

**E3SHB 1860** - S AMD 142  
By Senator Pridemore

ADOPTED 02/28/2012

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The United States district court, western  
4 district of Washington, ruled that Washington's method of electing  
5 political party precinct committee officers is unconstitutional based  
6 on the associational rights of political parties. The court stated  
7 that Washington may decide to implement elections for precinct  
8 committee officer in a manner not yet conceived but ultimately  
9 satisfactory to the political parties. Washington may even implement  
10 these elections in a way that severely burdens the political parties'  
11 associational rights but does so in a manner narrowly tailored to serve  
12 a compelling governmental interest. The major political parties stated  
13 in court that they might be satisfied of party membership if a voter  
14 affirms affiliation with the particular party. Toward this end, the  
15 legislature has worked closely with the major political parties to  
16 develop a system of electing precinct committee officers that the  
17 parties support, that will protect the secrecy of the ballot, and will  
18 not increase burdens placed on local election officials. Therefore, it  
19 is the intent of the legislature to remedy the unconstitutional method  
20 of selecting precinct committee officers by implementing a provision  
21 requiring voters to affirm an affiliation with the appropriate party in  
22 order to vote in a race for precinct committee officer in that party.  
23 The legislature finds that the office of precinct committee officer  
24 itself is both a constitutionally recognized and authorized office with  
25 certain duties outlined in state law and the state Constitution.

26 **Sec. 2.** RCW 29A.24.311 and 2011 c 349 s 13 are each amended to  
27 read as follows:

28 (1) Any person who desires to be a write-in candidate and have such  
29 votes counted at a primary or election may file a declaration of

1 candidacy with the officer designated in RCW 29A.24.070 not later than  
2 the day ballots must be mailed according to RCW 29A.40.070.  
3 Declarations of candidacy for write-in candidates must be accompanied  
4 by a filing fee in the same manner as required of other candidates  
5 filing for the office as provided in RCW 29A.24.091.

6 (2) Votes cast for write-in candidates who have filed such  
7 declarations of candidacy and write-in votes for persons appointed by  
8 major political parties pursuant to RCW 29A.28.021 need only specify  
9 the name of the candidate in the appropriate location on the ballot in  
10 order to be counted. Write-in votes cast for any other candidate, in  
11 order to be counted, must designate the office sought and position  
12 number or political party, if the manner in which the write-in is done  
13 does not make the office or position clear.

14 (3) No person may file as a write-in candidate where:

15 ~~((+1))~~ (a) At a general election, the person attempting to file  
16 either filed as a write-in candidate for the same office at the  
17 preceding primary or the person's name appeared on the ballot for the  
18 same office at the preceding primary;

19 ~~((+2))~~ (b) The person attempting to file as a write-in candidate  
20 has already filed a valid write-in declaration for that primary or  
21 election, unless one or the other of the two filings is for the office  
22 of precinct committeeperson;

23 ~~((+3))~~ (c) The name of the person attempting to file already  
24 appears on the ballot as a candidate for another office, unless one of  
25 the two offices for which he or she is a candidate is precinct  
26 committeeperson;

27 (d) The office filed for is committee precinct officer.

28 (4) The declaration of candidacy shall be similar to that required  
29 by RCW 29A.24.031. No write-in candidate filing under this section may  
30 be included in any voter's pamphlet produced under chapter 29A.32 RCW  
31 unless that candidate qualifies to have his or her name printed on the  
32 general election ballot. The legislative authority of any jurisdiction  
33 producing a local voter's pamphlet under chapter 29A.32 RCW may  
34 provide, by ordinance, for the inclusion of write-in candidates in such  
35 pamphlets.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.52 RCW  
37 to read as follows:

1 (1) The office of precinct committee officer must be voted upon at  
2 the primary election in each even-numbered year. If no one files for  
3 the office, the office shall be filled in accordance with RCW  
4 29A.28.071. If, after the last day to withdraw, only one candidate has  
5 filed for the office in a precinct, that candidate is deemed elected  
6 and the auditor shall issue a certificate of election. Only contested  
7 races may appear on the ballot.

8 (2) The ballot format may be either a consolidated ballot or a  
9 physically separate ballot. If a consolidated ballot is used, the  
10 races for precinct committee officer must be clearly delineated from  
11 other races on the ballot. If a physically separate ballot is used, it  
12 must be distinguishable from the top two primary ballot. If the ballot  
13 is returned in the return envelope provided, but outside of the  
14 security envelope, it shall not be grounds to invalidate the ballot.

15 (3) The following instructions must appear on the ballot: "In  
16 order to vote for precinct committee officer, a partisan office, you  
17 must affirm that you are a Democrat or a Republican and may vote only  
18 for one candidate from the party you select. Your vote for a candidate  
19 affirms your affiliation with the same party as the candidate. This  
20 preference is private and will not be matched to your name or shared."

