Procedures for

Filing for Public Elective Office In Washington State in 2010

Washington
Secretary of State
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In Washington we enjoy a unique tradition of promoting citizen involvement in our political system. Under the populist provisions of our state constitution, every voter has the right to run for office and to have his or her name appear on the ballot without prior approval from a political party.

Washington residents also enjoy other special rights, such as the right to initiative and referendum, the right to recall elected officials, and the right to a state Voters' Pamphlet containing detailed information on ballot issues and candidates.

The procedures for seeking elective office in Washington are grounded in our heritage of encouraging citizens to participate in our political process. This publication explains the major features of state election law relating to filing for office. Please note that this publication is not intended to be a substitute for the statutes and regulations governing this process but rather should be read in conjunction with them.

If you have questions or need additional information, please contact your County Elections Department or the Secretary of State's Elections Division. We will be happy to assist you.

Sam Reed
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Overview

The information contained in this publication is specific to Washington State public elective offices. For those wishing to run for a political party Precinct Committee Officer position, please refer to the Revised Code of Washington Title 29A Chapter 80.

Partisan Offices

A partisan office is a public office for which a candidate may choose to indicate a political party preference on his or her Declaration of Candidacy. Federal, statewide, legislative and most county commissioner positions are partisan offices.

A candidate's party preference will appear on the primary and general election ballots in conjunction with his or her name. Statement of party preference is entirely the decision of the candidate and does not imply that the candidate is nominated, endorsed, or approved by the party.

Candidates for partisan offices are subject to the primary. A primary is a process of winnowing a field of candidates for public office. The two candidates with the most votes will appear on the general election ballot.

The two candidates receiving the highest number of votes cast in a race will advance to the General Election ballot. The general election is a statewide election held on the first Tuesday after the first Monday in November. Party preference plays no role in determining how candidates are elected to public office.

Nonpartisan Offices

Candidate filing procedures for nonpartisan offices are the same as for partisan offices, except that a statement of party preference does not appear on the ballot. A nonpartisan office is an office for which candidates do not indicate a party preference. No party preference appears on the ballot. All judicial and most special purpose offices (e.g., port, fire, or school district positions) are nonpartisan offices.

Candidate Filing Procedures

Declarations of Candidacy

All candidates are required to submit a Declaration of Candidacy to the appropriate filing officer when filing for public office. The filing officer is the person with whom a candidate files for office or withdraws from candidacy.

Forms are available prior to the beginning of the filing period at the Office of the Secretary of State and any County Auditor's Office. A Declaration of Candidacy form is also available by going to the Secretary of State's Election Division website at www.vote.wa.gov .

A candidate for partisan office may state his or her preference for a political party, or choose to state no party preference. A candidate is not required to obtain approval from a political party in order to state a preference for that party on the Declaration of Filing form. A candidate's stated preference for a political party does not imply that the candidate is nominated or endorsed by that party. Statement of party preference does not indicate that the party approves of or associates with that candidate.

If a candidate states his or her party preference on the Declaration of Candidacy, the candidate may use no more than sixteen characters for the name of the political party.

A candidate's party preference, or the fact that the candidate states no party preference, will be printed in conjunction with the candidate's name on the ballot and in any voters' pamphlets printed by the office of the Secretary of State or a County Auditor's office.

Nonpartisan candidates do not state any party preference.

Dates to File the Declaration of Candidacy

The regular candidate filing period starts on the first Monday in June (June 7, 2010) and ends the following Friday (June 11, 2010). Candidate filings may be accepted by mail beginning May 21, 2010, 10 business days before the regular filing period begins.

Where to File the Declaration of Candidacy

File Declarations of Candidacy for federal office, statewide office, and legislative or judicial districts that cross county lines with the Office of the Secretary of State.

For all other offices, file Declarations of Candidacy with the County Auditor. County Auditor refers to the elected County Auditor, Deputy Auditors or any employee of a county responsible for voter registration and elections. In King County, the Elections Division Director is responsible for voter registration and elections.

