
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: AMH-2704.1/01

ATTY/TYPIST: KT:mos

BRIEF DESCRIPTION:

2 **ESB 6183** - H AMD
3 By Representative

4 ADOPTED AS AMENDED 05/15/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 create a primary for all partisan elected offices, except for president
9 and vice president, precinct committee officer, and offices exempted
10 from the primary under RCW 29.15.150, that:

11 (1) Allows each voter, including those who choose not to affiliate
12 with any major political party, to participate;

13 (2) Preserves the privacy of each voter's party affiliation, if
14 any;

15 (3) Rejects mandatory voter registration by political party;

16 (4) Protects ballot access for minor political party and
17 independent candidates;

18 (5) Maintains a candidate's right to self-identify with any major
19 political party; and

20 (6) Upholds a political party's First Amendment right of
21 association.

22 **Sec. 2.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to
23 read as follows:

24 "Major political party" means a political party of which at least
25 one nominee for president, vice president, United States senator, or a
26 statewide office received at least five percent of the total vote cast
27 at the last preceding state general election in an even-numbered
28 year(~~(:— PROVIDED, That any political party qualifying as a major~~
29 ~~political party under the previous subsection (2) or subsection (3) of~~
30 ~~this section prior to its 1977 amendment shall retain such status until~~
31 ~~after the next state general election following June 30, 1977)).~~

32 However, a political party of which no nominee received at least ten
33 percent of the total vote cast may forgo its status as a major
34 political party by filing with the secretary of state an appropriate
35 party rule within sixty days of attaining major party status under this

1 section or thirty days of the effective date of this act, whichever is
2 later.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.07 RCW
4 to read as follows:

5 Under no circumstances may an individual be required to affiliate
6 with, join, adhere to, express faith in, or declare a preference for,
7 a political party or organization upon registering to vote.

8 NEW SECTION. **Sec. 4.** Candidates for all partisan elected offices,
9 except for president and vice president, precinct committee officer,
10 and offices exempted from the primary under RCW 29.15.150, will be
11 nominated at primaries held under this chapter.

12 NEW SECTION. **Sec. 5.** So far as applicable, the provisions of this
13 title relating to conducting general elections govern the conduct of
14 primaries.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 29.30 RCW
16 to read as follows:

17 Each primary ballot that includes one or more partisan offices must
18 include a party identification checkoff box that allows a voter to
19 select the party with which the voter chooses to affiliate from a list
20 of the major political parties, or the option to indicate that the
21 voter chooses not to affiliate with any major political party. If a
22 voter makes no selection or selects more than one option, then the
23 voter is presumed to have selected the option indicating that the voter
24 chooses not to affiliate with any major political party.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.30 RCW
26 to read as follows:

27 The party identification checkoff box required under section 6 of
28 this act must appear on the primary ballot before the names of
29 candidates and ballot measures. Clear and concise instructions to the
30 voter must be prominently displayed immediately before the list of
31 major political parties, and must include:

32 (1) A question asking the voter to indicate the major political
33 party, if any, with which the voter chooses to affiliate;

1 (2) A statement indicating that votes cast for a candidate who
2 indicated a major political party designation when filing a declaration
3 of candidacy by a voter who chooses to affiliate with a different major
4 political party will not be tabulated or reported;

5 (3) An explanation, for each major political party, of whether or
6 not votes cast by a voter who chooses not to affiliate with any major
7 political party will be used to determine the major political party's
8 nominees;

9 (4) A statement that votes cast for minor party candidates or
10 independent candidates by voters who choose to affiliate with a major
11 political party will not be tabulated or reported; and

12 (5) A statement that the party identification option will not
13 affect votes cast for candidates for nonpartisan offices or for or
14 against ballot measures.

15 NEW SECTION. **Sec. 8.** No record may be created or maintained by a
16 state or local governmental agency or a political organization that
17 identifies a voter with the information provided on the voter's ballot,
18 including the choice that the voter makes regarding political party
19 affiliation.

20 NEW SECTION. **Sec. 9.** (1) A major political party may choose, by
21 rule adopted under chapter 29.42 RCW, to allow voters who choose not to
22 affiliate with any major political party to cast votes that will be
23 used to determine the major political party's nominees. The rule may
24 only be made on a statewide basis and with respect to all of the votes
25 cast by unaffiliated voters rather than with respect to votes cast in
26 specific districts, in specific races, or for specific candidates.

27 (2) A major political party that has adopted a rule under
28 subsection (1) of this section may repeal that rule at any time.
29 However, the effect of the repeal is subject to the time requirements
30 of subsection (6) of this section.

31 (3) A major political party shall provide the secretary of state
32 with written notification of an action taken under this section before
33 the end of the first business day that immediately follows the day
34 during which the action is taken.

35 (4) If a major political party adopts an appropriate rule under
36 subsection (1) of this section, then the major political party's
37 nominee will be the candidate who receives a plurality of votes from

1 the aggregation of votes cast by voters who choose to affiliate with
2 that major political party and votes cast by voters who choose not to
3 affiliate with any major political party.

