allowed for withdrawals. There shall be no refund of the filing fee.))

Sec. 4. Section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18-.050 are each amended to read as follows:

A filing fee of one dollar ((~~must~~)) shall accompany each declaration of candidacy for ((~~a~~)) precinct ((~~office without salary~~)) committeeman; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with ((~~a compensation attached~~)) an annual salary of one thousand dollars ((~~per annum~~)) or less; a filing fee equal to one percent of the annual ((~~compensation~~)) salary shall accompany the declaration of candidacy for any office with ((~~a compensation attached~~)) an annual salary of more than one thousand dollars per annum.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain

not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A ~~((state or congressional))~~ federal or state-wide office, the fee shall be paid to the secretary of state for deposit in the state treasury.

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

(3) A county office or a legislative, judicial, or district office ~~((for a district comprising part of one))~~ that includes territory from a single county, the fee shall be paid to the county auditor for deposit in the county treasury.

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

NEW SECTION. Sec. 5. There is added to chapter 29.18 RCW a new section to read as follows:

The nominating petition authorized by RCW 29.18.050 shall be printed on sheets of uniform color and size, shall contain no more than twenty numbered lines, and shall be in substantially the following form:

WARNING

Any person who signs this petition with any other than his or her true name, or who knowingly (1) signs more than one petition for any single candidate, (2) signs the petition when he or she is not a legal voter, or (3) makes any false statement may be subject to fine, or imprisonment, or both.

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (insert name of office).

Signature	Printed Name	Residence Address	City	County
1
2
3
etc.				

NEW SECTION. Sec. 6. There is added to chapter 29.18 RCW a new section to read as follows:

Nominating petitions may be rejected for the following reasons:

- (1) The petition is not in the proper form;
- (2) The petition clearly bears insufficient signatures;
- (3) The petition is not accompanied by a declaration of candidacy;
- (4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the nominating petition is filed. He or she shall additionally reject any signature that appears on the nominating petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined.

NEW SECTION. Sec. 7. There is added to chapter 29.18 RCW a new section to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the Friday following the last day for candidates to file under section 2 of this act by filing, with the officer with whom the declaration of candidacy was filed, a written, signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under RCW 29.18.032, 29.21.360, 29.21.370, or 29.68.080. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

NEW SECTION. Sec. 8. There is added to chapter 29.18 RCW a new section to read as follows:

The following apply to persons signing nominating petitions prescribed by section 5 of this act:

- (1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.

(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.

Passed the House February 28, 1984.

Passed the Senate February 24, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 143

[House Bill No. 1413]

RAIL TRANSPORTATION—PUBLIC UTILITY PROVISIONS MODIFIED

AN ACT Relating to rail transportation; amending section 81.04.130, chapter 14, Laws of 1961 and RCW 81.04.130; amending section 81.04.150, chapter 14, Laws of 1961 and RCW 81.04.150; amending section 81.04.250, chapter 14, Laws of 1961 and RCW 81.04.250; amending section 81.28.040, chapter 14, Laws of 1961 and RCW 81.28.040; amending section 81.28.050, chapter 14, Laws of 1961 as amended by section 1, chapter 116, Laws of 1981 and RCW 81.28.050; amending section 81.28.180, chapter 14, Laws of 1961 and RCW 81.28.180; amending section 81.28.190, chapter 14, Laws of 1961 and RCW 81.28.190; amending section 81.28.200, chapter 14, Laws of 1961 and RCW 81.28.200; amending section 81.28.230, chapter 14, Laws of 1961 and RCW 81.28.230; amending section 31, chapter 1, Laws of 1973 as last amended by section 10, chapter 133, Laws of 1983 and RCW 42.17.310; adding new sections to chapter 64.04 RCW; and creating a new chapter in Title 81 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 81.04.130, chapter 14, Laws of 1961 and RCW 81.04.130 are each amended to read as follows:

Whenever any public service company (~~(shall)~~), other than a railroad company, files with the commission any schedule, classification, rule, or regulation, the effect of which is to change any rate, fare, charge, rental, or toll (~~(theretofore)~~) previously charged, the commission (~~(shall have)~~) has power, either upon its own motion or upon complaint, upon notice, to (~~(enter upon)~~) hold a hearing concerning (~~(such)~~) the proposed change and the reasonableness and justness (~~(thereof, and)~~) of it. Pending (~~(such)~~) the hearing and the decision (~~(thereon)~~) the commission may suspend the operation of (~~(such)~~) the rate, fare, charge, rental, or toll, if (~~(such)~~) the change is proposed by a common carrier subject to the jurisdiction of the commission, for a period not exceeding seven months, and, if proposed by a public service company other than such a common carrier, for a period not exceeding ten months from the time the (~~(same)~~) change would otherwise go into effect (~~(, and)~~). After a full hearing the commission may make such order in reference ((thereto) to the change as would be provided in a hearing initiated after the ((same) change had become effective.

At any hearing involving any change in any schedule, classification, rule, or regulation the effect of which is to increase any rate, fare, charge, rental, or toll theretofore charged, the burden of proof to show that such