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SECOND SUBSTITUTE HOUSE BILL 1230

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State of Washington

57th Legislature

2002 Regular Session

By House Committee on State Government (originally sponsored by Representatives Schmidt, McMorris, Miloscia, Dunshee, Pearson, Talcott, Kessler, Pennington, Clements, Ogden, Sump, Linville, Darneille, Wood, Cooper, Gombosky, Skinner and Edmonds)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to changing primary dates and associated election  
2 procedures; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020,  
3 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.18.160,  
4 29.19.030, 29.24.020, 29.36.270, 29.38.020, 29.38.030, 29.62.020,  
5 42.12.040, 42.17.080, 42.17.710, 42.52.185, 27.12.355, 27.12.370,  
6 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080,  
7 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and  
8 70.44.235; adding a new section to chapter 29.38 RCW; repealing RCW  
9 29.01.160; and providing an effective date.

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

11 **Sec. 1.** RCW 29.13.070 and 1977 ex.s. c 361 s 29 are each amended  
12 to read as follows:

13 Nominating primaries for general elections to be held in November  
14 shall be held at the regular polling places in each precinct on the  
15 ((third)) second Tuesday of the preceding ((September or on the seventh  
16 Tuesday immediately preceding such general election, whichever occurs  
17 first)) June.

1       **Sec. 2.** RCW 29.13.010 and 1994 c 142 s 1 are each amended to read  
2 as follows:

3       (1) All state, county, city, town, and district general elections  
4 for the election of federal, state, legislative, judicial, county,  
5 city, town, district, and precinct officers, and for the submission to  
6 the voters of the state, county, city, town, or district of any measure  
7 for their adoption and approval or rejection, shall be held on the  
8 first Tuesday after the first Monday of November, in the year in which  
9 they may be called. A statewide general election shall be held on the  
10 first Tuesday after the first Monday of November of each year:  
11 PROVIDED, That the statewide general election held in odd-numbered  
12 years shall be limited to (a) city, town, and district general  
13 elections as provided for in RCW 29.13.020, or as otherwise provided by  
14 law; (b) the election of federal officers for the remainder of any  
15 unexpired terms in the membership of either branch of the congress of  
16 the United States; (c) the election of state and county officers for  
17 the remainder of any unexpired terms of offices created by or whose  
18 duties are described in Article II, section 15, Article III, sections  
19 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the  
20 state Constitution and RCW 2.06.080; (d) the election of county  
21 officers in any county governed by a charter containing provisions  
22 calling for general county elections at this time; and (e) the approval  
23 or rejection of state measures, including proposed constitutional  
24 amendments, matters pertaining to any proposed constitutional  
25 convention, initiative measures and referendum measures proposed by the  
26 electorate, referendum bills, and any other matter provided by the  
27 legislature for submission to the electorate.

28       (2) A county legislative authority may, if it deems an emergency to  
29 exist, call a special county election by presenting a resolution to the  
30 county auditor at least ~~((forty-five))~~ fifty-two days prior to the  
31 proposed election date. Except as provided in subsection (4) of this  
32 section, a special election called by the county legislative authority  
33 shall be held on one of the following dates as decided by such  
34 governing body:

- 35       (a) The first Tuesday after the first Monday in February;  
36       (b) The second Tuesday in March;  
37       (c) The fourth Tuesday in April;  
38       (d) ~~((The third Tuesday in May;~~  
39       ~~(e)))~~ The day of the primary as specified by RCW 29.13.070; or

1       (~~(f)~~) (e) The first Tuesday after the first Monday in November.

2       (3) In addition to the dates set forth in subsection (2)(a) through  
3 (f) of this section, a special election to validate an excess levy or  
4 bond issue may be called at any time to meet the needs resulting from  
5 fire, flood, earthquake, or other act of God. Such county special  
6 election shall be noticed and conducted in the manner provided by law.

7       (4) In a presidential election year, if a presidential preference  
8 primary is conducted in February, March, or April(~~(, or May)~~) under  
9 chapter 29.19 RCW, the date on which a special election may be called  
10 by the county legislative authority under subsection (2) of this  
11 section during the month of that primary is the date of the  
12 presidential primary.

13       (5) This section shall supersede the provisions of any and all  
14 other statutes, whether general or special in nature, having different  
15 dates for such city, town, and district elections, the purpose of this  
16 section being to establish mandatory dates for holding elections except  
17 for those elections held pursuant to a home-rule charter adopted under  
18 Article XI, section 4 of the state Constitution. This section shall  
19 not be construed as fixing the time for holding primary elections, or  
20 elections for the recall of any elective public officer.

21       **Sec. 3.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read  
22 as follows:

23       (1) All city, town, and district general elections shall be held  
24 throughout the state of Washington on the first Tuesday following the  
25 first Monday in November in the odd-numbered years.

26       This section shall not apply to:

27       (a) Elections for the recall of any elective public officer;

28       (b) Public utility districts or district elections at which the  
29 ownership of property within those districts is a prerequisite to  
30 voting, all of which elections shall be held at the times prescribed in  
31 the laws specifically applicable thereto;

32       (c) Consolidation proposals as provided for in chapter 28A.315 RCW  
33 (~~(28A.315-280)~~) and nonhigh capital fund aid proposals as provided for  
34 in chapter 28A.540 RCW.

35       (2) The county auditor, as ex officio supervisor of elections, upon  
36 request in the form of a resolution of the governing body of a city,  
37 town, or district, presented to the auditor at least (~~(forty-five)~~)  
38 fifty-two days prior to the proposed election date, may, if the county

1 auditor deems an emergency to exist, call a special election in such  
2 city, town, or district, and for the purpose of such special election  
3 he or she may combine, unite, or divide precincts. Except as provided  
4 in subsection (3) of this section, such a special election shall be  
5 held on one of the following dates as decided by the governing body:

6 (a) The first Tuesday after the first Monday in February;

7 (b) The second Tuesday in March;

8 (c) The fourth Tuesday in April;

9 (d) ~~((The third Tuesday in May;~~

10 ~~(e)))~~ The day of the primary election as specified by RCW  
11 29.13.070; or

12 ~~((f)))~~ (e) The first Tuesday after the first Monday in November.

13 (3) In a presidential election year, if a presidential preference  
14 primary is conducted in February, March, or April~~((, or May))~~ under  
15 chapter 29.19 RCW, the date on which a special election may be called  
16 under subsection (2) of this section during the month of that primary  
17 is the date of the presidential primary.

18 (4) In addition to subsection (2)(a) through ~~((f)))~~ (e) of this  
19 section, a special election to validate an excess levy or bond issue  
20 may be called at any time to meet the needs resulting from fire, flood,  
21 earthquake, or other act of God, except that no special election may be  
22 held between the first day for candidates to file for public office and  
23 the last day to certify the returns of the general election other than  
24 as provided in subsection (2) (d) and (e) ~~((and f)))~~ of this section.  
25 Such special election shall be conducted and notice thereof given in  
26 the manner provided by law.

27 (5) This section shall supersede the provisions of any and all  
28 other statutes, whether general or special in nature, having different  
29 dates for such city, town, and district elections, the purpose of this  
30 section being to establish mandatory dates for holding elections.

31 **Sec. 4.** RCW 29.15.020 and 1990 c 59 s 81 are each amended to read  
32 as follows:

33 Except where otherwise provided by this title, declarations of  
34 candidacy for the following offices shall be filed during regular  
35 business hours with the filing officer no earlier than ~~((the fourth  
36 Monday in July))~~ sixty-four days before the date of the primary  
37 established by RCW 29.13.070 and no later than the following Friday in  
38 the year in which the office is scheduled to be voted upon:

1 (1) Offices that are scheduled to be voted upon for full terms or  
2 both full terms and short terms at, or in conjunction with, a state  
3 general election; and

4 (2) Offices where a vacancy, other than a short term, exists that  
5 has not been filled by election and for which an election to fill the  
6 vacancy is required in conjunction with the next state general  
7 election.

8 This section supersedes all other statutes that provide for a  
9 different filing period for these offices.

10 **Sec. 5.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as  
11 follows:

12 Whenever it shall be necessary to hold a special election in an  
13 odd-numbered year to fill an unexpired term of any office which is  
14 scheduled to be voted upon for a full term in an even-numbered year, no  
15 ((September)) primary election shall be held in the odd-numbered year  
16 if, after the last day allowed for candidates to withdraw, either of  
17 the following circumstances exist:

18 (1) No more than one candidate of each qualified political party  
19 has filed a declaration of candidacy for the same partisan office to be  
20 filled; or

21 (2) No more than two candidates have filed a declaration of  
22 candidacy for a single nonpartisan office to be filled.

