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

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

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

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

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

Sec. 3. RCW 29A.52.112 and 2005 c 2 s 7 are each reenacted and amended to read as follows:
(1) A primary is a first stage in the public process by which voters elect candidates to public office.

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

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

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

Primaries for general elections to be held in November must be held on the third Tuesday of the preceding September, or

(2) The seventh Tuesday immediately preceding that general election, whichever occurs first) August, unless otherwise specified by the secretary of state.

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

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

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

(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic
area represented by the office. For the purposes of this section, each
geographic area in which registered voters may cast ballots for an
office is represented by that office. If a person elected to an office
must be nominated from a district or similar division of the geographic
area represented by the office, the name of a candidate for the office
shall not appear on a primary ballot for that office unless the
candidate is, at the time the candidate's declaration of candidacy is
filed, properly registered to vote in that district or division. The
officer with whom declarations of candidacy must be filed under this
title shall review each such declaration filed regarding compliance
with this subsection) the candidate submits a petition signed by
registered voters of the geographic area for which he or she seeks
office. The number of signatures required are as follows:

(a) Any statewide office, five thousand signatures from at least
five counties:

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

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

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

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

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

(1) A filing fee of one dollar shall accompany each declaration of
candidacy for precinct committee officer; a filing fee of ten dollars
shall accompany the declaration of candidacy for any office with a
fixed annual salary of one thousand dollars or less; a filing fee equal
to one percent of the annual salary of the office at the time of filing
shall accompany the declaration of candidacy for any office with a
fixed annual salary of more than one thousand dollars per annum. No
filing fee need accompany a declaration of candidacy for any office for
which compensation is on a per diem or per meeting attended basis.

(2) 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 filing fee 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.

(3) When the candidacy is for:

((4+)) (a) A legislative or judicial office 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.

((5+)) (b) A legislative or judicial office that includes
territory from only one county:

((6+)) (i) The fee shall be paid to the county auditor if the
candidate filed his or her declaration of candidacy with the county
auditor;

((7+)) (ii) The fee shall be paid to the secretary of state if the
candidate filed his or her declaration of candidacy with the secretary
of state. The secretary of state shall then promptly transmit the fee
to the county auditor of the county in which the legislative or
judicial office is located.

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

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

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

(1) If the consolidated ballot format is used, the major political
party identification check-off box must appear on the primary ballot
before all offices and ballot measures. Clear and concise instructions
to the voter must be prominently displayed immediately before the list
of major political parties, and must include:
(a) A statement that, for partisan offices, the voter may only vote for candidates of one political party;

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

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

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

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

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

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

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

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

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

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

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

(e) A statement that the option of "none of the above" will appear after the list of all the candidates for each office in the general election. The statement shall include an explanation that in the event the majority of votes are "none of the above" for an office, new candidates must be nominated.
NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

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

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

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

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

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