4 (5) Unless a major political party adopts a rule under subsection
5 (1) of this section, or if a rule so adopted is repealed under
6 subsection (2) of this section, then the major political party's
7 nominee will be the candidate who receives a plurality of votes cast by
8 voters who choose to affiliate with that major political party.

9 (6) The adoption of a rule under subsection (1) of this section or
10 the repeal of the rule under subsection (2) of this section must occur
11 on or before March 1st in order to be in effect at any primary
12 conducted between September 1st of the same year and August 30th of the
13 following year. However, a major political party may adopt a rule
14 under subsection (1) of this section no later than thirty days after
15 the effective date of this act that becomes effective at the primary
16 conducted in September of 2001.

17 (7) The decision by a major political party to accept votes cast by
18 voters who choose not to affiliate with any major political party does
19 not affect the rights of any other major political party.

20 NEW SECTION. **Sec. 10.** For each major political party, prominent
21 notification regarding whether or not the major political party will
22 allow voters who choose not to affiliate with any major political party
23 to participate in the major political party's nomination process must
24 be made, at the very least, in:

25 (1) Any primary voters' pamphlet prepared by the secretary of state
26 or a local government;

27 (2) Instructions that accompany any ballot sent by a county auditor
28 to an absentee voter;

29 (3) Any notice of primary published in compliance with RCW
30 29.27.030;

31 (4) A sample ballot prepared by a county auditor under RCW
32 29.30.060;

33 (5) The content of the web site of the office of the secretary of
34 state; and

35 (6) The content of each county auditors' web site that is in
36 existence.

1 NEW SECTION. **Sec. 11.** Votes cast by a voter who chooses to
2 affiliate with a major political party for a candidate who indicated a
3 different major political party designation when filing a declaration
4 of candidacy, or for a minor party candidate or independent candidate,
5 may not be tabulated or reported. However, votes cast by that voter
6 for candidates for other offices are not affected in any way.

7 NEW SECTION. **Sec. 12.** (1) All votes cast for a candidate who
8 indicated a major political party designation when filing a declaration
9 of candidacy by voters who choose to affiliate with that major
10 political party must be tabulated and reported separately from any
11 other votes cast for that candidate.

12 (2) All votes cast for a candidate who indicated a major political
13 party designation when filing a declaration of candidacy by voters who
14 choose not to affiliate with any major political party must be
15 tabulated and reported separately from any other votes cast for that
16 candidate.

17 NEW SECTION. **Sec. 13.** The secretary of state as chief election
18 officer shall adopt rules under chapter 34.05 RCW to facilitate the
19 operation, accomplishment, and purpose of this chapter.

20 **Sec. 14.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read
21 as follows:

22 Any person who desires to be a write-in candidate and have such
23 votes counted at a primary or election may, if the jurisdiction of the
24 office sought is entirely within one county, file a declaration of
25 candidacy with the county auditor not later than the day before the
26 primary or election. If the jurisdiction of the office sought
27 encompasses more than one county the declaration of candidacy shall be
28 filed with the secretary of state not later than the day before the
29 primary or election. Declarations of candidacy for write-in candidates
30 must be accompanied by a filing fee in the same manner as required of
31 other candidates filing for the office as provided in RCW 29.15.050.

32 Votes cast for write-in candidates who have filed such declarations
33 of candidacy and write-in votes for persons appointed by political
34 parties (~~(pursuant to RCW 29.18.160)~~) under section 16 of this act need
35 only specify the name of the candidate in the appropriate location on
36 the ballot in order to be counted. Write-in votes cast for any other

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

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

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

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

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

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

26 NEW SECTION. **Sec. 15.** A new section is added to chapter 29.15 RCW
27 to read as follows:

28 If a place on the ticket of a major political party is vacant
29 because no person has filed for nomination as the candidate of that
30 major political party after the last day allowed for candidates to
31 withdraw under RCW 29.15.120, and if the vacancy is for a state or
32 county office to be voted on solely by the electors of a single county,
33 the county central committee of the major political party may select
34 and certify a candidate to fill the vacancy. If the vacancy is for any
35 other office the state central committee of the major political party
36 may select and certify a candidate to fill the vacancy. The
37 certificate must set forth the cause of the vacancy, the name of the
38 person nominated, the office for which nominated, and other pertinent

1 information required in an ordinary certificate of nomination and be
2 filed in the proper office no later than the first Friday after the
3 last day allowed for candidates to withdraw, together with the
4 candidate's fee applicable to that office and a declaration of
5 candidacy.

6 NEW SECTION. **Sec. 16.** A new section is added to chapter 29.15 RCW
7 to read as follows:

8 A vacancy caused by the death or disqualification of a candidate or
9 nominee of a major or minor political party may be filled at any time
10 up to and including the day before the election for that position. For
11 state partisan offices in a political subdivision voted on solely by
12 electors of a single county, the county central committee in the case
13 of a major political party or the state central committee or comparable
14 governing body in the case of a minor political party shall appoint a
15 person to fill the vacancy. For other partisan offices, including
16 federal or statewide offices, the state central committee or comparable
17 governing body of the appropriate political party shall appoint a
18 person to fill the vacancy.