23 In either event, the officer with whom the declarations of  
24 candidacy were filed shall immediately notify all candidates concerned  
25 and the names of the candidates that would have been printed upon the  
26 ((September)) primary ballot, but for the provisions of this section,  
27 shall be printed as nominees for the positions sought upon the November  
28 general election ballot.

29 **Sec. 6.** RCW 29.15.170 and 2001 c 46 s 1 are each amended to read  
30 as follows:

31 Filings for a nonpartisan office shall be reopened for a period of  
32 three normal business days, such three day period to be fixed by the  
33 election officer with whom such declarations of candidacy are filed and  
34 notice thereof given by notifying press, radio, and television in the  
35 county and by such other means as may now or hereafter be provided by  
36 law whenever before the ((sixth)) seventh Tuesday prior to a primary:

37 (1) A void in candidacy occurs;

1 (2) A vacancy occurs in any nonpartisan office leaving an unexpired  
2 term to be filled by an election for which filings have not been held;  
3 or

4 (3) A nominee for judge of the superior court entitled to a  
5 certificate of election pursuant to Article 4, section 29, Amendment 41  
6 of the state Constitution, dies or is disqualified.

7 Candidacies validly filed within said three-day period shall appear  
8 on the ballot as if made during the earlier filing period.

9 **Sec. 7.** RCW 29.15.180 and 2001 c 46 s 2 are each amended to read  
10 as follows:

11 Filings for a nonpartisan office (other than judge of the supreme  
12 court or superintendent of public instruction) shall be reopened for a  
13 period of three normal business days, such three day period to be fixed  
14 by the election officer with whom such declarations of candidacy are  
15 filed and notice thereof given by notifying press, radio, and  
16 television in the county and by such other means as may now or  
17 hereafter be provided by law, when:

18 (1) A void in candidacy for such nonpartisan office occurs on or  
19 after the ((~~sixth~~)) seventh Tuesday prior to a primary but prior to the  
20 ((~~sixth~~)) seventh Tuesday before an election; or

21 (2) A nominee for judge of the superior court eligible after a  
22 contested primary for a certificate of election by Article 4, section  
23 29, Amendment 41 of the state Constitution, dies or is disqualified  
24 within the ten day period immediately following the last day allotted  
25 for a candidate to withdraw; or

26 (3) A vacancy occurs in any nonpartisan office on or after the  
27 ((~~sixth~~)) seventh Tuesday prior to a primary but prior to the ((~~sixth~~))  
28 seventh Tuesday before an election leaving an unexpired term to be  
29 filled by an election for which filings have not been held.

30 The candidate receiving a plurality of the votes cast for that  
31 office in the general election shall be deemed elected.

32 **Sec. 8.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each  
33 amended to read as follows:

34 A scheduled election shall be lapsed, the office deemed stricken  
35 from the ballot, no purported write-in votes counted, and no candidate  
36 certified as elected, when:

1 (1) In an election for judge of the supreme court or superintendent  
2 of public instruction, a void in candidacy occurs on or after the  
3 (~~fourth~~) seventh Tuesday prior to a primary, public filings and the  
4 primary being an indispensable phase of the election process for such  
5 offices;

6 (2) Except as otherwise specified in RCW 29.15.180, (~~as now or~~  
7 ~~hereafter amended,~~) a nominee for judge of the superior court entitled  
8 to a certificate of election pursuant to Article 4, section 29,  
9 Amendment 41 of the state Constitution dies or is disqualified on or  
10 after the (~~fourth~~) seventh Tuesday prior to a primary;

11 (3) In other elections for nonpartisan office a void in candidacy  
12 occurs or a vacancy occurs involving an unexpired term to be filled on  
13 or after the (~~fourth~~) seventh Tuesday prior to an election.

14 **Sec. 9.** RCW 29.15.230 and 2001 c 46 s 3 are each amended to read  
15 as follows:

16 Filings for a partisan elective office shall be opened for a period  
17 of three normal business days whenever, on or after the first day of  
18 the regular filing period and before the (~~sixth~~) seventh Tuesday  
19 prior to a primary, a vacancy occurs in that office, leaving an  
20 unexpired term to be filled by an election for which filings have not  
21 been held.

22 Any such special three-day filing period shall be fixed by the  
23 election officer with whom declarations of candidacy for that office  
24 are filed. The election officer shall give notice of the special  
25 three-day filing period by notifying the press, radio, and television  
26 in the county or counties involved, and by such other means as may be  
27 required by law.

28 Candidacies validly filed within the special three-day filing  
29 period shall appear on the primary ballot as if filed during the  
30 regular filing period.

31 **Sec. 10.** RCW 29.18.160 and 2001 c 46 s 4 are each amended to read  
32 as follows:

33 A vacancy caused by the death or disqualification of any candidate  
34 or nominee of a major or minor political party may be filled at any  
35 time up to and including the day prior to the election for that  
36 position. For state partisan offices in any political subdivision  
37 voted on solely by electors of a single county, an individual shall be

1 appointed to fill such vacancy by the county central committee in the  
2 case of a major political party or by the state central committee or  
3 comparable governing body in the case of a minor political party. For  
4 other partisan offices, including federal or statewide offices, an  
5 individual shall be appointed to fill such vacancy by the state central  
6 committee or comparable governing body of the appropriate political  
7 party.

8 Should such vacancy occur no later than the (~~sixth~~) seventh  
9 Tuesday prior to the state primary or general election concerned and  
10 the ballots have been printed, it shall be mandatory that they be  
11 corrected by the appropriate election officers. In making such  
12 correction, it shall not be necessary to reprint complete ballots if  
13 any other less expensive technique can be used and the resulting  
14 correction is reasonably clear.

15 Should such vacancy occur after the (~~sixth~~) seventh Tuesday prior  
16 to said state primary or general election and time does not exist in  
17 which to correct ballots (including absentee ballots), either in total  
18 or in part, then the votes cast or recorded for the person who has died  
19 or become disqualified shall be counted for the person who has been  
20 named to fill such vacancy.

21 When the secretary of state is the person with whom the appointment  
22 by the major or minor political party is filed, he shall, in certifying  
23 candidates or nominations to the various county officers insert the  
24 name of the person appointed to fill a vacancy.

25 In the event that the secretary of state has already sent forth his  
26 certificate when the appointment to fill a vacancy is filed with him,  
27 he shall forthwith certify to the county auditors of the proper  
28 counties the name and place of residence of the person appointed to  
29 fill a vacancy, the office for which he is a candidate or nominee, the  
30 party he represents and all other pertinent facts pertaining to the  
31 vacancy.

32 **Sec. 11.** RCW 29.19.030 and 1989 c 4 s 3 are each amended to read  
33 as follows:

34 The name of any candidate for a major political party nomination  
35 for president of the United States shall be printed on the presidential  
36 preference primary ballot of a major political party only:



1 (1) By direction of the secretary of state, who in the secretary's  
2 sole discretion has determined that the candidate's candidacy is  
3 generally advocated or is recognized in national news media; or

4 (2) If members of the political party of the candidate have  
5 presented a petition for nomination of the candidate that has attached  
6 to the petition a sheet or sheets containing the signatures of at least  
7 one thousand registered voters who declare themselves in the petition  
8 as being affiliated with the same political party as the presidential  
9 candidate. The petition shall be filed with the secretary of state not  
10 later than the ~~((thirty-ninth))~~ fifty-second day before the  
11 presidential preference primary. The signature sheets shall also  
12 contain the residence address and name or number of the precinct of  
13 each registered voter whose signature appears thereon and shall be  
14 certified in the manner prescribed in RCW 29.79.200 and 29.79.210.

15 The secretary of state shall place the name of the candidate on the  
16 ballot unless the candidate, at least ~~((thirty-five))~~ forty-five days  
17 before the presidential preference primary, executes and files with the  
18 secretary of state an affidavit stating without qualification that he  
19 or she is not now and will not become a candidate for the office of  
20 president of the United States at the forthcoming presidential  
21 election. The secretary of state shall certify the names of all  
22 candidates who will appear on the presidential preference primary  
23 ballot to the respective county auditors on or before the fourth  
24 Tuesday in April of each presidential election year.

