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HOUSE BILL 1592

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State of Washington

56th Legislature

1999 Regular Session

By Representatives D. Schmidt, Bush, Miloscia and Dunshee; by request of Secretary of State

Read first time 01/29/1999. Referred to Committee on State Government.

1 AN ACT Relating to write-in voting; and amending RCW 29.04.180,  
2 29.15.050, 29.62.180, and 29.54.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29.04.180 and 1995 c 158 s 1 are each amended to read  
5 as follows:

6 Any person who desires to be a write-in candidate and have such  
7 votes counted at a primary or election may, if the jurisdiction of the  
8 office sought is entirely within one county, file a declaration of  
9 candidacy with the county auditor not later than the day before the  
10 primary or election. If the jurisdiction of the office sought  
11 encompasses more than one county the declaration of candidacy shall be  
12 filed with the secretary of state not later than the day before the  
13 primary or election. Declarations of candidacy for write-in candidates  
14 must be accompanied by a filing fee in the same manner as required of  
15 other candidates filing for the office as provided in RCW 29.15.050.

16 Votes cast for write-in candidates who have filed such declarations  
17 of candidacy and write-in votes for persons appointed by political  
18 parties pursuant to RCW 29.18.160 need only specify the name of the  
19 candidate in the appropriate location on the ballot in order to be

1 counted. Write-in votes cast for any other candidate, in order to be  
2 counted, must designate the office sought and position number or  
3 political party, if applicable. In order for write-in votes to be  
4 valid in jurisdictions employing optical-scan mark sense ballot systems  
5 the voter must complete the proper mark next to the write-in line for  
6 that office.

7 No person may file as a write-in candidate where:

8 (1) At a general election, the person attempting to file either  
9 filed as a write-in candidate for the same office at the preceding  
10 primary or the person's name appeared on the ballot for the same office  
11 at the preceding primary;

12 (2) The person attempting to file as a write-in candidate has  
13 already filed a valid write-in declaration for that primary or  
14 election, unless one or the other of the two filings is for the office  
15 of precinct committeeperson;

16 (3) The name of the person attempting to file already appears on  
17 the ballot as a candidate for another office, unless one of the two  
18 offices for which he or she is a candidate is precinct committeeperson.

19 The declaration of candidacy shall be similar to that required by  
20 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be  
21 included in any voter's pamphlet produced under chapter 29.80 RCW  
22 unless that candidate qualifies to have his or her name printed on the  
23 general election ballot. The legislative authority of any jurisdiction  
24 producing a local voter's pamphlet under chapter 29.81A RCW may  
25 provide, by ordinance, for the inclusion of write-in candidates in such  
26 pamphlets.

27 **Sec. 2.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read  
28 as follows:

29 A filing fee of one dollar shall accompany each declaration of  
30 candidacy for precinct committee officer; a filing fee of ten dollars  
31 shall accompany the declaration of candidacy for any office with a  
32 fixed annual salary of one thousand dollars or less; a filing fee equal  
33 to one percent of the annual salary of the office at the time of filing  
34 shall accompany the declaration of candidacy for any office with a  
35 fixed annual salary of more than one thousand dollars per annum. No  
36 filing fee need accompany a declaration of candidacy for any office for  
37 which compensation is on a per diem or per meeting attended basis((7

1 nor for the filing of any declaration of candidacy by a write-in  
2 candidate)).

3 A candidate who lacks sufficient assets or income at the time of  
4 filing to pay the filing fee required by this section shall submit with  
5 his or her declaration of candidacy a nominating petition. The  
6 petition shall contain not less than a number of signatures of  
7 registered voters equal to the number of dollars of the filing fee.  
8 The signatures shall be of voters registered to vote within the  
9 jurisdiction of the office for which the candidate is filing.

10 When the candidacy is for:

11 (1) A legislative or judicial office that includes territory from  
12 more than one county, the fee shall be paid to the secretary of state  
13 for equal division between the treasuries of the counties comprising  
14 the district.

15 (2) A city or town office, the fee shall be paid to the county  
16 auditor who shall transmit it to the city or town clerk for deposit in  
17 the city or town treasury.

18 **Sec. 3.** RCW 29.62.180 and 1995 c 158 s 2 are each amended to read  
19 as follows:

20 (1) For any office at any election or primary, any voter may write  
21 in on the ballot the name of any person for an office who has filed as  
22 a write-in candidate for the office in the manner provided by RCW  
23 29.04.180 and such vote shall be counted the same as if the name had  
24 been printed on the ballot and marked by the voter. No write-in vote  
25 made for any person who has not filed a declaration of candidacy  
26 pursuant to RCW 29.04.180 is valid if that person filed for the same  
27 office, either as a regular candidate or a write-in candidate, at the  
28 preceding primary. Any abbreviation used to designate office,  
29 position, or political party shall be accepted if the canvassing board  
30 can determine, to their satisfaction, the voter's intent.

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

33 (3) Write-in votes cast for an individual candidate for an office  
34 need not be tallied if ((, assuming all of these)) the total number of  
35 write-in votes ((were)) cast for the ((same person)) office is not  
36 greater than the number of votes cast for the candidate apparently  
37 elected or qualified, and the write-in votes could not have altered the  
38 outcome of the primary or election. In the case of write-in votes for

1 state-wide office or for any office whose jurisdiction encompasses more  
2 than one county, write-in votes for an individual candidate must be  
3 tallied whenever the county auditor is notified by either the office of  
4 the secretary of state or another auditor in a multicounty jurisdiction  
5 that it appears that the write-in votes could alter the outcome of the  
6 primary or election.

7 (4) In the case of state-wide offices or jurisdictions that  
8 encompass more than one county, if the total number of write-in votes  
9 cast for an office within a county is greater than the number of votes  
10 cast for a candidate apparently elected or qualified in a primary or  
11 election, the auditor shall tally all write-in votes for individual  
12 candidates for that office and notify the office of the secretary of  
13 state and the auditors of the other counties within the jurisdiction,  
14 that the write-in votes for individual candidates should be tallied.

15 **Sec. 4.** RCW 29.54.050 and 1990 c 59 s 56 are each amended to read  
16 as follows:

17 A ballot is invalid and no votes on that ballot may be counted if  
18 it is found folded together with another ballot; or, except for an  
19 absentee ballot, it is marked so as to identify the voter.

20 Those parts of a ballot are invalid and no votes may be counted for  
21 those issues or offices where more votes are cast for the office or  
22 issue than are permitted by law; write-in votes do not contain all of  
23 the information required under RCW (~~29.51.170~~) 29.62.180; or that  
24 issue or office is not marked with sufficient definiteness to determine  
25 the voter's choice or intention. No write-in vote may be rejected due  
26 to a variation in the form of the name if the election board or the  
27 canvassing board can determine the issue for or against which or the  
28 person and the office for which the voter intended to vote.

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