19 If the vacancy occurs no later than the sixth Tuesday before the
20 primary or general election concerned and the ballots have been
21 printed, the appropriate election officers shall correct the ballots.
22 In making the correction, it is not necessary to reprint complete
23 ballots if any other less expensive technique can be used and the
24 resulting correction is reasonably clear.

25 If the vacancy occurs after the sixth Tuesday before the primary or
26 general election and time does not exist in which to correct ballots
27 (including absentee ballots), either in total or in part, then the
28 votes cast or recorded for the person who has died or become
29 disqualified must be counted for the person who has been named to fill
30 the vacancy.

31 When the secretary of state is the person with whom the appointment
32 by the major or minor political party is filed, the secretary of state
33 shall, in certifying candidates or nominations to the various county
34 officers insert the name of the person appointed to fill a vacancy.

35 If the secretary of state has already sent forth the certificate
36 when the appointment to fill a vacancy is filed, the secretary of state
37 shall immediately certify to the county auditors of the proper counties
38 the name and place of residence of the person appointed to fill a

1 vacancy, the office for which the person is a candidate or nominee, the
2 party represented, and all other pertinent facts pertaining to the
3 vacancy.

4 **Sec. 17.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
5 as follows:

6 On or before the day following the last day for political parties
7 to fill vacancies in the ticket as provided by (~~RCW 29.18.150~~)
8 section 15 of this act, the secretary of state shall certify to each
9 county auditor a list of the candidates who have filed declarations of
10 candidacy in his or her office for the primary. For each office, the
11 certificate shall include the name of each candidate, his or her
12 address, and his or her party designation, if any.

13 **Sec. 18.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended
14 to read as follows:

15 Not more than ten nor less than three days prior to the primary
16 election the county auditor shall publish notice of such primary in one
17 or more newspapers of general circulation within the county. (~~Said~~)
18 The notice shall contain the proper party designations, the names and
19 addresses of all persons who have filed a declaration of candidacy to
20 be voted upon at that primary election, the notification that is
21 required for each major political party under section 10 of this act,
22 the hours during which the polls will be open, and that the election
23 will be held in the regular polling place in each precinct, giving the
24 address of each polling place(~~:- PROVIDED, That~~)). The names of all
25 candidates for nonpartisan offices shall be published separately with
26 designation of the offices for which they are candidates but without
27 party designation. This shall be the only notice required for the
28 holding of any primary election.

29 **Sec. 19.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read
30 as follows:

31 Except for the candidates for the positions of president and vice
32 president or for (~~a partisan or nonpartisan~~) an office for which no
33 primary is required, the names of all candidates who have filed for
34 (~~(nomination under chapter 29.18 RCW and those independent candidates~~
35 ~~and candidates of minor political parties who have been nominated under~~
36 ~~chapter 29.24 RCW shall~~) office under chapter 29.15 RCW must appear on

1 the appropriate ballots at the primary throughout the jurisdiction in
2 which they are to be nominated.

3 **Sec. 20.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
4 as follows:

5 After the close of business on the last day for candidates to file
6 for office, the filing officer shall, from among those filings made in
7 person and by mail, determine by lot the order in which the names of
8 those candidates will appear on all primary, sample, and absentee
9 ballots. (~~In the case of candidates for city, town, and district~~
10 ~~office, this procedure shall also determine the order for candidate~~
11 ~~names on the official primary ballot used at the polling place.)) The
12 determination shall be done publicly and may be witnessed by the media
13 and by any candidate. If no primary is required for any nonpartisan
14 office under RCW 29.15.150 or 29.21.015, the names shall appear on the
15 general election ballot in the order determined by lot.~~

16 **Sec. 21.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read
17 as follows:

18 (1) The name of a candidate for a partisan office for which a
19 primary was conducted shall not be printed on the ballot for that
20 office at the subsequent general election unless the candidate receives
21 a number of votes equal to at least one percent of the total number
22 cast for all candidates for that position sought and a plurality of the
23 votes cast for the candidates of his or her party for that office at
24 the preceding primary.

25 (2) If, under section 9 of this act, a major political party has
26 chosen to allow voters who choose not to affiliate with any major
27 political party to participate in that major political party's
28 nomination process, then votes cast by all voters affiliated with that
29 party for candidates who indicated that major political party
30 designation when filing a declaration of candidacy must be aggregated
31 with votes cast by unaffiliated voters before comparing vote totals in
32 order to determine a plurality. If not, then a plurality is determined
33 by comparing only the tabulations of votes cast by voters who choose to
34 affiliate with that major political party.

35 **Sec. 22.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to
36 read as follows:

1 The names of the persons certified as nominees by the secretary of
2 state or the county canvassing board shall be printed on the ballot at
3 the ensuing election.

4 No name of any candidate whose nomination at a primary is required
5 by law shall be placed upon the ballot at a general or special election
6 unless it appears upon the certificate of either (1) the secretary of
7 state, or (2) the county canvassing board, or (3) a minor political
8 party convention or the state or county central committee of a major
9 political party to fill a vacancy on its ticket under ((RCW 29.18.160))
10 section 16 of this act.