25 **Sec. 12.** RCW 29.24.020 and 2001 c 30 s 2 are each amended to read  
26 as follows:

27 (1) Any nomination of a candidate for partisan public office by  
28 other than a major political party may be made only: (a) In a  
29 convention held not earlier than the ~~((last Saturday in June and not  
30 later than the first Saturday in July or during any of the seven days  
31 immediately preceding))~~ forty-fourth day nor later than the sixteenth  
32 day before the first day for filing declarations of candidacy as fixed  
33 in accordance with RCW 29.68.080; (b) as provided by RCW 29.62.180; or  
34 (c) as otherwise provided in this section.

35 (2) Nominations of candidates for president and vice president of  
36 the United States other than by a major political party may be made  
37 either at a convention conducted under subsection (1) of this section,  
38 or at a similar convention taking place not earlier than the first

1 Sunday in July and not later than seventy days before the general  
2 election. Conventions held during this time period may not nominate  
3 candidates for any public office other than president and vice  
4 president of the United States, except as provided in subsection (3) of  
5 this section.

6 (3) If a special filing period for a partisan office is opened  
7 under RCW 29.15.230, candidates of minor political parties and  
8 independent candidates may file for office during that special filing  
9 period. The names of those candidates may not appear on the ballot  
10 unless they are nominated by convention held no later than five days  
11 after the close of the special filing period and a certificate of  
12 nomination is filed with the filing officer no later than three days  
13 after the convention. The requirements of RCW 29.24.025 do not apply  
14 to such a convention. If primary ballots or a voters' pamphlet are  
15 ordered to be printed before the deadline for submitting the  
16 certificate of nomination and the certificate has not been filed, then  
17 the candidate's name will be included but may not appear on the general  
18 election ballot unless the certificate is timely filed and the  
19 candidate otherwise qualifies to appear on that ballot.

20 (4) A minor political party may hold more than one convention but  
21 in no case shall any such party nominate more than one candidate for  
22 any one partisan public office or position. For the purpose of  
23 nominating candidates for the offices of president and vice president,  
24 United States senator, or a statewide office, a minor party or  
25 independent candidate holding multiple conventions may add together the  
26 number of signatures of different individuals from each convention  
27 obtained in support of the candidate or candidates in order to obtain  
28 the number required by RCW 29.24.030. For all other offices for which  
29 nominations are made, signatures of the requisite number of registered  
30 voters must be obtained at a single convention.

31 **Sec. 13.** RCW 29.36.270 and 1987 c 54 s 1 are each amended to read  
32 as follows:

33 Except where a recount or litigation under RCW 29.04.030 is  
34 pending, the county auditor shall have sufficient absentee ballots  
35 ready to mail to absentee voters of that county, other than overseas  
36 voters or service voters, at least twenty days before any primary,  
37 general election, or special election. At least thirty days before a  
38 primary, general election, or special election, the county auditor

1 shall mail absentee ballots to all overseas and service voters who have  
2 submitted valid requests for absentee ballots. A request for an  
3 absentee ballot made by an overseas voter or service voter after that  
4 day must be processed immediately.

5 **Sec. 14.** RCW 29.38.020 and 2001 c 241 s 16 are each amended to  
6 read as follows:

7 At any nonpartisan special election not being held in conjunction  
8 with a state primary or general election, the county, city, town, or  
9 district requesting the election pursuant to RCW 29.13.010 or 29.13.020  
10 may also request that the special election be conducted by mail ballot.  
11 The county auditor may honor the request or may determine that the  
12 election is not to be conducted by mail ballot. The decision of the  
13 county auditor in this regard is final.

14 ~~((For all special elections not being held in conjunction with a~~  
15 ~~state primary or state general election where voting is conducted by~~  
16 ~~mail ballot, the county auditor shall, not less than twenty days before~~  
17 ~~the date of such election, make available to each registered voter a~~  
18 ~~mail ballot.))~~ The auditor shall handle inactive voters in the same  
19 manner as inactive voters in mail ballot precincts.

20 **Sec. 15.** RCW 29.38.030 and 2001 c 241 s 17 are each amended to  
21 read as follows:

22 ~~((In an odd-numbered year,))~~ The county auditor may conduct a  
23 primary or a special election held in conjunction with a primary by  
24 mail ballot ((concurrently with the primary:

25 ~~(1) For an office or ballot measure of a special purpose district~~  
26 ~~that is entirely within the county;~~

27 ~~(2) For an office or ballot measure of a special purpose district~~  
28 ~~that lies in the county and one or more other counties if the auditor~~  
29 ~~first secures the concurrence of the county auditors of those other~~  
30 ~~counties to conduct the primary in this manner district-wide; and~~

31 ~~(3) For a ballot measure or nonpartisan office of a county, city,~~  
32 ~~or town if the auditor first secures the concurrence of the legislative~~  
33 ~~authority of the county, city, or town involved)).~~

34 For a primary held in an odd-numbered year, the county auditor  
35 shall notify ((an)) each election jurisdiction for which a primary is  
36 to be held that the primary will be conducted by mail ballot. For a  
37 primary held in an even-numbered year, the county auditor shall notify

1 the secretary of state that the primary will be conducted by mail  
2 ballot. The county auditor shall include in the notice required by RCW  
3 29.27.030, information pertaining to a primary conducted by mail ballot  
4 according to this section.

5 ~~((A primary in an odd numbered year may not be conducted by mail~~  
6 ~~ballot in a precinct with two hundred or more active registered voters~~  
7 ~~if a partisan office or state office or state ballot measure is to be~~  
8 ~~voted upon at that primary in the precinct.))~~

9 To the extent they are not inconsistent with other provisions of  
10 law, the laws governing the conduct of mail ballot special elections  
11 apply to nonpartisan primaries conducted by mail ballot.

12 NEW SECTION. Sec. 16. A new section is added to chapter 29.38 RCW  
13 to read as follows:

14 Except where a recount or litigation under RCW 29.04.030 is  
15 pending, the county auditor shall have sufficient mail ballots ready to  
16 mail to voters of that county, other than overseas voters or service  
17 voters, at least twenty days before a primary, general election, or  
18 special election. At least thirty days before a primary, general  
19 election, or special election, the county auditor shall mail ballots to  
20 all overseas and service voters. A request for a ballot made by an  
21 overseas voter or service voter after that day must be processed  
22 immediately.

23 **Sec. 17.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to read  
24 as follows:

25 (1) At least every third day after a special election, primary, or  
26 general election and before certification of the election results,  
27 except Sundays and legal holidays, the county auditor shall convene the  
28 county canvassing board or their designees to process absentee ballots  
29 and canvass the votes cast at that special election, primary, or  
30 general election, if the county auditor is in possession of more than  
31 twenty-five ballots that have yet to be canvassed. The county auditor  
32 may use his or her discretion in determining when to convene the  
33 canvassing board or their designees during the final four days before  
34 the certification of election results in order to protect the secrecy  
35 of any ballot.

36 Each absentee ballot previously not canvassed that was received by  
37 the county auditor two days or more before the convening of the

1 canvassing board or their designees and that either was received by the  
2 county auditor before the closing of the polls on the day of the  
3 special election, primary, or general election for which it was issued,  
4 or that bears a date of mailing on or before the special election,  
5 primary, or general election for which it was issued, must be processed  
6 at that time. The tabulation of votes that results from that day's  
7 canvass must be made available to the general public immediately upon  
8 completion of the canvass.

9 (2) On the (~~tenth~~) fifteenth day after a special election (~~or~~  
10 a), primary (~~and on the fifteenth day after a~~), or general election,  
11 the canvassing board shall complete the canvass and certify the  
12 results. Each absentee ballot that was returned before the closing of  
13 the polls on the date of the primary or election for which it was  
14 issued, and each absentee ballot with a date of mailing on or before  
15 the date of the primary or election for which it was issued and  
16 received on or before the date on which the primary or election is  
17 certified, shall be included in the canvass report.

18 (3) At the request of any caucus of the state legislature, the  
19 county auditor shall transmit copies of all unofficial returns of state  
20 and legislative primaries or elections prepared by or for the county  
21 canvassing board to either the secretary of the senate or the chief  
22 clerk of the house.

