

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing judges and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law. Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

Sec. 2. Section 26, chapter 137, Laws of 1981 and RCW 9.94A.260 are each amended to read as follows:

The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

Passed the House February 27, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

CHAPTER 215

[Substitute House Bill No. 1572]

ELECTIONS—NOMINATIONS—MINOR PARTIES AND INDEPENDENT CANDIDATES

AN ACT Relating to nominations by minor parties and independent candidates; amending RCW 29.24.020, 29.24.030, 29.24.040, 29.24.060, and 29.24.070; adding new sections to chapter 29.24 RCW; and repealing RCW 29.24.050, 29.24.075, and 29.24.090.

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

NEW SECTION. Sec. 1. A new section is added to chapter 29.24 RCW to read as follows:

Each minor party or independent candidate must publish a notice in a newspaper of general circulation within the county in which the party or the candidate intends to hold a convention. The notice must appear at least ten days before the convention is to be held, and shall state the date, time, and place of the convention. Additionally, it shall include the mailing address of the person or organization sponsoring the convention.

Sec. 2. Section 29.24.020, chapter 9, Laws of 1965 as amended by section 2, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.020 are each amended to read as follows:

Any nomination of a candidate for partisan public office by other than a major political party shall only be made either: (1) In a convention held ((on the last Saturday immediately preceding the first day for filing declarations of candidacy specified in RCW 29.18.030)) not earlier than the last Saturday in June and not later than the first Saturday in July or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29.68.080 ((or 29.68.090)); or (2) as provided by RCW 29.51.170. A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice-president, United States senator, or a state-wide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by RCW 29.24.030. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.

Sec. 3. Section 29.24.030, chapter 9, Laws of 1965 as amended by section 3, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.030 are each amended to read as follows:

(1) To be valid, a convention must((: (†)) be attended by at least ((a number of individuals who are registered to vote in the election jurisdiction for which nominations are to be made, which number is equal to one for each ten thousand voters or portion thereof who voted in the last preceding presidential election held in that election jurisdiction or twenty-five such registered voters, whichever number is greater;)) twenty-five registered voters.

(2) ((Have been called by a notice published in a newspaper of general circulation published in the county in which the convention is to be held at least ten days before the date of the convention stating the date, hour, and place of meeting. The notice shall also include the mailing address of the

person or organization sponsoring the convention, if any)) In order to nominate candidates for the offices of president and vice-president of the United States, United States senator, or any state-wide office, a nominating convention shall obtain and submit to the filing officer the signatures of at least two hundred registered voters of the state of Washington. In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of twenty-five persons who are registered to vote in the jurisdiction of the office for which the nominations are made.

Sec. 4. Section 29.24.040, chapter 9, Laws of 1965 as amended by section 4, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.040 are each amended to read as follows:

A certificate evidencing nominations made at a convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his residence, and the office for which he is named (~~(; together with a sworn statement of each nominee giving his consent to the said nominations)), and if the nomination is for the offices of president and vice-president of the United States, a sworn statement from both nominees giving their consent to the nomination;~~

(3) (~~Designate in not more than five words the purpose for which the convention was held or the new or minor political party, organization, or principle which the convention represents)) Identify the minor political party or the independent candidate on whose behalf the convention was held;~~

(4) Be verified by the oath of the presiding officer and secretary;

(5) Be (~~signed by at least a number of individuals who are registered to vote in the election jurisdiction for which the nominations are made and who attended the convention, which number is equal to the number of registered voters who must have attended the convention for it to be valid under RCW 29.24.030 as now or hereafter amended;~~

~~(6) Show the voting addresses of all signers)) accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by RCW 29.24.030;~~

~~((7)) (6) Contain proof of publication of the notice of calling the convention; and~~

~~((8)) (7) Be submitted to the ((secretary of state not later than the last day for filing declarations of candidacy under RCW 29.18.030, or fixed in accordance with RCW 29.68.080 or 29.68.090)) appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices~~

whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state.

NEW SECTION. Sec. 5. A new section is added to chapter 29.24 RCW to read as follows:

A nominating petition submitted under this chapter shall clearly identify the name of the minor party or independent candidate convention as it appears on the certificate of nomination as required by RCW 29.24.030(3). The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address. No person may sign more than one nominating petition under this chapter for an office for a primary or election.

NEW SECTION. Sec. 6. A new section is added to chapter 29.24 RCW to read as follows:

A minor political party or independent candidate convention nominating candidates for the offices of president and vice-president of the United States shall, not later than ten days after the adjournment of the convention, submit a list of presidential electors to the office of the secretary of state. The list shall contain the names and the mailing addresses of the persons selected and shall be verified by the presiding officer of the convention.