11 Excluding the office of precinct committee officer or a temporary
12 elected position such as a charter review board member or freeholder,
13 a candidate's name shall not appear more than once upon a ballot for a
14 position regularly nominated or elected at the same election.

15 **Sec. 23.** RCW 29.33.320 and 1990 c 59 s 28 are each amended to read
16 as follows:

17 The secretary of state shall not approve a vote tallying system
18 unless it:

19 (1) Correctly counts votes on ballots on which the proper number of
20 votes have been marked for any office or issue;

21 (2) Ignores votes marked for any office or issue where more than
22 the allowable number of votes have been marked, but correctly counts
23 the properly voted portions of the ballot;

24 (3) Accumulates a count of the specific number of ballots tallied
25 for each precinct, total votes by candidate for each office, and total
26 votes for and against each issue of the ballot in that precinct;

27 (~~(4) ((Accommodates rotation of candidates' names on the ballot~~
28 ~~under RCW 29.30.040;~~

29 ~~(5))~~) Produces precinct and cumulative totals in printed form; and

30 ~~((6))~~) (5) Except for functions or capabilities unique to this
31 state, has been tested, certified, and used in at least one other state
32 or election jurisdiction.

33 **Sec. 24.** RCW 29.36.045 and 2001 c 241 s 8 are each amended to read
34 as follows:

35 The county auditor shall send each absentee voter a ballot, a
36 security envelope in which to seal the ballot after voting, a larger
37 envelope in which to return the security envelope, and instructions on

1 how to mark the ballot and how to return it to the county auditor. The
2 instructions that accompany absentee ballots for primaries must include
3 the notification that is required for each major political party under
4 section 10 of this act. The larger return envelope must contain a
5 declaration by the absentee voter reciting his or her qualifications
6 and stating that he or she has not voted in any other jurisdiction at
7 this election, together with a summary of the penalties for any
8 violation of any of the provisions of this chapter. The return
9 envelope must provide space for the voter to indicate the date on which
10 the ballot was voted and for the voter to sign the oath. A summary of
11 the applicable penalty provisions of this chapter must be printed on
12 the return envelope immediately adjacent to the space for the voter's
13 signature. The signature of the voter on the return envelope must
14 affirm and attest to the statements regarding the qualifications of
15 that voter and to the validity of the ballot. For out-of-state voters,
16 overseas voters, and service voters, the signed declaration on the
17 return envelope constitutes the equivalent of a voter registration for
18 the election or primary for which the ballot has been issued. The
19 voter must be instructed to either return the ballot to the county
20 auditor by whom it was issued or attach sufficient first class postage,
21 if applicable, and mail the ballot to the appropriate county auditor no
22 later than the day of the election or primary for which the ballot was
23 issued.

24 If the county auditor chooses to forward absentee ballots, he or
25 she must include with the ballot a clear explanation of the
26 qualifications necessary to vote in that election and must also advise
27 a voter with questions about his or her eligibility to contact the
28 county auditor. This explanation may be provided on the ballot
29 envelope, on an enclosed insert, or printed directly on the ballot
30 itself. If the information is not included, the envelope must clearly
31 indicate that the ballot is not to be forwarded and that return postage
32 is guaranteed.

33 **Sec. 25.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended
34 to read as follows:

35 Each political party organization (~~(shall have the power to)~~) may:

- 36 (1) Make its own rules and regulations;
37 (2) Call conventions;
38 (3) Elect delegates to conventions, state and national;

1 (4) Fill vacancies on the ticket;
2 (5) Provide for the nomination of presidential electors; and
3 (6) Perform all functions inherent in such an organization(~~(+~~
4 ~~PROVIDED, That~~)). However, only major political parties (~~shall have~~
5 ~~the power to~~) may designate candidates to appear on the state primary
6 election ballot as provided in (~~RCW 29.18.150 as now or hereafter~~
7 ~~amended~~) section 15 of this act.

8 **Sec. 26.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
9 read as follows:

10 The statutory requirements for filing as a candidate at the
11 primaries shall apply to candidates for precinct committee officer
12 except that the filing period for this office alone shall be extended
13 to and include the Friday immediately following the last day for
14 political parties to fill vacancies in the ticket as provided by (~~RCW~~
15 ~~29.18.150~~) section 15 of this act, and the office shall not be voted
16 upon at the primaries, but the names of all candidates must appear
17 under the proper party and office designations on the ballot for the
18 general November election for each even-numbered year and the one
19 receiving the highest number of votes shall be declared elected:
20 ~~PROVIDED, That to be declared elected, a candidate must receive at~~
21 ~~least ten percent of the number of votes cast for the candidate of the~~
22 ~~candidate's party receiving the greatest number of votes in the~~
23 ~~precinct. Any person elected to the office of precinct committee~~
24 ~~officer who has not filed a declaration of candidacy shall pay the fee~~
25 ~~of one dollar to the county auditor for a certificate of election. The~~
26 ~~term of office of precinct committee officer shall be for two years,~~
27 ~~commencing upon completion of the official canvass of votes by the~~
28 ~~county canvassing board of election returns. Should any vacancy occur~~
29 ~~in this office by reason of death, resignation, or disqualification of~~
30 ~~the incumbent, or because of failure to elect, the respective county~~
31 ~~chair of the county central committee shall be empowered to fill such~~
32 ~~vacancy by appointment: PROVIDED, HOWEVER, That in legislative~~
33 ~~districts having a majority of its precincts in a county with a~~
34 ~~population of one million or more, such appointment shall be made only~~
35 ~~upon the recommendation of the legislative district chair: PROVIDED,~~
36 ~~That the person so appointed shall have the same qualifications as~~
37 ~~candidates when filing for election to such office for such precinct:~~
38 ~~PROVIDED FURTHER, That when a vacancy in the office of precinct~~