23 **Sec. 18.** RCW 42.12.040 and 1981 c 180 s 1 are each amended to read  
24 as follows:

25 If a vacancy occurs in any partisan elective office in the  
26 executive or legislative branches of state government or in any  
27 partisan county elective office before the (~~fourth~~) seventh Tuesday  
28 prior to the primary for the next general election following the  
29 occurrence of the vacancy, a successor shall be elected to that office  
30 at that general election. Except during the last year of the term of  
31 office, if such a vacancy occurs on or after the (~~fourth~~) seventh  
32 Tuesday prior to the primary for that general election, the election of  
33 the successor shall occur at the next succeeding general election. The  
34 elected successor shall hold office for the remainder of the unexpired  
35 term. This section shall not apply to any vacancy occurring in a  
36 charter county which has charter provisions inconsistent with this  
37 section.

1       **Sec. 19.** RCW 42.17.080 and 2000 c 237 s 2 are each amended to read  
2 as follows:

3       (1) On the day the treasurer is designated, each candidate or  
4 political committee shall file with the commission and the county  
5 auditor or elections officer of the county in which the candidate  
6 resides, or in the case of a political committee, the county in which  
7 the treasurer resides, in addition to any statement of organization  
8 required under RCW 42.17.040 or 42.17.050, a report of all  
9 contributions received and expenditures made prior to that date, if  
10 any.

11       (2) At the following intervals each treasurer shall file with the  
12 commission and the county auditor or elections officer of the county in  
13 which the candidate resides, or in the case of a political committee,  
14 the county in which the committee maintains its office or headquarters,  
15 and if there is no office or headquarters then in the county in which  
16 the treasurer resides, a report containing the information required by  
17 RCW 42.17.090:

18       (a) On the twenty-first day and the seventh day immediately  
19 preceding the date on which the election is held; and

20       (b) On the tenth day of the first month after the election(~~(=~~  
21 ~~PROVIDED, That this report shall not be required following a primary~~  
22 ~~election from:~~

23       ~~(i) A candidate whose name will appear on the subsequent general~~  
24 ~~election ballot; or~~

25       ~~(ii) Any continuing political committee)); and~~

26       (c) On the tenth day of each month in which no other reports are  
27 required to be filed under this section: PROVIDED, That such report  
28 shall only be filed if the committee has received a contribution or  
29 made an expenditure in the preceding calendar month and either the  
30 total contributions received or total expenditures made since the last  
31 such report exceed two hundred dollars.

32       When there is no outstanding debt or obligation, and the campaign  
33 fund is closed, and the campaign is concluded in all respects, and in  
34 the case of a political committee, the committee has ceased to function  
35 and has dissolved, the treasurer shall file a final report. Upon  
36 submitting a final report, the duties of the treasurer shall cease and  
37 there shall be no obligation to make any further reports.

38       The report filed twenty-one days before the election shall report  
39 all contributions received and expenditures made as of the end of the

1 fifth business day before the date of the report. The report filed  
2 seven days before the election shall report all contributions received  
3 and expenditures made as of the end of the one business day before the  
4 date of the report. Reports filed on the tenth day of the month shall  
5 report all contributions received and expenditures made from the  
6 closing date of the last report filed through the last day of the month  
7 preceding the date of the current report.

8 (3) For the period beginning the first day of the fourth month  
9 preceding the date on which the special (~~or general~~) election is  
10 held, or for the period beginning the first day of the seventh month  
11 before the date on which the general election is held, and ending on  
12 the date of that special or general election, each (~~Friday~~) Monday  
13 the treasurer shall file with the commission and the appropriate county  
14 elections officer a report of each bank deposit made during the  
15 previous seven calendar days. The report shall contain the name of  
16 each person contributing the funds so deposited and the amount  
17 contributed by each person. However, contributions of no more than  
18 twenty-five dollars in the aggregate from any one person may be  
19 deposited without identifying the contributor. A copy of the report  
20 shall be retained by the treasurer for his or her records. In the  
21 event of deposits made by a deputy treasurer, the copy shall be  
22 forwarded to the treasurer for his or her records. Each report shall  
23 be certified as correct by the treasurer or deputy treasurer making the  
24 deposit.

25 (4) If a city requires that candidates or committees for city  
26 offices file reports with a city agency, the candidate or treasurer so  
27 filing need not also file the report with the county auditor or  
28 elections officer.

29 (5) The treasurer or candidate shall maintain books of account  
30 accurately reflecting all contributions and expenditures on a current  
31 basis within five business days of receipt or expenditure. During the  
32 eight days immediately preceding the date of the election the books of  
33 account shall be kept current within one business day. As specified in  
34 the committee's statement of organization filed under RCW 42.17.040,  
35 the books of account must be open for public inspection as follows:

36 (a) For at least two consecutive hours between 8:00 a.m. and 8:00  
37 p.m. on the eighth day immediately before the election, except when it  
38 is a legal holiday, in which case on the seventh day immediately before  
39 the election, at the principal headquarters or, if there is no

1 headquarters, at the address of the treasurer or such other place as  
2 may be authorized by the commission; and

3 (b) By appointment for inspections to be conducted at the  
4 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any  
5 other day from the seventh day through the day immediately before the  
6 election, other than Saturday, Sunday, or a legal holiday. It is a  
7 violation of this chapter for a candidate or political committee to  
8 refuse to allow and keep an appointment for an inspection to be  
9 conducted during these authorized times and days in the week prior to  
10 the election. The appointment must be allowed at an authorized time  
11 and day for such inspections that is within twenty-four hours of the  
12 time and day that is requested for the inspection.

13 (6) The treasurer or candidate shall preserve books of account,  
14 bills, receipts, and all other financial records of the campaign or  
15 political committee for not less than five calendar years following the  
16 year during which the transaction occurred.

17 (7) All reports filed pursuant to subsection (1) or (2) of this  
18 section shall be certified as correct by the candidate and the  
19 treasurer.

20 (8) Copies of all reports filed pursuant to this section shall be  
21 readily available for public inspection for at least two consecutive  
22 hours Monday through Friday, excluding legal holidays, between 8:00  
23 a.m. and 8:00 p.m., as specified in the committee's statement of  
24 organization filed pursuant to RCW 42.17.040, at the principal  
25 headquarters or, if there is no headquarters, at the address of the  
26 treasurer or such other place as may be authorized by the commission.

27 (9) After January 1, 2002, a report that is filed with the  
28 commission electronically need not also be filed with the county  
29 auditor or elections officer.

30 (10) The commission shall adopt administrative rules establishing  
31 requirements for filer participation in any system designed and  
32 implemented by the commission for the electronic filing of reports.

33 **Sec. 20.** RCW 42.17.710 and 1993 c 2 s 11 are each amended to read  
34 as follows:

35 During the period beginning on the thirtieth day before the date a  
36 regular legislative session convenes and continuing (~~thirty days~~  
37 ~~past~~) through the date of final adjournment, (~~and during the period~~  
38 ~~beginning on the date a special legislative session convenes and~~



1 continuing through the date that session adjourns,)) no state official  
2 or a person employed by or acting on behalf of a state official or  
3 state legislator may solicit or accept contributions to a public office  
4 fund, to a candidate or authorized committee, or to retire a campaign  
5 debt.

6 **Sec. 21.** RCW 42.52.185 and 1997 c 320 s 1 are each amended to read  
7 as follows:

8 (1) During the twelve-month period beginning on December 1st of the  
9 year before a general election for a state legislator's election to  
10 office and continuing through November 30th immediately after the  
11 general election, the legislator may not mail, either by regular mail  
12 or electronic mail, to a constituent at public expense a letter,  
13 newsletter, brochure, or other piece of literature, except as follows:

14 (a) The legislator may mail two mailings of newsletters to  
15 constituents. All newsletters within each mailing of newsletters must  
16 be identical as to their content but not as to the constituent name or  
17 address. One such mailing may be mailed no later than thirty days  
18 after the start of a regular legislative session, except that a  
19 legislator appointed during a regular legislative session to fill a  
20 vacant seat may have up to thirty days from the date of appointment to  
21 send out the first mailing. The other mailing may be mailed no (~~later~~  
22 ~~than sixty days after the end of a regular legislative session~~)  
23 earlier than one day after the date of the primary established by RCW  
24 29.13.070 and no later than fifteen days after the date of the primary.

