

## CHAPTER 329

[Engrossed Substitute Senate Bill No. 2032]

## NOMINATIONS OTHER THAN BY PRIMARY

AN ACT Relating to nominations other than by primary; amending section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090; amending section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020; amending section 29.18.110, chapter 9, Laws of 1965 as amended by section 5, chapter 127, Laws of 1974 ex. sess. and RCW 29.18.110; amending section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150; amending section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010; amending section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020; amending section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030; amending section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040; amending section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050; amending section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060; amending section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070; amending section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080; amending section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; amending section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010; adding a new section to chapter 29.18 RCW; adding a new section to chapter 29.24 RCW; adding a new section to chapter 29.85 RCW; repealing section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080; providing penalties; and declaring an emergency.

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

Section 1. Section 29.24.010, chapter 9, Laws of 1965 and RCW 29.24.010 are each amended to read as follows:

A "convention" for the purposes of this chapter, is an organized assemblage of ~~((at least one hundred))~~ registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle~~((, or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a state-wide basis.

Sec. 2. Section 29.24.020, chapter 9, Laws of 1965 and RCW 29.24.020 are each amended to read as follows:

~~((Any new or minor political party is not entitled to participate in a state primary election but must nominate candidates for public office))~~ 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 ((same day that state primary elections are held)) last Saturday immediately preceding the first day for filing declarations of candidacy specified in RCW 29.18.030 or 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.

Sec. 3. Section 29.24.030, chapter 9, Laws of 1965 and RCW 29.24.030 are each amended to read as follows:

To be valid, a ~~((minor party))~~ convention must:

(1) Be attended by at least ~~((one hundred registered voters, or in lieu thereof ten registered voters from each congressional district in the state of Washington))~~ 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;

(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 ~~((primary election))~~ convention stating the date, hour, and place of meeting ~~((and a general statement of the principles of the organization))~~. The notice shall also include the mailing address of the person or organization sponsoring the convention, if any.

Sec. 4. Section 29.24.040, chapter 9, Laws of 1965 and RCW 29.24.040 are each amended to read as follows:

A certificate evidencing nominations made at a ~~((minority party))~~ convention must:

- (1) Be in writing;
- (2) Contain the name of each person nominated, his residence, ~~((his business,))~~ and the office for which he is named; together with a sworn statement of each nominee giving his consent to the said nominations;
- (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;
- (4) Be verified by the oath of the presiding officer and secretary;
- (5) Be signed by at least ~~((one hundred registered voters present at))~~ a number of individuals who are registered to vote in the election jurisdiction for which the nominations are made and who attended the convention ~~((and who did not vote at the primary election held on that day, or in lieu thereof be signed by at least ten registered voters from each congressional district in the state of Washington present at a convention, and who did not vote at the primary election held on that day))~~, 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;
- (7) Contain proof of publication of the notice of calling the convention; and
- (8) 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.

Sec. 5. Section 29.24.050, chapter 9, Laws of 1965 and RCW 29.24.050 are each amended to read as follows:

The signature ~~((of))~~ on a ~~((minor party))~~ convention nominating certificate of a person who ~~((voted))~~ signed a nominating certificate in ~~((the primary))~~ any other convention held on the day of the convention is invalid.

Sec. 6. Section 29.24.060, chapter 9, Laws of 1965 and RCW 29.24.060 are each amended to read as follows:

Upon the receipt of the certificate of nomination of a (~~minor party nominating~~) convention, the secretary of state shall check (~~from the records the required signatures thereto to ascertain if the signers are registered voters and whether said signers voted at the primary election held on the same day as said convention~~) 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 (~~is defective or~~) 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.

Sec. 7. Section 29.24.070, chapter 9, Laws of 1965 and RCW 29.24.070 are each amended to read as follows:

If (~~the~~) a nominating certificate is valid, each candidate (~~nominated by a minor party convention~~), 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 (~~as nearly as possible~~) 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. The name of a candidate nominated at a (~~minor party~~) convention shall not be printed upon the (~~election~~) 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 (~~election~~).