1 committee officer exists because of failure to elect at a state general
2 election, such vacancy shall not be filled until after the organization
3 meeting of the county central committee and the new county chair
4 selected as provided by RCW 29.42.030.

5 **Sec. 27.** RCW 29.42.070 and 1991 c 363 s 35 are each amended to
6 read as follows:

7 Within forty-five days after the statewide general election in
8 even-numbered years, (~~or within thirty days following July 30, 1967,~~
9 ~~for the biennium ending with the 1968 general elections,~~) the county
10 chair of each major political party shall call separate meetings of all
11 elected precinct committee officers in each legislative district ((a
12 majority of the precincts of which are within a county with a
13 population of one million or more)) for the purpose of electing a
14 legislative district chair in such district. The district chair shall
15 hold office until the next legislative district reorganizational
16 meeting two years later, or until a successor is elected.

17 The legislative district chair can only be removed by the majority
18 vote of the elected precinct committee officers in the chair's
19 district.

20 NEW SECTION. **Sec. 28.** A new section is added to chapter 29.81A
21 RCW to read as follows:

22 If the legislative authority of a county or first-class or code
23 city provides for the inclusion in the local voters' pamphlet of
24 candidates for partisan office, the pamphlet must prominently include
25 the notification that is required for each major political party under
26 section 10 of this act.

27 **Sec. 29.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
28 as follows:

29 (1) "Agency" includes all state agencies and all local agencies.
30 "State agency" includes every state office, department, division,
31 bureau, board, commission, or other state agency. "Local agency"
32 includes every county, city, town, municipal corporation, quasi-
33 municipal corporation, or special purpose district, or any office,
34 department, division, bureau, board, commission, or agency thereof, or
35 other local public agency.

1 (2) "Authorized committee" means the political committee authorized
2 by a candidate, or by the public official against whom recall charges
3 have been filed, to accept contributions or make expenditures on behalf
4 of the candidate or public official.

5 (3) "Ballot proposition" means any "measure" as defined by RCW
6 29.01.110, or any initiative, recall, or referendum proposition
7 proposed to be submitted to the voters of the state or any municipal
8 corporation, political subdivision, or other voting constituency from
9 and after the time when the proposition has been initially filed with
10 the appropriate election officer of that constituency prior to its
11 circulation for signatures.

12 (4) "Benefit" means a commercial, proprietary, financial, economic,
13 or monetary advantage, or the avoidance of a commercial, proprietary,
14 financial, economic, or monetary disadvantage.

15 (5) "Bona fide political party" means:

16 (a) An organization that has filed a valid certificate of
17 nomination with the secretary of state under chapter 29.24 RCW;

18 (b) The governing body of the state organization of a major
19 political party, as defined in RCW 29.01.090, that is the body
20 authorized by the charter or bylaws of the party to exercise authority
21 on behalf of the state party; or

22 (c) The county central committee or legislative district committee
23 of a major political party. There may be only one legislative district
24 committee for each party in each legislative district.

25 (6) "Depository" means a bank designated by a candidate or
26 political committee pursuant to RCW 42.17.050.

27 (7) "Treasurer" and "deputy treasurer" mean the individuals
28 appointed by a candidate or political committee, pursuant to RCW
29 42.17.050, to perform the duties specified in that section.

30 (8) "Candidate" means any individual who seeks nomination for
31 election or election to public office. An individual seeks nomination
32 or election when he or she first:

33 (a) Receives contributions or makes expenditures or reserves space
34 or facilities with intent to promote his or her candidacy for office;

35 (b) Announces publicly or files for office;

36 (c) Purchases commercial advertising space or broadcast time to
37 promote his or her candidacy; or

38 (d) Gives his or her consent to another person to take on behalf of
39 the individual any of the actions in (a) or (c) of this subsection.

1 (9) "Caucus political committee" means a political committee
2 organized and maintained by the members of a major political party in
3 the state senate or state house of representatives.

4 (10) "Commercial advertiser" means any person who sells the service
5 of communicating messages or producing printed material for broadcast
6 or distribution to the general public or segments of the general public
7 whether through the use of newspapers, magazines, television and radio
8 stations, billboard companies, direct mail advertising companies,
9 printing companies, or otherwise.

10 (11) "Commission" means the agency established under RCW 42.17.350.