25 (b) The legislator may mail an individual letter to (i) an  
26 individual constituent who has contacted the legislator regarding the  
27 subject matter of the letter during the legislator's current term of  
28 office; (ii) an individual constituent who holds a governmental office  
29 with jurisdiction over the subject matter of the letter; or (iii) an  
30 individual constituent who has received an award or honor of  
31 extraordinary distinction of a type that is sufficiently infrequent to  
32 be noteworthy to a reasonable person, including, but not limited to:  
33 (A) An international or national award such as the Nobel prize or the  
34 Pulitzer prize; (B) a state award such as Washington scholar; (C) an  
35 Eagle Scout award; and (D) a Medal of Honor.

36 (2) For purposes of subsection (1) of this section, "legislator"  
37 means a legislator who is a "candidate," as defined by RCW 42.17.020,  
38 for any public office.

1 (3) A violation of this section constitutes use of the facilities  
2 of a public office for the purpose of assisting a campaign under RCW  
3 42.52.180.

4 (4) The house of representatives and senate shall specifically  
5 limit expenditures per member for the total cost of mailings. Those  
6 costs include, but are not limited to, production costs, printing  
7 costs, and postage costs. The limits imposed under this subsection  
8 apply only to the total expenditures on mailings per member and not to  
9 any categorical cost within the total.

10 (5) For purposes of this section, persons residing outside the  
11 legislative district represented by the legislator are not considered  
12 to be constituents, but students, military personnel, or others  
13 temporarily employed outside of the district who normally reside in the  
14 district are considered to be constituents.

15 **Sec. 22.** RCW 27.12.355 and 1987 c 138 s 1 are each amended to read  
16 as follows:

17 (1) As provided in this section, a rural county library district,  
18 island library district, or intercounty rural library district may  
19 withdraw areas from its boundaries, or reannex areas into the library  
20 district that previously had been withdrawn from the library district  
21 under this section.

22 (2) The withdrawal of an area shall be authorized upon: (a)  
23 Adoption of a resolution by the board of trustees requesting the  
24 withdrawal and finding that, in the opinion of the board, inclusion of  
25 this area within the library district will result in a reduction of the  
26 district's tax levy rate under the provisions of RCW 84.52.010; and (b)  
27 adoption of a resolution by the city or town council approving the  
28 withdrawal, if the area is located within the city or town, or adoption  
29 of a resolution by the county legislative authority of the county  
30 within which the area is located approving the withdrawal, if the area  
31 is located outside of a city or town. A withdrawal shall be effective  
32 at the end of the day on the thirty-first day of December in the year  
33 in which the resolutions are adopted, but for purposes of establishing  
34 boundaries for property tax purposes, the boundaries shall be  
35 established immediately upon the adoption of the second resolution.

36 The authority of an area to be withdrawn from a library district as  
37 provided under this section is in addition, and not subject, to the  
38 provisions of RCW 27.12.380.

1 The withdrawal of an area from the boundaries of a library district  
2 shall not exempt any property therein from taxation for the purpose of  
3 paying the costs of redeeming any indebtedness of the library district  
4 existing at the time of the withdrawal.

5 (3) An area that has been withdrawn from the boundaries of a  
6 library district under this section may be reannexed into the library  
7 district upon: (a) Adoption of a resolution by the board of trustees  
8 proposing the reannexation; and (b) adoption of a resolution by the  
9 city or town council approving the reannexation, if the area is located  
10 within the city or town, or adoption of a resolution by the county  
11 legislative authority of the county within which the area is located  
12 approving the reannexation, if the area is located outside of a city or  
13 town. The reannexation shall be effective at the end of the day on the  
14 thirty-first day of December in the year in which the adoption of the  
15 second resolution occurs, but for purposes of establishing boundaries  
16 for property tax purposes, the boundaries shall be established  
17 immediately upon the adoption of the second resolution. Referendum  
18 action on the proposed reannexation may be taken by the voters of the  
19 area proposed to be reannexed if a petition calling for a referendum is  
20 filed with the city or town council, or county legislative authority,  
21 within a thirty-day period after the adoption of the second resolution,  
22 which petition has been signed by registered voters of the area  
23 proposed to be reannexed equal in number to ten percent of the total  
24 number of the registered voters residing in that area.

25 If a valid petition signed by the requisite number of registered  
26 voters has been so filed, the effect of the resolutions shall be held  
27 in abeyance and a ballot proposition to authorize the reannexation  
28 shall be submitted to the voters of the area at the next special  
29 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)  
30 fifty-two or more days after the petitions have been validated.  
31 Approval of the ballot proposition authorizing the reannexation by a  
32 simple majority vote shall authorize the reannexation.

33 **Sec. 23.** RCW 27.12.370 and 1982 c 123 s 14 are each amended to  
34 read as follows:

35 The county legislative authority or authorities shall by resolution  
36 call a special election to be held in such city or town at the next  
37 date provided in RCW 29.13.010 but not less than (~~forty-five~~)  
38 fifty-two days from the date of the declaration of such finding, and

1 shall cause notice of such election to be given as provided for in RCW  
2 29.27.080.

3 The election on the annexation of the city or town into the library  
4 district shall be conducted by the auditor of the county or counties in  
5 which the city or town is located in accordance with the general  
6 election laws of the state and the results thereof shall be canvassed  
7 by the canvassing board of the county or counties. No person shall be  
8 entitled to vote at such election unless he or she is registered to  
9 vote in said city or town for at least thirty days preceding the date  
10 of the election. The ballot proposition shall be in substantially the  
11 following form:

12 "Shall the city or town of . . . . . be annexed to and be a part  
13 of . . . . . library district?

14 YES . . . . . 1  
15 NO . . . . . 1 "

16 If a majority of the persons voting on the proposition shall vote  
17 in favor thereof, the city or town shall thereupon be annexed and shall  
18 be a part of such library district.

19 **Sec. 24.** RCW 35.06.070 and 1994 c 81 s 8 are each amended to read  
20 as follows:

21 A ballot proposition authorizing an advancement in classification  
22 of a town to a second class city shall be submitted to the voters of  
23 the town if either: (1) Petitions proposing the advancement are  
24 submitted to the town clerk that have been signed by voters of the town  
25 equal in number to at least ten percent of the voters of the town  
26 voting at the last municipal general election; or (2) the town council  
27 adopts a resolution proposing the advancement. The clerk shall  
28 immediately forward the petitions to the county auditor who shall  
29 review the signatures and certify the sufficiency of the petitions.

30 A ballot proposition authorizing an advancement shall be submitted  
31 to the town voters at the next municipal general election occurring  
32 (~~forty-five~~) fifty-two or more days after the petitions are submitted  
33 if the county auditor certifies the petitions as having sufficient  
34 valid signatures. The town shall be advanced to a second class city if  
35 the ballot proposition is approved by a simple majority vote, effective  
36 when the corporation is actually reorganized and the new officers are  
37 elected and qualified. The county auditor shall notify the secretary

1 of state if the advancement of a town to a second class city is  
2 approved.

3 **Sec. 25.** RCW 35.13.1821 and 1998 c 286 s 2 are each amended to  
4 read as follows:

5 The annexation ordinance provided for in RCW 35.13.182 is subject  
6 to referendum for forty-five days after its passage. Upon the filing  
7 of a timely and sufficient referendum petition with the legislative  
8 body, signed by qualified electors in number equal to not less than ten  
9 percent of the votes cast in the last general state election in the  
10 area to be annexed, the question of annexation shall be submitted to  
11 the voters of the area in a general election if one is to be held  
12 within ninety days or at a special election called for that purpose not  
13 less than (~~forty-five~~) fifty-two days nor more than ninety days after  
14 the filing of the referendum petition. Notice of the election shall be  
15 given as provided in RCW 35.13.080 and the election shall be conducted  
16 as provided in the general election law. The annexation shall be  
17 deemed approved by the voters unless a majority of the votes cast on  
18 the proposition are in opposition thereto.

19 After the expiration of the forty-fifth day from but excluding the  
20 date of passage of the annexation ordinance, if no timely and  
21 sufficient referendum petition has been filed, the area annexed shall  
22 become a part of the city or town upon the date fixed in the ordinance  
23 of annexation.

24 **Sec. 26.** RCW 35.61.360 and 1987 c 138 s 2 are each amended to read  
25 as follows:

26 (1) As provided in this section, a metropolitan park district may  
27 withdraw areas from its boundaries, or reannex areas into the  
28 metropolitan park district that previously had been withdrawn from the  
29 metropolitan park district under this section.