Sec. 7. Section 29.24.060, chapter 9, Laws of 1965 as amended by section 6, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.060 are each amended to read as follows:

~~Upon the receipt of the certificate of nomination ((of a convention, the secretary of state shall check the certificate and canvass the signatures thereon to ascertain if the requirements of RCW 29.24.040, as now or hereafter amended, have been met. If the secretary of state finds that the certificate does not comply with law he shall refuse to file the same and any declarations of candidacy of candidates nominated by such convention. Within two weeks after the last day of the filing period, as specified by RCW 29.18.030, or fixed in accordance with RCW 29.68.080 or 29.68.090, the secretary of state shall notify the presiding officer and secretary of each convention of any signatures judged invalid, together with the reason for any such judgment. Within one week after such notification, upon request of the presiding officer or secretary of any such convention, the county auditor shall recheck the voter registration records and shall notify the secretary of state of any signatures validated upon rechecking.~~

~~On the seventh day after filing a nominating certificate or notifying the presiding officer or secretary of a convention of any signatures judged invalid on a nominating certificate, the secretary of state shall destroy the portion of the certificate which contains the signatures, names, and addresses of convention participants unless the certificate is in dispute, in~~

~~which case that portion shall be retained until the dispute is resolved. Upon resolution of any such dispute, the secretary of state shall destroy that portion of the nominating certificate. In no case shall the fact that a voter participated in a particular convention be disclosed to any person other than the election official who checks the validity of signatures on nominating certificates)), the officer with whom it is filed shall check the certificate and canvass the signatures on the accompanying nominating petitions to determine if the requirements of RCW 29.24.030 have been met. Once the determination has been made, the filing officer shall notify the presiding officer of the convention and any other persons requesting the notification, of his or her decision regarding the sufficiency of the certificate or the nominating petitions. Any appeal regarding the filing officer's determination must be filed with the superior court of the county in which the certificate or petitions were filed not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.~~

Sec. 8. Section 29.24.070, chapter 9, Laws of 1965 as amended by section 7, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.070 are each amended to read as follows:

~~((If a nominating certificate is valid, each candidate, except for the positions of president or vice president, whose nomination is evidenced thereby may file with the secretary of state a declaration of candidacy in the form prescribed for candidates subject to primary election, and each candidate must at the time of filing such declaration pay to the secretary of state the fee prescribed by law for candidates subject to primary election.))~~ Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county auditors of the names and designations of all minor party and independent candidates who have filed valid convention certificates and nominating petitions with that office. Except for the offices of president and vice-president, persons nominated under this chapter shall file declarations of candidacy as provided by RCW 29.18.030 and 29.18.040. The name of a candidate nominated at a convention shall not be printed upon the primary ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 29.24.050, chapter 9, Laws of 1965, section 5, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.050;

(2) Section 8, chapter 329, Laws of 1977 ex. sess. and RCW 29.24.075; and

(3) Section 29.24.090, chapter 9, Laws of 1965 and RCW 29.24.090.

Passed the House March 8, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 3, 1989.

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CHAPTER 216

[House Bill No. 1844]

HOUSE-TO-HOUSE SALES—REGISTRATION OF EMPLOYERS USING MINOR SALES PERSONS

AN ACT Relating to employment in house-to-house sales; adding new sections to chapter 49.12 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. (1) No person under sixteen years of age may be employed in house-to-house sales unless the department grants a variance permitting specific employment under criteria adopted by department rule.

(2) No person sixteen or seventeen years of age may be employed in house-to-house sales unless the employer:

(a) Obtains and maintains a validated registration certificate issued by the department. Application for registration shall be made on a form prescribed by the director, which shall include but not be limited to:

(i) The employer's name, permanent address, and telephone number;

(ii) The employer's social security number and industrial insurance number or, in lieu of these numbers, the employer's unified business identifier account number; and

(iii) A description of the work to be performed by persons aged sixteen or seventeen and the working conditions under which the work will be performed;

(b) Provides each employee sixteen or seventeen years of age, before beginning work, an identification card in a form prescribed by the director. The card shall include, but not be limited to, a picture of the employee, the employee's name, the name and address of the employer, a statement that the employer is registered with the department of labor and industries, and the registration number. The person employed in house-to-house sales shall show the identification card to each customer or potential customer of the person;

(c) Ensures supervision by a person aged twenty-one years or over during all working hours, with each supervisor responsible for no more than five persons; and

(d) If transporting an employee sixteen or seventeen years of age to another state, obtains the express written consent of the employee's parent or legal guardian.