11 (12) "Compensation" unless the context requires a narrower meaning,
12 includes payment in any form for real or personal property or services
13 of any kind: PROVIDED, That for the purpose of compliance with RCW
14 42.17.241, the term "compensation" shall not include per diem
15 allowances or other payments made by a governmental entity to reimburse
16 a public official for expenses incurred while the official is engaged
17 in the official business of the governmental entity.

18 (13) "Continuing political committee" means a political committee
19 that is an organization of continuing existence not established in
20 anticipation of any particular election campaign.

21 (14)(a) "Contribution" includes:

22 (i) A loan, gift, deposit, subscription, forgiveness of
23 indebtedness, donation, advance, pledge, payment, transfer of funds
24 between political committees, or anything of value, including personal
25 and professional services for less than full consideration;

26 (ii) An expenditure made by a person in cooperation, consultation,
27 or concert with, or at the request or suggestion of, a candidate, a
28 political committee, or their agents;

29 (iii) The financing by a person of the dissemination, distribution,
30 or republication, in whole or in part, of broadcast, written, graphic,
31 or other form of political advertising prepared by a candidate, a
32 political committee, or its authorized agent;

33 (iv) Sums paid for tickets to fund-raising events such as dinners
34 and parties, except for the actual cost of the consumables furnished at
35 the event.

36 (b) "Contribution" does not include:

37 (i) Standard interest on money deposited in a political committee's
38 account;

39 (ii) Ordinary home hospitality;

1 (iii) A contribution received by a candidate or political committee
2 that is returned to the contributor within five business days of the
3 date on which it is received by the candidate or political committee;

4 (iv) A news item, feature, commentary, or editorial in a regularly
5 scheduled news medium that is of primary interest to the general
6 public, that is in a news medium controlled by a person whose business
7 is that news medium, and that is not controlled by a candidate or a
8 political committee;

9 (v) An internal political communication primarily limited to the
10 members of or contributors to a political party organization or
11 political committee, or to the officers, management staff, or
12 stockholders of a corporation or similar enterprise, or to the members
13 of a labor organization or other membership organization;

14 (vi) The rendering of personal services of the sort commonly
15 performed by volunteer campaign workers, or incidental expenses
16 personally incurred by volunteer campaign workers not in excess of
17 fifty dollars personally paid for by the worker. "Volunteer services,"
18 for the purposes of this section, means services or labor for which the
19 individual is not compensated by any person;

20 (vii) Messages in the form of reader boards, banners, or yard or
21 window signs displayed on a person's own property or property occupied
22 by a person. However, a facility used for such political advertising
23 for which a rental charge is normally made must be reported as an in-
24 kind contribution and counts towards any applicable contribution limit
25 of the person providing the facility;

26 (viii) Legal or accounting services rendered to or on behalf of:

27 (A) A political party or caucus political committee if the person
28 paying for the services is the regular employer of the person rendering
29 such services; or

30 (B) A candidate or an authorized committee if the person paying for
31 the services is the regular employer of the individual rendering the
32 services and if the services are solely for the purpose of ensuring
33 compliance with state election or public disclosure laws.

34 (c) Contributions other than money or its equivalent are deemed to
35 have a monetary value equivalent to the fair market value of the
36 contribution. Services or property or rights furnished at less than
37 their fair market value for the purpose of assisting any candidate or
38 political committee are deemed a contribution. Such a contribution

1 must be reported as an in-kind contribution at its fair market value
2 and counts towards any applicable contribution limit of the provider.

3 (15) "Elected official" means any person elected at a general or
4 special election to any public office, and any person appointed to fill
5 a vacancy in any such office.

6 (16) "Election" includes any primary, general, or special election
7 for public office and any election in which a ballot proposition is
8 submitted to the voters: PROVIDED, That an election in which the
9 qualifications for voting include other than those requirements set
10 forth in Article VI, section 1 (Amendment 63) of the Constitution of
11 the state of Washington shall not be considered an election for
12 purposes of this chapter.

13 (17) "Election campaign" means any campaign in support of or in
14 opposition to a candidate for election to public office and any
15 campaign in support of, or in opposition to, a ballot proposition.

16 (18) "Election cycle" means the period beginning on the first day
17 of December after the date of the last previous general election for
18 the office that the candidate seeks and ending on November 30th after
19 the next election for the office. In the case of a special election to
20 fill a vacancy in an office, "election cycle" means the period
21 beginning on the day the vacancy occurs and ending on November 30th
22 after the special election.

23 (19) "Expenditure" includes a payment, contribution, subscription,
24 distribution, loan, advance, deposit, or gift of money or anything of
25 value, and includes a contract, promise, or agreement, whether or not
26 legally enforceable, to make an expenditure. The term "expenditure"
27 also includes a promise to pay, a payment, or a transfer of anything of
28 value in exchange for goods, services, property, facilities, or
29 anything of value for the purpose of assisting, benefiting, or honoring
30 any public official or candidate, or assisting in furthering or
31 opposing any election campaign. For the purposes of this chapter,
32 agreements to make expenditures, contracts, and promises to pay may be
33 reported as estimated obligations until actual payment is made. The
34 term "expenditure" shall not include the partial or complete repayment
35 by a candidate or political committee of the principal of a loan, the
36 receipt of which loan has been properly reported.