Candidates filing with the Office of the Secretary of State may file online at www.vote.wa.gov beginning at 9:00 a.m. on the first Monday in June through 4:00 p.m. the following Friday. In the case of a special three-day filing period, filings made online begin at 9:00 a.m. the first day of the special filing period through 4:00 p.m. the last day of the special filing period. Some County Auditor's Offices also allow online candidate filing. Contact your County Auditor if you wish to file on line for offices declared with the County.

Lists of state candidates who have filed are available at www.vote.wa.gov . Lists of candidates who have filed for local elective offices are available from the County Auditors.

Filing Fees

Some offices require submission of a filing fee with the Declaration of Candidacy. The fee structure is as follows:

- Candidates for offices that do not have a fixed annual salary pay no filing fee;
- Candidates for any office with a fixed annual salary of $1,000 or less pay a filing fee of $10; and
- Candidates for all other offices pay a fee equal to 1 percent of the fixed annual salary for the office. (For example, if the office has an annual salary of $41,280 the filing fee will be $412.80.)

A fee schedule for state offices is available at www.vote.wa.gov . Information regarding county offices is available from the County Auditor.

Alternative to Filing Fees

A filing fee petition is a petition submitted in lieu of the filing fee. Candidates who do not have sufficient assets or income at the time of filing to pay the filing fee may submit a filing fee petition. The filing fee petition must accompany the Declaration of Candidacy form.

The filing fee petition must contain at least one valid signature for each whole dollar of the required filing fee. For example, if the filing fee is $412.80, a filing fee petition must contain at least 412 valid signatures. Candidates may not pay a portion of the fee and submit the balance in petition signatures.

The candidate may submit additional signatures prior to the end of the filing period to meet the required number of valid signatures.

Valid signatures are verified signatures of registered voters from the jurisdiction for which the candidate is filing. For example, if the candidate is filing for State Representative of Legislative District No. 1, the signatures must be of voters registered in the 1st Legislative District.

The filing officer may reject any filing fee petition that is not in proper form, clearly bears insufficient signatures, not accompanied by the Declaration of Candidacy, or filed after the close of the filing period.

Rejection of a petition may be appealed to the Superior Court in the county where the petition is filed.

Withdrawals

A candidate may withdraw his or her Declaration of Candidacy until the close of business on the Thursday following the filing period. The County Auditor determines the date of withdrawal for candidates of cities, towns, or special purpose districts. The filing officer must notify the candidate of the deadline for withdrawal at the time the Declaration of Candidacy is filed.

All withdrawals must be made in writing, signed by the candidate, and be received by the filing officer prior to the appropriate deadline. A withdrawal form is available on the Secretary of State's website at www.vote.wa.gov .

Filing Fees

Filing fees are not refundable, even if a candidate erroneously files for an office.

Withdrawal of Special Filings

There is no withdrawal permitted for a candidate who files during a special filing period.

Special Filing Period

A special filing period opens for three business days if a vacancy in office or a void in candidacy occurs. The filing officer must notify press and other available media of the time and place for filing Declarations of Candidacy for the specific office. Special filing periods close at the end of business on the third day.

Candidate filing in a special filing period is conducted in the same manner and with the same filing officer as a regular filing period for the office.

The time period in which the vacancy or void occurs will determine whether candidates who file during the special filing period appear on the Primary or the General Election ballot.

Voids in Candidacy

A void in candidacy occurs if, after the last day to withdraw,

- No candidate has filed for the office,
- All candidates who filed have withdrawn, or
- All candidates who have filed died or have been disqualified

There is no void in candidacy as long as there is at least one viable candidate.

Vacancies in Office

When an incumbent in public office resigns, dies, or is disqualified, and candidate filings have not been held for the office, one of the following occurs:

- If the county auditor is notified of a vacancy before regular candidate filling, the office will be included in regular filing.

- If the vacancy occurs before the eleventh Tuesday prior to the Primary, the filing officer opens a special three-day filing period. Candidates who file during a special filing period appear on the Primary ballot as if they filed during the regular filing period.

