

or that the emergency in justification of extraordinary war-time powers no longer exists.

Passed the House February 10, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.

CHAPTER 198.

[H. B. 57.]

FILING OF CANDIDATES WITH SIMILAR NAMES.

AN ACT prohibiting the filing of persons with intent to mislead and confuse the electors, of fictitious and non-existing persons for public office; prescribing a procedure for registering objections; and providing for civil and criminal penalties for violations thereof.

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

SECTION 1. When two or more persons shall file for the same office in any primary election whose surnames are so similar in sound or spelling as to be confusing to the electors, the Secretary of State, County Auditor, City Clerk or any other public officer with whom declarations of candidates are filed, shall, on his own initiative, or upon the request of any of the candidates for the same office, as hereinafter provided, print on the ballot immediately after the surname of the candidates having similar surnames the profession, business, trade, occupation or such other designation as may be required for the definite identification of each, as follows:

George Jones (Grocer)

G. A. Jones (Laborer)

Provided, That if one of such candidates shall be the incumbent seeking reelection, immediately before his name shall be printed the word "Incumbent"; and there shall be printed before the name of the other candidate having a similar surname the word "Op-

Filing officer may add identifying designation.

Form of designation.

Proviso.

ponent", and following his name a word descriptive of his occupation, which, for the purpose of illustration, can be printed in the following form:

"Incumbent"—George Jones

"Opponent"—G. A. Jones (Laborer)

Certain
filings
prohibited.

SEC. 2. No person shall file a declaration of candidacy for any public office of

(a) a non-existent or fictitious person; or
(b) the name of any person not his true name; or
(c) a name similar to the incumbent seeking reelection to the same office with intent to confuse and mislead the electors by taking advantage of the public reputation of the incumbent; or

(d) a surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead the electors by capitalizing on the public reputation of the candidate who had previously filed.

Penalty.

SEC. 3. Any person violating this act shall be guilty of a felony.

Candidate
may request
meeting.

SEC. 4. Any candidate who believes that the electors will be misled or confused by the candidacy of any person who has filed for the same office, as provided in section (1) and (2) of this act, shall, not more than three (3) days after the time for the filings has expired, present in writing to the filing officer, the Secretary of State, County Auditor, City Clerk, as the case may be, a written request that a meeting of all the candidates be held immediately for the purpose of eliminating the confusion. The written request shall state the objections of the candidate. The filing officer within two days following the receipt of such request shall mail a copy thereof to each candidate for the same office at the address set forth in the declaration of the candidate and shall notify each candidate to be present at a meeting to be held in his office on a day and hour certain to be stated in the notice, which hearing shall

Notice by
filing officer.

take place not more than five (5) days after the receipt of such request.

Time of Hearing.

Sec. 5. At the meeting to be held by the filing officer, he shall hear all objections to candidates, names and designations of candidates and shall pass upon all matters which may come before him pertaining to the enforcement of this act. If any candidate shall not respond to the notice of the meeting, or if the filing officer shall be satisfied that the candidate is a fictitious or non-existent person or that the declaration of candidacy was not filed in the true name of the person, the candidacy of such person shall be cancelled and shall not be printed on the ballot. The filing officer shall decide all objections according to the facts and his rulings shall be final, unless ordered otherwise by a court of competent jurisdiction.

Procedure at hearing.

Grounds for cancellation.

Rulings final.

Sec. 6. Any person who shall with intent mislead or confuse the electors by conspiring with another person having a surname similar to an incumbent seeking re-election to the same office, or having a surname similar to an opponent for the same office whose political reputation has been well established, by persuading such other person to file for such office with no intention of being elected, but to defeat the incumbent or the well known opponent, shall be guilty of a felony. In addition thereto such person or persons shall be subject to a suit for civil damages the amount of which shall not exceed the salary which the injured person would have received had he been elected or reelected.

Conspiracy prohibited.

Penalty.

Civil damages.

Passed the House February 27, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 19, 1943.