37 (20) "Final report" means the report described as a final report in
38 RCW 42.17.080(2).

1 (21) "General election" means the election that results in the
2 election of a person to a state office. It does not include a primary.

3 (22) "Gift," is as defined in RCW 42.52.010.

4 (23) "Immediate family" includes the spouse, dependent children,
5 and other dependent relatives, if living in the household. For the
6 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
7 an individual's spouse, and child, stepchild, grandchild, parent,
8 stepparent, grandparent, brother, half brother, sister, or half sister
9 of the individual and the spouse of any such person and a child,
10 stepchild, grandchild, parent, stepparent, grandparent, brother, half
11 brother, sister, or half sister of the individual's spouse and the
12 spouse of any such person.

13 (24) "Independent expenditure" means an expenditure that has each
14 of the following elements:

15 (a) It is made in support of or in opposition to a candidate for
16 office by a person who is not (i) a candidate for that office, (ii) an
17 authorized committee of that candidate for that office, (iii) a person
18 who has received the candidate's encouragement or approval to make the
19 expenditure, if the expenditure pays in whole or in part for political
20 advertising supporting that candidate or promoting the defeat of any
21 other candidate or candidates for that office, or (iv) a person with
22 whom the candidate has collaborated for the purpose of making the
23 expenditure, if the expenditure pays in whole or in part for political
24 advertising supporting that candidate or promoting the defeat of any
25 other candidate or candidates for that office;

26 (b) The expenditure pays in whole or in part for political
27 advertising that either specifically names the candidate supported or
28 opposed, or clearly and beyond any doubt identifies the candidate
29 without using the candidate's name; and

30 (c) The expenditure, alone or in conjunction with another
31 expenditure or other expenditures of the same person in support of or
32 opposition to that candidate, has a value of five hundred dollars or
33 more. A series of expenditures, each of which is under five hundred
34 dollars, constitutes one independent expenditure if their cumulative
35 value is five hundred dollars or more.

36 (25)(a) "Intermediary" means an individual who transmits a
37 contribution to a candidate or committee from another person unless the
38 contribution is from the individual's employer, immediate family as

1 defined for purposes of RCW 42.17.640 through 42.17.790, or an
2 association to which the individual belongs.

3 (b) A treasurer or a candidate is not an intermediary for purposes
4 of the committee that the treasurer or candidate serves.

5 (c) A professional fund-raiser is not an intermediary if the fund-
6 raiser is compensated for fund-raising services at the usual and
7 customary rate.

8 (d) A volunteer hosting a fund-raising event at the individual's
9 home is not an intermediary for purposes of that event.

10 (26) "Legislation" means bills, resolutions, motions, amendments,
11 nominations, and other matters pending or proposed in either house of
12 the state legislature, and includes any other matter that may be the
13 subject of action by either house or any committee of the legislature
14 and all bills and resolutions that, having passed both houses, are
15 pending approval by the governor.

16 (27) "Lobby" and "lobbying" each mean attempting to influence the
17 passage or defeat of any legislation by the legislature of the state of
18 Washington, or the adoption or rejection of any rule, standard, rate,
19 or other legislative enactment of any state agency under the state
20 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
21 "lobbying" includes an association's or other organization's act of
22 communicating with the members of that association or organization.

23 (28) "Lobbyist" includes any person who lobbies either in his or
24 her own or another's behalf.

25 (29) "Lobbyist's employer" means the person or persons by whom a
26 lobbyist is employed and all persons by whom he or she is compensated
27 for acting as a lobbyist.

28 (30) "Person" includes an individual, partnership, joint venture,
29 public or private corporation, association, federal, state, or local
30 governmental entity or agency however constituted, candidate,
31 committee, political committee, political party, executive committee
32 thereof, or any other organization or group of persons, however
33 organized.

34 (31) "Person in interest" means the person who is the subject of a
35 record or any representative designated by that person, except that if
36 that person is under a legal disability, the term "person in interest"
37 means and includes the parent or duly appointed legal representative.

38 (32) "Political advertising" includes any advertising displays,
39 newspaper ads, billboards, signs, brochures, articles, tabloids,

1 flyers, letters, radio or television presentations, or other means of
2 mass communication, used for the purpose of appealing, directly or
3 indirectly, for votes or for financial or other support in any election
4 campaign.

5 (33) "Political committee" means any person (except a candidate or
6 an individual dealing with his or her own funds or property) having the
7 expectation of receiving contributions or making expenditures in
8 support of, or opposition to, any candidate or any ballot proposition.

9 (34) "Primary" for purposes of the limits in RCW 42.17.640 means
10 the (~~procedure for nominating~~) election that nominates a candidate to
11 state office (~~under chapter 29.18 or 29.21 RCW or any other primary~~
12 ~~for an election that uses, in large measure, the procedures established~~
13 ~~in chapter 29.18 or 29.21 RCW~~)).

14 (35) "Public office" means any federal, state, county, city, town,
15 school district, port district, special district, or other state
16 political subdivision elective office.