NEW SECTION. Sec. 8. There is added to chapter 29.24 RCW a new section to read as follows:

A declaration of candidacy of an individual candidate whose name appears on a nominating certificate filed by the secretary of state in accordance with RCW 29.24.060, as now or hereafter amended, shall be submitted to the secretary of state within one week of the filing of the nominating certificate by the secretary of state.

Sec. 9. Section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090 are each amended to read as follows:

"Major political party" means(:

~~(1) In a state-wide election;~~) a political party of which at least one nominee for president, vice president, United States senator, or a state-wide office received at least ~~((ten))~~ five percent of the total vote cast at the last preceding ~~((state-wide))~~ state general election(;

~~(2) In an election by a constituency confined to a political subdivision of the state, a political party of which at least one nominee received at least ten percent of the total vote cast in that political subdivision at the last preceding general election by that constituency;~~

~~(3) In a city or town election, a political party of which at least one nominee received at least ten percent of the total vote cast in the last preceding general city or town election therein))~~ in an even-numbered year: PROVIDED, That any political party qualifying as a major political party under the previous subsection (2) or subsection (3) of this section prior to its 1977 amendment shall retain such status until after the next state general election following the effective date of this 1977 amendatory act.

Sec. 10. Section 29.18.020, chapter 9, Laws of 1965 and RCW 29.18.020 are each amended to read as follows:

~~((Only))~~ The names of the candidates of the major political parties and those independent candidates and candidates of minor political parties who have been nominated pursuant to the provisions of chapter 29.24 RCW shall ((be entitled to)) appear upon the partisan primary ((election)) ballot ((after the names of the candidates affiliated therewith)): PROVIDED, That candidates for the positions of president and vice president shall not appear on the partisan primary ballot. The name of no other ((political party)) candidate shall appear thereon.

Sec. 11. Section 29.18.110, chapter 9, Laws of 1965 as amended by section 5, chapter 127, Laws of 1974 ex. sess. and RCW 29.18.110 are each amended to read as follows:

No name of a candidate for a partisan office shall ((be the party nominee)) appear on the general election ballot unless he receives a number of votes equal to at least ((five)) one percent of the total number cast for all candidates for the position sought(:

~~Subject thereto, any person)):~~ PROVIDED, That only the name of the candidate who receives a plurality of the votes cast for the candidates of his party for any office shall ((be his party's nominee for that office)) appear on the general election ballot.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

Sec. 12. Section 29.18.150, chapter 9, Laws of 1965 and RCW 29.18.150 are each amended to read as follows:

Should a place on ~~((a party))~~ the ticket of a major political party be vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by RCW

29.18.030, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy(~~(~~~~PROVIDED, That a vacancy caused by the death or disqualification of any nominee for a partisan office may be filled as set forth in this section at any time up to and including the day prior to the election.~~

~~Should such vacancy occur no later than the third Tuesday prior to the state general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.~~

~~Should such vacancy occur after the third Tuesday prior to said state general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.~~

~~When the secretary of state is the person with whom the certificate of nomination is filed he shall in certifying nominations to the various county officers insert the name of the persons nominated to fill a vacancy.~~

~~In the event that the secretary of state has already sent forth his certificate when the certificate of nomination to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person nominated to fill a vacancy, the office he is nominated for, the party he represents and all other pertinent facts pertaining to the vacancy)).~~

NEW SECTION. Sec. 13. There is added to chapter 29.18 RCW a new section to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or state-wide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

Should such vacancy occur no later than the third Tuesday prior to the state primary or general election concerned and the ballots and voting machine labels

have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state primary or general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, he shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the appointment to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which he is a candidate or nominee, the party he represents and all other pertinent facts pertaining to the vacancy.

Sec. 14. Section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080 are each amended to read as follows:

All general election ballots prepared under the provisions of this title shall conform to the following requirements:

(1) Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

(2) Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this title and no other names.

(3) All nominations of any party (~~or group of petitioner~~) shall be placed under the title of such party (~~of petitioners as designated by them in their certificate of nomination or petition~~), and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(4) There shall be a  at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot. The square shall be one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

(5) The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the ballot, the list of candidates of the party whose (~~candidates for presidential electors or candidates~~) candidate for president received the next highest number of votes from the electors of this state in the preceding presidential election shall be placed in the second column, and the candidates of other political parties and independent candidates shall follow in the order in which certificates of nomination have been filed in the office of the secretary of state.