30 (2) The withdrawal of an area shall be authorized upon: (a)  
31 Adoption of a resolution by the park district commissioners requesting  
32 the withdrawal and finding that, in the opinion of the commissioners,  
33 inclusion of this area within the metropolitan park district will  
34 result in a reduction of the district's tax levy rate under the  
35 provisions of RCW 84.52.010; and (b) adoption of a resolution by the  
36 city or town council approving the withdrawal, if the area is located  
37 within the city or town, or adoption of a resolution by the county

1 legislative authority of the county within which the area is located  
2 approving the withdrawal, if the area is located outside of a city or  
3 town. A withdrawal shall be effective at the end of the day on the  
4 thirty-first day of December in the year in which the resolutions are  
5 adopted, but for purposes of establishing boundaries for property tax  
6 purposes, the boundaries shall be established immediately upon the  
7 adoption of the second resolution.

8 The withdrawal of an area from the boundaries of a metropolitan  
9 park district shall not exempt any property therein from taxation for  
10 the purpose of paying the costs of redeeming any indebtedness of the  
11 metropolitan park district existing at the time of the withdrawal.

12 (3) An area that has been withdrawn from the boundaries of a  
13 metropolitan park district under this section may be reannexed into the  
14 metropolitan park district upon: (a) Adoption of a resolution by the  
15 park district commissioners proposing the reannexation; and (b)  
16 adoption of a resolution by the city or town council approving the  
17 reannexation, if the area is located within the city or town, or  
18 adoption of a resolution by the county legislative authority of the  
19 county within which the area is located approving the reannexation, if  
20 the area is located outside of a city or town. The reannexation shall  
21 be effective at the end of the day on the thirty-first day of December  
22 in the year in which the adoption of the second resolution occurs, but  
23 for purposes of establishing boundaries for property tax purposes, the  
24 boundaries shall be established immediately upon the adoption of the  
25 second resolution. Referendum action on the proposed reannexation may  
26 be taken by the voters of the area proposed to be reannexed if a  
27 petition calling for a referendum is filed with the city or town  
28 council, or county legislative authority, within a thirty-day period  
29 after the adoption of the second resolution, which petition has been  
30 signed by registered voters of the area proposed to be reannexed equal  
31 in number to ten percent of the total number of the registered voters  
32 residing in that area.

33 If a valid petition signed by the requisite number of registered  
34 voters has been so filed, the effect of the resolutions shall be held  
35 in abeyance and a ballot proposition to authorize the reannexation  
36 shall be submitted to the voters of the area at the next special  
37 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)  
38 fifty-two or more days after the petitions have been validated.

1 Approval of the ballot proposition authorizing the reannexation by a  
2 simple majority vote shall authorize the reannexation.

3 **Sec. 27.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each  
4 amended to read as follows:

5 Such annexation ordinance as provided for in RCW 35A.14.297 shall  
6 be subject to referendum for forty-five days after the passage thereof.  
7 Upon the filing of a timely and sufficient referendum petition with the  
8 legislative body, signed by qualified electors in number equal to not  
9 less than ten percent of the votes cast in the last general state  
10 election in the area to be annexed, the question of annexation shall be  
11 submitted to the voters of such area in a general election if one is to  
12 be held within ninety days or at a special election called for that  
13 purpose not less than (~~forty-five~~) fifty-two days nor more than  
14 ninety days after the filing of the referendum petition. Notice of  
15 such election shall be given as provided in RCW 35A.14.070 and the  
16 election shall be conducted as provided in RCW (~~35A.14.060~~)  
17 35A.29.151. The annexation shall be deemed approved by the voters  
18 unless a majority of the votes cast on the proposition are in  
19 opposition thereto.

20 After the expiration of the forty-fifth day from but excluding the  
21 date of passage of the annexation ordinance, if no timely and  
22 sufficient referendum petition has been filed, the area annexed shall  
23 become a part of the code city upon the date fixed in the ordinance of  
24 annexation. From and after such date, if the ordinance so provided,  
25 property in the annexed area shall be subject to the proposed zoning  
26 regulation prepared and filed for such area as provided in RCW  
27 35A.14.330 and 35A.14.340. If the ordinance so provided, all property  
28 within the area annexed shall be assessed and taxed at the same rate  
29 and on the same basis as the property of such annexing code city is  
30 assessed and taxed to pay for any then outstanding indebtedness of such  
31 city contracted prior to, or existing at, the date of annexation.

32 **Sec. 28.** RCW 36.93.030 and 1991 c 363 s 91 are each amended to  
33 read as follows:

34 (1) There is hereby created and established in each county with a  
35 population of two hundred ten thousand or more a board to be known and  
36 designated as a "boundary review board".

1 (2) A boundary review board may be created and established in any  
2 other county in the following manner:

3 (a) The county legislative authority may, by majority vote, adopt  
4 a resolution establishing a boundary review board; or

5 (b) A petition seeking establishment of a boundary review board  
6 signed by qualified electors residing in the county equal in number to  
7 at least five percent of the votes cast in the county at the last  
8 county general election may be filed with the county auditor.

9 Upon the filing of such a petition, the county auditor shall  
10 examine the same and certify to the sufficiency of the signatures  
11 thereon. No person may withdraw his or her name from a petition after  
12 it has been filed with the auditor. Within thirty days after the  
13 filing of such petition, the county auditor shall transmit the same to  
14 the county legislative authority, together with his or her certificate  
15 of sufficiency.

16 After receipt of a valid petition for the establishment of a  
17 boundary review board, the county legislative authority shall submit  
18 the question of whether a boundary review board should be established  
19 to the electorate at the next county primary or county general election  
20 which occurs more than (~~forty-five~~) fifty-two days from the date of  
21 receipt of the petition. Notice of the election shall be given as  
22 provided in RCW 29.27.080 and shall include a clear statement of the  
23 proposal to be submitted.

24 If a majority of the persons voting on the proposition shall vote  
25 in favor of the establishment of the boundary review board, such board  
26 shall thereupon be deemed established.

27 **Sec. 29.** RCW 52.02.080 and 1989 c 63 s 6 are each amended to read  
28 as follows:

29 The election on the formation of the district and to elect the  
30 initial fire commissioners shall be conducted by the election officials  
31 of the county or counties in which the proposed district is located in  
32 accordance with the general election laws of the state. This election  
33 shall be held at the next general election date, as specified under RCW  
34 29.13.020, that occurs (~~forty-five~~) fifty-two or more days after the  
35 date of the action by the boundary review board, or county legislative  
36 authority or authorities, approving the proposal.



1       **Sec. 30.** RCW 52.04.056 and 1989 c 63 s 11 are each amended to read  
2 as follows:

3       (1) As provided in this section, a fire protection district may  
4 withdraw areas from its boundaries, or reannex areas into the fire  
5 protection district that previously had been withdrawn from the fire  
6 protection district under this section.

7       (2) The withdrawal of an area shall be authorized upon: (a)  
8 Adoption of a resolution by the board of fire commissioners requesting  
9 the withdrawal and finding that, in the opinion of the board, inclusion  
10 of this area within the fire protection district will result in a  
11 reduction of the district's tax levy rate under the provisions of RCW  
12 84.52.010; and (b) adoption of a resolution by the city or town council  
13 approving the withdrawal, if the area is located within the city or  
14 town, or adoption of a resolution by the county legislative authority  
15 or authorities of the county or counties within which the area is  
16 located approving the withdrawal, if the area is located outside of a  
17 city or town. A withdrawal shall be effective at the end of the day on  
18 the thirty-first day of December in the year in which the resolutions  
19 are adopted, but for purposes of establishing boundaries for property  
20 tax purposes, the boundaries shall be established immediately upon the  
21 adoption of the second resolution.

22       The authority of an area to be withdrawn from a fire protection  
23 district as provided under this section is in addition, and not  
24 subject, to the provisions of RCW 52.04.101.

25       The withdrawal of an area from the boundaries of a fire protection  
26 district shall not exempt any property therein from taxation for the  
27 purpose of paying the costs of redeeming any indebtedness of the fire  
28 protection district existing at the time of the withdrawal.