17 (36) "Public record" includes any writing containing information
18 relating to the conduct of government or the performance of any
19 governmental or proprietary function prepared, owned, used, or retained
20 by any state or local agency regardless of physical form or
21 characteristics. For the office of the secretary of the senate and the
22 office of the chief clerk of the house of representatives, public
23 records means legislative records as defined in RCW 40.14.100 and also
24 means the following: All budget and financial records; personnel
25 leave, travel, and payroll records; records of legislative sessions;
26 reports submitted to the legislature; and any other record designated
27 a public record by any official action of the senate or the house of
28 representatives.

29 (37) "Recall campaign" means the period of time beginning on the
30 date of the filing of recall charges under RCW 29.82.015 and ending
31 thirty days after the recall election.

32 (38) "State legislative office" means the office of a member of the
33 state house of representatives or the office of a member of the state
34 senate.

35 (39) "State office" means state legislative office or the office of
36 governor, lieutenant governor, secretary of state, attorney general,
37 commissioner of public lands, insurance commissioner, superintendent of
38 public instruction, state auditor, or state treasurer.

39 (40) "State official" means a person who holds a state office.

1 (41) "Surplus funds" mean, in the case of a political committee or
2 candidate, the balance of contributions that remain in the possession
3 or control of that committee or candidate subsequent to the election
4 for which the contributions were received, and that are in excess of
5 the amount necessary to pay remaining debts incurred by the committee
6 or candidate prior to that election. In the case of a continuing
7 political committee, "surplus funds" mean those contributions remaining
8 in the possession or control of the committee that are in excess of the
9 amount necessary to pay all remaining debts when it makes its final
10 report under RCW 42.17.065.

11 (42) "Writing" means handwriting, typewriting, printing,
12 photostating, photographing, and every other means of recording any
13 form of communication or representation, including, but not limited to,
14 letters, words, pictures, sounds, or symbols, or combination thereof,
15 and all papers, maps, magnetic or paper tapes, photographic films and
16 prints, motion picture, film and video recordings, magnetic or punched
17 cards, discs, drums, diskettes, sound recordings, and other documents
18 including existing data compilations from which information may be
19 obtained or translated.

20 As used in this chapter, the singular shall take the plural and any
21 gender, the other, as the context requires.

22 NEW SECTION. Sec. 30. Nothing in this act may be construed by the
23 secretary of state or a county auditor to mean that a voter may cast
24 more than one vote for candidates for a given office.

25 NEW SECTION. Sec. 31. (1) The legislature recognizes that this
26 act significantly changes the way in which a primary for partisan
27 office shall be conducted, and thus it intends to ease the transition
28 and allow any primary held prior to July 1, 2002, to be implemented
29 with existing systems currently in use by each county auditor.

30 (2) Notwithstanding any language to the contrary found elsewhere in
31 this act or in existing statute each county auditor may design a ballot
32 and utilize procedures other than those detailed in this act when
33 conducting a partisan primary provided that the design of the ballot
34 and the procedures are specifically allowed by a rule adopted by the
35 secretary of state under chapter 34.05 RCW, and that the following
36 criteria are met:

1 (a) A voter shall have the option to affiliate with a major
2 political party, or to not affiliate with any major political party;

3 (b) Voter privacy, including selection of party affiliation, is
4 preserved;

5 (c) A voter who affiliates with a major political party may only
6 cast votes for partisan office for candidates that indicated that
7 same-party affiliation when filing a declaration of candidacy, and any
8 votes cast for a candidate that indicated a different party affiliation
9 when filing a declaration of candidacy shall not be tabulated and
10 reported;

11 (d) A voter who chooses not to affiliate with any major political
12 party may vote for any candidate regardless of the candidate's
13 political party designation, and votes cast by such voter shall be
14 tabulated and reported; and

15 (e) Votes cast for a candidate by voters who choose to affiliate
16 with a major political party shall be reported separately from votes
17 cast for the same candidate by voters who choose not to affiliate with
18 any major political party.

19 (3) This section expires July 1, 2002.

20 NEW SECTION. **Sec. 32.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 &
23 1965 c 9 s 29.18.010;

24 (2) RCW 29.18.120 (General election laws govern primaries) and 1990
25 c 59 s 87, 1971 ex.s. c 112 s 1, & 1965 c 9 s 29.18.120;

26 (3) RCW 29.18.150 (Vacancies on major party ticket caused by no
27 filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965
28 c 9 s 29.18.150;

29 (4) RCW 29.18.160 (Vacancies by death or disqualification--How
30 filled--Correcting ballots and labels--Counting votes already cast) and
31 2001 c 46 s 4 & 1977 ex.s. c 329 s 13;

32 (5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88
33 & 1965 c 9 s 29.18.200; and

34 (6) RCW 29.30.040 (Primaries--Rotating names of candidates) and
35 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040.

36 NEW SECTION. **Sec. 33.** Sections 1, 4, 5, and 8 through 13 of this
37 act constitute a new chapter in Title 29 RCW.

1 NEW SECTION. **Sec. 34.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 35.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

9 Correct the title.

--- END ---