(6) No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: PROVIDED, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

(7) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(8) Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number one, for each separate voting precinct.

(9) Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables, and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

(10) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with one three-eighths inch square to the right in which the voter indicates his choice.

(11) On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given.

Instructions: If you desire to vote for any candidate, place X in  at the right of the name of such candidate.

(Here place any state or local questions to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate)... <input type="checkbox"/> (Name of candidate)... <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate)... <input type="checkbox"/> (Name of candidate)... <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate)... <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate)... <input type="checkbox"/>	

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
<b>REPRESENTATIVE IN CONGRESS</b> 3rd Congressional District (Name of candidate)... <input type="checkbox"/>	<b>REPRESENTATIVE IN CONGRESS</b> 3rd Congressional District (Name of candidate)... <input type="checkbox"/>	
<b>GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	<b>GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	
<b>LIEUTENANT GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	<b>LIEUTENANT GOVERNOR</b> (Name of candidate)... <input type="checkbox"/>	
<b>SECRETARY OF STATE</b> (Name of candidate)... <input type="checkbox"/>	<b>SECRETARY OF STATE</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE TREASURER</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE TREASURER</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE AUDITOR</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE AUDITOR</b> (Name of candidate)... <input type="checkbox"/>	
<b>ATTORNEY GENERAL</b> (Name of candidate)... <input type="checkbox"/>	<b>ATTORNEY GENERAL</b> (Name of candidate)... <input type="checkbox"/>	
<b>COMMISSIONER OF PUBLIC LANDS</b> (Name of candidate)... <input type="checkbox"/>	<b>COMMISSIONER OF PUBLIC LANDS</b> (Name of candidate)... <input type="checkbox"/>	
<b>INSURANCE COMMISSIONER</b> (Name of candidate)... <input type="checkbox"/>	<b>INSURANCE COMMISSIONER</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE SENATOR (1st District)</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE SENATOR (1st District)</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE REPRESENTATIVE (31st District) Position No. 1</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE REPRESENTATIVE (31st District) Position No. 1</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE REPRESENTATIVE (31st District) Position No. 2</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE REPRESENTATIVE (31st District) Position No. 2</b> (Name of candidate)... <input type="checkbox"/>	
<b>STATE REPRESENTATIVE (31st District) Position No. 3</b> (Name of candidate)... <input type="checkbox"/>	<b>STATE REPRESENTATIVE (31st District) Position No. 3</b> (Name of candidate)... <input type="checkbox"/>	

(Names of other candidates should follow on the ballot in the same form.)

Sec. 15. Section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100 are each amended to read as follows:



The names of the persons certified as the nominees resulting from a primary election by the state canvassing board or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the state canvassing board, or (2) the county canvassing board, or (3) ~~((a minor party convention, or (4) of))~~ the state or county central committee of a ~~((major))~~ political party exercising its authority under section 13 of this 1977 amendatory act, to fill a vacancy on its ticket ~~((occasioned by any cause on account of which it is lawfully authorized so to do))~~.

Sec. 16. Section 29.42.010, chapter 9, Laws of 1965 and RCW 29.42.010 are each amended to read as follows:

Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and
- (6) Perform all functions(;-) inherent in such an organization: PROVIDED,

That ~~((in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election))~~ only major political parties shall have the power to designate candidates to appear on the state primary election ballot as provided in RCW 29.18.150 as now or hereafter amended.

NEW SECTION. Sec. 17. There is added to chapter 29.85 RCW a new section to read as follows:

Any person who knowingly signs a nominating certificate with any other than his or her true name, or who signs such petition knowing that he or she is not a legal voter or who knowingly makes therein any false statement as to his or her residence shall be guilty of a gross misdemeanor, as provided by RCW 9A.72.040.

NEW SECTION. Sec. 18. Section 29.24.080, chapter 9, Laws of 1965 and RCW 29.24.080 are each repealed.

NEW SECTION. Sec. 19. This 1977 amendatory 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 Senate June 13, 1977.

Passed the House June 13, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

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## CHAPTER 330

[Substitute Senate Bill No. 2382]

### STATE PARKS—SENIOR CITIZEN'S AND DISABILITY PASSES

AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.