29       (3) An area that has been withdrawn from the boundaries of a fire  
30 protection district under this section may be reannexed into the fire  
31 protection district upon: (a) Adoption of a resolution by the board of  
32 fire commissioners proposing the reannexation; and (b) adoption of a  
33 resolution by the city or town council approving the reannexation, if  
34 the area is located within the city or town, or adoption of a  
35 resolution by the county legislative authority or authorities of the  
36 county or counties within which the area is located approving the  
37 reannexation, if the area is located outside of a city or town. The  
38 reannexation shall be effective at the end of the day on the thirty-  
39 first day of December in the year in which the adoption of the second

1 resolution occurs, but for purposes of establishing boundaries for  
2 property tax purposes, the boundaries shall be established immediately  
3 upon the adoption of the second resolution. Referendum action on the  
4 proposed reannexation may be taken by the voters of the area proposed  
5 to be reannexed if a petition calling for a referendum is filed with  
6 the city or town council, or county legislative authority or  
7 authorities, within a thirty-day period after the adoption of the  
8 second resolution, which petition has been signed by registered voters  
9 of the area proposed to be reannexed equal in number to ten percent of  
10 the total number of the registered voters residing in that area.

11 If a valid petition signed by the requisite number of registered  
12 voters has been so filed, the effect of the resolutions shall be held  
13 in abeyance and a ballot proposition to authorize the reannexation  
14 shall be submitted to the voters of the area at the next special  
15 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)  
16 fifty-two or more days after the petitions have been validated.  
17 Approval of the ballot proposition authorizing the reannexation by a  
18 simple majority vote shall authorize the reannexation.

19 **Sec. 31.** RCW 52.04.071 and 1984 c 230 s 16 are each amended to  
20 read as follows:

21 The county legislative authority or authorities shall by resolution  
22 call a special election to be held in the city or town and in the fire  
23 protection district at the next date provided in RCW 29.13.010 but not  
24 less than (~~forty-five~~) fifty-two days from the date of the  
25 declaration of the finding, and shall cause notice of the election to  
26 be given as provided for in RCW 29.27.080.

27 The election on the annexation of the city or town into the fire  
28 protection district shall be conducted by the auditor of the county or  
29 counties in which the city or town and the fire protection district are  
30 located in accordance with the general election laws of the state. The  
31 results thereof shall be canvassed by the canvassing board of the  
32 county or counties. No person is entitled to vote at the election  
33 unless he or she is a qualified elector in the city or town or unless  
34 he or she is a qualified elector within the boundaries of the fire  
35 protection district. The ballot proposition shall be in substantially  
36 the following form:

1 "Shall the city or town of . . . . . be annexed to and be a part  
2 of . . . . . fire protection district?

3 YES . . . . .

4 NO . . . . . "

5 If a majority of the persons voting on the proposition in the city  
6 or town and a majority of the persons voting on the proposition in the  
7 fire protection district vote in favor thereof, the city or town shall  
8 be annexed and shall be a part of the fire protection district.

9 **Sec. 32.** RCW 53.04.110 and 1998 c 240 s 1 are each amended to read  
10 as follows:

11 Any port district now existing or which may hereafter be organized  
12 under the laws of the state of Washington is hereby authorized to  
13 change its corporate name under the following conditions and in the  
14 following manner:

15 (1) On presentation, at least (~~forty-five~~) fifty-two days before  
16 any general port election to be held in the port district, of a  
17 petition to the commissioners of any port district now existing or  
18 which may hereafter be established under the laws of the state of  
19 Washington, signed by at least ten percent of the total number of  
20 voters of the port district who voted at the last general port election  
21 and asking that the corporate name of the port district be changed, it  
22 shall be the duty of the commissioners to submit to the voters of the  
23 port district the proposition as to whether the corporate name of the  
24 port shall be changed. The proposition shall be submitted at the next  
25 general port election.

26 (2) The petition shall contain the present corporate name of the  
27 port district and the corporate name which is proposed to be given to  
28 the port district.

29 (3) On submitting the proposition to the voters of the port  
30 district it shall be the duty of the port commissioners to cause to be  
31 printed on the official ballot used at the election the following  
32 proposition:

33 "Shall the corporate name, 'Port of . . . . . ' be changed to  
34 'Port of . . . . . ' . . . . . YES  
35 "Shall the corporate name, 'Port of . . . . . ' be changed to  
36 'Port of . . . . . ' . . . . . NO"

1 (4) At the time when the returns of the general election shall be  
2 canvassed by the commissioners of the port district, it shall be the  
3 duty of the commissioners to canvass the vote upon the proposition so  
4 submitted, recording in their record the result of the canvass.

5 (5) Should a majority of the registered voters of the port district  
6 voting at the general port election vote in favor of the proposition it  
7 shall be the duty of the port commissioners to certify the fact to the  
8 auditor of the county in which the port district shall be situated and  
9 to the secretary of state of the state of Washington, under the seal of  
10 the port district. On and after the filing of the certificate with the  
11 county auditor as aforesaid and with the secretary of state of the  
12 state of Washington, the corporate name of the port district shall be  
13 changed, and thenceforth the port district shall be known and  
14 designated in accordance therewith.

15 **Sec. 33.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to  
16 read as follows:

17 At any general election held in an even-numbered year, the county  
18 legislative authority of any county in this state may, or, on petition  
19 of ten percent of the qualified electors of the county based on the  
20 total vote cast in the last general county election held in an even-  
21 numbered year, shall, by resolution, submit to the voters of the county  
22 the proposition of creating a public utility district which shall be  
23 coextensive with the limits of the county as now or hereafter  
24 established. A form of petition for the creation of a public utility  
25 district shall be submitted to the county auditor within ten months  
26 prior to the election at which the proposition is to be submitted to  
27 the voters. Petitions shall be filed with the county auditor not less  
28 than four months before the election and the county auditor shall  
29 within thirty days examine the signatures thereof and certify to the  
30 sufficiency or insufficiency thereof. If the petition be found to be  
31 insufficient, it shall be returned to the persons filing the same, who  
32 may amend or add names thereto for ten days, when the same shall be  
33 returned to the county auditor, who shall have an additional fifteen  
34 days to examine the same and attach his certificate thereto. No person  
35 having signed the petition shall be allowed to withdraw his name  
36 therefrom after the filing of the same with the county auditor:  
37 PROVIDED, That each signature shall be dated and that no signature  
38 dated prior to the date on which the form of petition was submitted to

1 the county auditor shall be valid. Whenever the petition shall be  
2 certified to as sufficient, the county auditor shall forthwith transmit  
3 the same, together with his certificate of sufficiency attached  
4 thereto, to the county legislative authority which shall submit the  
5 proposition to the voters of the county at the next general election in  
6 an even-numbered year occurring (~~forty-five~~) fifty-two days after  
7 submission of the proposition to the legislative authority. The notice  
8 of the election shall state the boundaries of the proposed public  
9 utility district and the object of such election, and shall in other  
10 respects conform to the requirements of the general laws of the state  
11 of Washington, governing the time and manner of holding elections. In  
12 submitting the question to the voters for their approval or rejection,  
13 the proposition shall be expressed on the ballot substantially in the  
14 following terms:

15       Public Utility District No. . . . . YES 1  
16       Public Utility District No. . . . . NO 1

17       Any petition for the formation of a public utility district may  
18 describe a less area than the entire county in which the petition is  
19 filed, the boundaries of which shall follow the then existing precinct  
20 boundaries and not divide any voting precinct; and in the event that  
21 such a petition is filed the county legislative authority shall fix a  
22 date for a hearing on such petition, and shall publish the petition,  
23 without the signatures thereto appended, for two weeks prior to the  
24 date of the hearing, together with a notice stating the time of the  
25 meeting when the petition will be heard. The publication, and all  
26 other publications required by chapter 1, Laws of 1931, shall be in a  
27 newspaper of general circulation in the county in which the district is  
28 situated. The hearing on the petition may be adjourned from time to  
29 time, not exceeding four weeks in all. If upon the final hearing the  
30 county legislative authority shall find that any lands have been  
31 unjustly or improperly included within the proposed public utility  
32 district and will not be benefited by inclusion therein, it shall  
33 change and fix the boundary lines in such manner as it shall deem  
34 reasonable and just and conducive to the public welfare and  
35 convenience, and make and enter an order establishing and defining the  
36 boundary lines of the proposed public utility district: PROVIDED, That  
37 no lands shall be included within the boundaries so fixed lying outside  
38 the boundaries described in the petition, except upon the written

1 request of the owners of those lands. Thereafter the same procedure  
2 shall be followed as prescribed in this chapter for the formation of a  
3 public utility district including an entire county, except that the  
4 petition and election shall be confined solely to the lesser public  
5 utility district.