- If a vacancy occurs on or after the eleventh Tuesday prior to the Primary, but before the eleventh Tuesday prior to the General Election, the filing officer opens a special three-day

filing period. Candidates who file during the special filing period do not have a primary and appear only on the General Election ballot. The candidate receiving the most votes cast for an office in the General Election is declared the winner.

- If the vacancy in office or void in candidacy occurs on or after the eleventh Tuesday prior to the General Election, no election is held. The jurisdiction will fill the vacant position in accordance to law until the next election for that office.

Lapsed Elections

A lapsed election means a regularly scheduled election for an office will not be held because there are no valid candidate filings for the office after conducting both a regular and special filing period.

A scheduled election for an office lapses when one of the following occurs.

- A void in candidacy for Supreme Court Justice or Superintendent of Public Instruction occurs on or after the eleventh Tuesday prior to the primary;
- A nominee for Superior Court Judge dies or is disqualified on or after the eleventh Tuesday prior to a primary;
- A void in candidacy exists after holding a regular and special candidate filing period; or,
- A vacancy in office for any partisan or nonpartisan office occurs on or after the eleventh Tuesday prior to a General Election.

Write-in Candidates

A person who desires to be a write-in candidate may file a Declaration of Write-in Candidacy with the appropriate filing officer. The Declaration of Write-in Candidacy, accompanied by the applicable filing fee, must be filed no later than the day before the election.

A person may not file as a write-in candidate if:

- The person attempting to file during a General Election either filed as a regular or write-in candidate for the same office in the preceding primary;
- The person has already filed a valid Declaration of Write-in Candidacy for another office in the same primary or election; or
- The person already appears on the ballot as a candidate for another public office.

Declarations of Write-in Candidacy forms are available from the County Auditor, the Office of the Secretary of State, and the Secretary of State's website www.vote.wa.gov .

Votes Cast for Write-In Candidates

Those who wish to cast a vote for a candidate who has filed as a write-in candidate need only write the name of the candidate in the appropriate location on the ballot. Some variation of name is permitted if the intent of the voter can be determined.

Write-in votes for candidates who did not file a Declaration of Write-in Candidacy are also valid. However, determining the voter's intent is more difficult without a Declaration of Write-in candidacy.

Write-in votes are not tallied for the individual candidate, declared or undeclared, unless the sum of write-in, blank and over-voted responses for an office have the potential of changing the outcome of the primary or election.

Voters' Pamphlet Information

Candidates for the office of, U.S. Senate, U.S. Representative, statewide office, state Senate, state Representative, the Court of Appeals and Superior Court are eligible for inclusion in the official state Voters' Pamphlet published by the Office of the Secretary of State.

Candidates have until seven days after filing to submit candidate statements and photographs for inclusion in the State Voters' Pamphlet. Specific information regarding fees, space, photographs, statement specifications and submission requirements is available in the brochure "Getting Your Information to Voters in Washington State."

The State Voters' Pamphlet provides information about candidates, ballot measures, and other material related to the election. Published by the Office of the Secretary of State, a state voters' pamphlet is mailed to every household in Washington.

The Office of the Secretary of State also provides information through electronic media, including the internet. Information regarding electronic voter guides is available to candidates at the time of filing. Candidate inquiries regarding the official state Voters' Pamphlet should contact the Elections Division in the Office of the Secretary of State. (See "Information and Assistance" for address and telephone information.)

A county or city wishing to provide information about candidates and ballot measures, may publish a local voters' pamphlet, electronic voter guides, or other material relating to a primary, special election, or general election. Those persons filing for local elective office should check with the County Auditor about the availability and requirements for inclusion in such publications.

Information and Assistance

For additional information and assistance, call your County Auditor or Elections Department (under government listings in your telephone directory), or contact the Office of the Secretary of State:

Elections Division
Office of the Secretary of State
520 Union Avenue SE • PO Box 40229
Olympia, Washington 98504-0229
Phone: (360) 902-4180
Fax: (360) 664-4619
E-mail: elections@sos.wa.gov
Internet: www.vote.wa.gov

If you need this information in an alternate format,
please contact the Office of the Secretary of State at the numbers listed above.