21 (4) Party affiliation is affirmed by including the following  
22 statement after the name of each candidate: "I affirm I am a  
23 Democrat." if the candidate is a Democrat, or "I affirm I am a  
24 Republican." if the candidate is a Republican.

25 (5) If a voter votes for candidates from both parties, the votes  
26 cast in the election for precinct committee officer on that ballot will  
27 not be tabulated and reported.

28 **Sec. 4.** RCW 29A.60.021 and 2005 c 243 s 12 are each amended to  
29 read as follows:

30 (1) For any office, except precinct committee officer, at any  
31 election or primary, any voter may write in on the ballot the name of  
32 any person for an office who has filed as a write-in candidate for the  
33 office in the manner provided by RCW 29A.24.311 and such vote shall be  
34 counted the same as if the name had been printed on the ballot and  
35 marked by the voter. No write-in vote made for any person who has not  
36 filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if  
37 that person filed for the same office, either as a regular candidate or

1 a write-in candidate, at the preceding primary. Any abbreviation used  
2 to designate office or position will be accepted if the canvassing  
3 board can determine, to its satisfaction, the voter's intent.

4 (2) The number of write-in votes cast for each office must be  
5 recorded and reported with the canvass for the election.

6 (3) A write-in vote for an individual candidate for an office whose  
7 name appears on the ballot for that same office is a valid vote for  
8 that candidate as long as the candidate's name is clearly discernible,  
9 even if other requirements of RCW 29A.24.311 are not satisfied and even  
10 if the voter also marked a vote for that candidate such as to register  
11 an overvote. These votes need not be tabulated unless: (a) The  
12 difference between the number of votes cast for the candidate  
13 apparently qualified to appear on the general election ballot or  
14 elected and the candidate receiving the next highest number of votes is  
15 less than the sum of the total number of write-in votes cast for the  
16 office plus the overvotes and undervotes recorded by the vote  
17 tabulating system; or (b) a manual recount is conducted for that  
18 office.

19 (4) Write-in votes cast for an individual candidate for an office  
20 whose name does not appear on the ballot need not be tallied unless the  
21 total number of write-in votes and undervotes recorded by the vote  
22 tabulation system for the office is greater than the number of votes  
23 cast for the candidate apparently qualified to appear on the general  
24 election ballot or elected.

25 (5) In the case of write-in votes for a statewide office or any  
26 office whose jurisdiction encompasses more than one county, write-in  
27 votes for an individual candidate must be tallied when the county  
28 auditor is notified by either the secretary of state or another county  
29 auditor in the multicounty jurisdiction that it appears that the write-  
30 in votes must be tabulated under the terms of this section. In all  
31 other cases, the county auditor determines when write-in votes must be  
32 tabulated. Any abstract of votes must be modified to reflect the  
33 tabulation and certified by the canvassing board. Tabulation of write-  
34 in votes may be performed simultaneously with a recount.

35 **Sec. 5.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to  
36 read as follows:

37 The statutory requirements for filing as a candidate at the

1 primaries apply to candidates for precinct committee officer. The  
2 office must be voted upon at the primaries, and the names of all  
3 candidates in contested races must appear under the proper party and  
4 office designations on the ballot for the primary for each even-  
5 numbered year(~~, and the one~~). The candidate receiving the highest  
6 number of votes will be declared elected. (~~However, to be declared~~  
7 ~~elected, a candidate must receive at least ten percent of the number of~~  
8 ~~votes cast for the candidate of the candidate's party receiving the~~  
9 ~~greatest number of votes in the precinct.~~) The term of office of  
10 precinct committee officer is two years, commencing the first day of  
11 December following the primary.

12 NEW SECTION. **Sec. 6.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 immediately."

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20 On page 1, line 1 of the title, after "elections;" strike the  
21 remainder of the title and insert "amending RCW 29A.24.311, 29A.60.021,  
22 and 29A.80.051; adding a new section to chapter 29A.52 RCW; creating a  
23 new section; and declaring an emergency."

EFFECT: Clarifies section 1 to assure legislative intent

coincides with the revisions to ballot instructions and voter affirmation language in section 3.

Makes technical improvements to section 2 to add the new language (the same new language that is added in the current version of the bill) in a more logical place, and to help organize a rather long existing section of law.

Revises section 3 to (1) clarify that a certificate of election must be issued when only one person files for the office of PCO; and (2) accommodate technical limitations of some ballot voting systems by reducing the number of characters in the statement of voter affirmation of party affiliation to be printed below the candidate's name, and by adding a sentence to the ballot instructions to be printed for PCO races.

Revises section 5 to clarify that candidates' names appear only in contested races for PCO.

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