6 No public utility district created after September 1, 1979, shall  
7 include any other public utility district within its boundaries:  
8 PROVIDED, That this paragraph shall not alter, amend, or modify  
9 provisions of chapter 54.32 RCW.

10 **Sec. 34.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended  
11 to read as follows:

12 Any district which does not own or operate electric facilities for  
13 the generation, transmission or distribution of electric power on March  
14 25, 1969, or any district which hereafter does not construct or acquire  
15 such electric facilities within ten years of its creation, shall not  
16 construct or acquire any such electric facilities without the approval  
17 of such proposal by the voters of such district: PROVIDED, That a  
18 district shall have the power to construct or acquire electric  
19 facilities within ten years following its creation by action of its  
20 commission without voter approval of such action.

21 At any general election held in an even-numbered year, the proposal  
22 to construct or acquire electric facilities may be submitted to the  
23 voters of the district by resolution of the public utility district  
24 commission or shall be submitted to the voters of the district by the  
25 county legislative authority on petition of ten percent of the  
26 qualified electors of such district, based on the total vote cast in  
27 the last general county election held in an even-numbered year. A form  
28 of petition for the construction or acquisition of electric facilities  
29 by the public utility district shall be submitted to the county auditor  
30 within ten months prior to the election at which such proposition is to  
31 be submitted to the voters. Petitions shall be filed with the county  
32 auditor not less than four months before such election and the county  
33 auditor shall within thirty days examine the signatures thereof and  
34 certify to the sufficiency or insufficiency thereof. If such petition  
35 is found to be insufficient, it shall be returned to the persons filing  
36 the same, who may amend and add names thereto for ten days, when the  
37 same shall be returned to the county auditor, who shall have an  
38 additional fifteen days to examine the same and attach his certificate

1 thereto. No person having signed such petition shall be allowed to  
2 withdraw his name therefrom after the filing of the same with the  
3 county auditor: PROVIDED, That each signature shall be dated and that  
4 no signature dated prior to the date on which the form of petition was  
5 submitted to the county auditor shall be valid. Whenever such petition  
6 shall be certified to as sufficient, the county auditor shall forthwith  
7 transmit the same, together with his certificate of sufficiency  
8 attached thereto, to the county legislative authority which shall  
9 submit such proposition to the voters of said district at the next  
10 general election in an even-numbered year occurring (~~forty-five~~)  
11 fifty-two days after submission of the proposition to said legislative  
12 authority. The notice of the election shall state the object of such  
13 election, and shall in other respects conform to the requirements of  
14 the general laws of Washington, governing the time and manner of  
15 holding elections.

16 The proposal submitted to the voters for their approval or  
17 rejection, shall be expressed on the ballot substantially in the  
18 following terms:

19 Shall Public Utility District No. . . . . of . . . . . County  
20 construct or acquire electric facilities for the generation,  
21 transmission or distribution of electric power?

|    |     |   |
|----|-----|---|
| 22 | Yes | 1 |
| 23 | No  | 1 |

24 Within ten days after such election, the election board of the  
25 county shall canvass the returns, and if at such election a majority of  
26 the voters voting on such proposition shall vote in favor of such  
27 construction or acquisition of electric facilities, the district shall  
28 be authorized to construct or acquire electric facilities.

29 **Sec. 35.** RCW 57.04.050 and 1999 c 153 s 1 are each amended to read  
30 as follows:

31 Upon entry of the findings of the final hearing on the petition if  
32 one or more county legislative authorities find that the proposed  
33 district will be conducive to the public health, welfare, and  
34 convenience and will benefit the land therein, they shall present a  
35 resolution to the county auditor calling for a special election to be  
36 held at a date specified under RCW 29.13.020, that occurs (~~forty-~~  
37 ~~five~~) fifty-two or more days after the resolution is presented, at

1 which a ballot proposition authorizing the district to be created shall  
2 be submitted to voters for their approval or rejection. The  
3 commissioners shall cause to be published a notice of the election for  
4 four successive weeks in a newspaper of general circulation in the  
5 proposed district, which notice shall state the hours during which the  
6 polls will be open, the boundaries of the district as finally adopted  
7 and the object of the election, and the notice shall also be posted ten  
8 days in ten public places in the proposed district. The district shall  
9 be created if the ballot proposition authorizing the district to be  
10 created is approved by a majority of the voters voting on the  
11 proposition.

12 A separate ballot proposition authorizing the district, if created,  
13 to impose a single-year excess levy for the preliminary expenses of the  
14 district shall be submitted to voters for their approval or rejection  
15 at the same special election, if the petition to create the district  
16 also proposed that a ballot proposition authorizing an excess levy be  
17 submitted to voters for their approval or rejection. The excess levy  
18 shall be proposed in the amount specified in the petition to create the  
19 district, not to exceed one dollar and twenty-five cents per thousand  
20 dollars of assessed value, and may only be submitted to voters for  
21 their approval or rejection if the special election is held in  
22 February, March, or April(~~(, or May)~~). The proposition to be effective  
23 must be approved in the manner set forth in Article VII, section 2(a)  
24 of the state Constitution.

25 **Sec. 36.** RCW 70.44.235 and 1987 c 138 s 4 are each amended to read  
26 as follows:

27 (1) As provided in this section, a public hospital district may  
28 withdraw areas from its boundaries, or reannex areas into the public  
29 hospital district that previously had been withdrawn from the public  
30 hospital district under this section.

31 (2) The withdrawal of an area shall be authorized upon: (a)  
32 Adoption of a resolution by the hospital district commissioners  
33 requesting the withdrawal and finding that, in the opinion of the  
34 commissioners, inclusion of this area within the public hospital  
35 district will result in a reduction of the district's tax levy rate  
36 under the provisions of RCW 84.52.010; and (b) adoption of a resolution  
37 by the city or town council approving the withdrawal, if the area is  
38 located within the city or town, or adoption of a resolution by the



1 county legislative authority of the county within which the area is  
2 located approving the withdrawal, if the area is located outside of a  
3 city or town. A withdrawal shall be effective at the end of the day on  
4 the thirty-first day of December in the year in which the resolutions  
5 are adopted, but for purposes of establishing boundaries for property  
6 tax purposes, the boundaries shall be established immediately upon the  
7 adoption of the second resolution.

8 The withdrawal of an area from the boundaries of a public hospital  
9 district shall not exempt any property therein from taxation for the  
10 purpose of paying the costs of redeeming any indebtedness of the public  
11 hospital district existing at the time of the withdrawal.

12 (3) An area that has been withdrawn from the boundaries of a public  
13 hospital district under this section may be reannexed into the public  
14 hospital district upon: (a) Adoption of a resolution by the hospital  
15 district commissioners proposing the reannexation; and (b) adoption of  
16 a resolution by the city or town council approving the reannexation, if  
17 the area is located within the city or town, or adoption of a  
18 resolution by the county legislative authority of the county within  
19 which the area is located approving the reannexation, if the area is  
20 located outside of a city or town. The reannexation shall be effective  
21 at the end of the day on the thirty-first day of December in the year  
22 in which the adoption of the second resolution occurs, but for purposes  
23 of establishing boundaries for property tax purposes, the boundaries  
24 shall be established immediately upon the adoption of the second  
25 resolution. Referendum action on the proposed reannexation may be  
26 taken by the voters of the area proposed to be reannexed if a petition  
27 calling for a referendum is filed with the city or town council, or  
28 county legislative authority, within a thirty-day period after the  
29 adoption of the second resolution, which petition has been signed by  
30 registered voters of the area proposed to be reannexed equal in number  
31 to ten percent of the total number of the registered voters residing in  
32 that area.

33 If a valid petition signed by the requisite number of registered  
34 voters has been so filed, the effect of the resolutions shall be held  
35 in abeyance and a ballot proposition to authorize the reannexation  
36 shall be submitted to the voters of the area at the next special  
37 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)  
38 fifty-two or more days after the petitions have been validated.

1 Approval of the ballot proposition authorizing the reannexation by a  
2 simple majority vote shall authorize the reannexation.

3 NEW SECTION. **Sec. 37.** RCW 29.01.160 (September primary) and 1965  
4 c 9 s 29.01.160 are each repealed.

5 NEW SECTION. **Sec. 38.** This act takes effect January 1, 2003.

--- END ---