
SENATE BILL 6182

State of Washington **57th Legislature 2001 First Special Session**

By Senators Swecker and Prentice

Read first time . Referred to Committee on .

1 AN ACT Relating to primaries; amending RCW 29.01.090, 29.04.180,
2 29.24.070, 29.27.020, 29.27.030, 29.30.005, 29.30.095, 29.30.101,
3 29.42.010, 29.42.050, and 42.17.020; adding new sections to chapter
4 29.01 RCW; adding a new section to chapter 29.07 RCW; adding new
5 sections to chapter 29.15 RCW; adding a new chapter to Title 29 RCW;
6 repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, and
7 29.18.200; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
10 create a primary for all elected offices, other than president and vice
11 president, that:

12 (1) Allows all voters, including independents and those
13 unaffiliated with a political party, to participate;

14 (2) Preserves the privacy of voters' ballot selection and party
15 affiliation, if any;

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

17 (4) Protects ballot access for minor political parties and
18 independent candidates;

1 (5) Maintains the right of any candidate to self-identify with any
2 major political party; and

3 (6) Upholds a political party's First Amendment right of
4 association.

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

7 (1) "Major political party" means a political party of which at
8 least one nominee for president, vice president, United States senator,
9 or a statewide office received at least five percent of the total vote
10 cast at the last preceding state general election in an even-numbered
11 year((PROVIDED, That any political party qualifying as a major
12 political party under the previous subsection (2) or subsection (3) of
13 this section prior to its 1977 amendment shall retain such status until
14 after the next state general election following June 30, 1977)).

15 (2) A political party that has not achieved major political party
16 status before the November 2000 general election must indicate by party
17 rule filed with the secretary of state that the party accepts its
18 status as a major political party. If such a rule is not filed with
19 the secretary of state within sixty days of attaining major party
20 status under this section or within sixty days of the effective date of
21 this act, the party remains a minor party under RCW 29.01.100.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.01 RCW
23 to read as follows:

24 "Standard ballot" is a primary ballot that includes the name of
25 each candidate for any office for which a primary is being conducted
26 and each ballot measure. If a major political party requests the use
27 of a party ballot, the names of candidates who have indicated an
28 affiliation with that major party on their declaration of candidacy
29 filed under RCW 29.15.010 may not appear on the standard ballot.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 29.01 RCW
31 to read as follows:

32 "Party ballot" is a major political party's primary ballot that
33 includes only:

34 (1) The names of candidates for partisan office who have indicated
35 affiliation with that major party in filing a declaration of candidacy
36 under RCW 29.15.010, or have been nominated by that major party's state

1 or county central committee to fill a vacancy under section 15 or 16 of
2 this act;

3 (2) The names of each candidate for every nonpartisan office
4 appearing on the ballot; and

5 (3) All ballot measures appearing on the ballot.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 29.07 RCW
7 to read as follows:

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

11 NEW SECTION. **Sec. 6.** Candidates for all elected offices, except
12 for president and vice president, precinct committee officer, and
13 offices exempted from the primary under RCW 29.15.150 or 29.21.015,
14 will be nominated at primaries held under this chapter.

15 NEW SECTION. **Sec. 7.** So far as applicable, the provisions of this
16 title relating to conducting general elections govern the conduct of
17 primaries.

18 NEW SECTION. **Sec. 8.** (1) For each primary, the county auditor
19 shall prepare a standard ballot.

20 (2) For each primary in which a major party has, by party rule
21 adopted under section 11 of this act, requested a party ballot, the
22 county auditor shall prepare the party ballot. However, in any given
23 precinct in which no candidate from a major political party has filed
24 or been nominated to fill a vacancy for any office, the jurisdiction of
25 which includes the precinct, then no ballot for that major political
26 party need be printed and made available to voters residing in the
27 precinct.

28 NEW SECTION. **Sec. 9.** When casting a ballot in a primary, a voter
29 must be allowed to select, in private, either a party ballot or a
30 standard ballot, but a party ballot need be made available only if the
31 party requested one and the name of at least one candidate affiliated
32 with the major political party appears on the ballot. Each voter is
33 limited to casting only one ballot. If more than one ballot is
34 submitted by a voter, then each ballot is disqualified, except that if

1 one of the ballots is a special ballot, then the county auditor retains
2 the right to consider whether disqualification of either ballot is
3 appropriate.

4 NEW SECTION. **Sec. 10.** Voters must be afforded privacy when
5 selecting between each of the party ballots and the standard ballot.
6 No record may be created or maintained by a state or local governmental
7 agency or political organization of an individual voter's choice of
8 ballot.

9 NEW SECTION. **Sec. 11.** (1) A major political party may request, by
10 party rule adopted under this chapter, that a primary party ballot
11 containing only the names of candidates of that party be prepared.

12 (2) A major political party shall give written notification of the
13 adoption and current status of the rule adopted under subsection (1) of
14 this section to the secretary of state by July 1st of each year.

15 (3) If a major political party adopts an appropriate rule under
16 subsection (1) of this section, then the party's nominee will be
17 determined by tabulating votes cast by party ballot only.

18 (4) The decision by a major political party to accept only ballots
19 cast by party ballot does not affect the right of any other political
20 party to accept votes cast by standard ballot.

21 NEW SECTION. **Sec. 12.** Prominent notification regarding whether or
22 not a major political party has requested a party ballot for use in the
23 primary must be made on:

24 (1) The standard ballot;

25 (2) A voters' pamphlet prepared under chapter 29.81A RCW;

26 (3) The web site of the office of the secretary of state;

27 (4) Each county auditors' web site if a web site is in existence;

28 and

29 (5) The local voters' pamphlet of candidates for office if the
30 legislative authority of a county or first-class or code city provides
31 for the inclusion of partisan candidates in the local voters' pamphlet.

32 NEW SECTION. **Sec. 13.** The secretary of state as chief election
33 officer shall adopt rules under chapter 34.05 RCW to facilitate the
34 operation, accomplishment, and purpose of this chapter. Rules adopted
35 under this chapter that establish standards for the layout, design,

1 production, preparation, distribution, receipt, handling, tabulation,
2 canvassing, recounting, and storage of ballots must account for and
3 protect each voter's right to privacy regarding ballot choice and
4 candidate selection.

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

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

17 Votes cast for write-in candidates who have filed such declarations
18 of candidacy and write-in votes for persons appointed by political
19 parties (~~pursuant to RCW 29.18.160~~) under section 16 of this act need
20 only specify the name of the candidate in the appropriate location on
21 the ballot in order to be counted. Write-in votes cast for any other
22 candidate, in order to be counted, must designate the office sought and
23 position number or political party, if applicable. In order for write-
24 in votes to be valid in jurisdictions employing optical-scan mark sense
25 ballot systems the voter must complete the proper mark next to the
26 write-in line for that office.

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

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

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

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

1 The declaration of candidacy shall be similar to that required by
2 RCW 29.15.010. No write-in candidate filing under ((RCW 29.04.180))
3 this section may be included in any voter's pamphlet produced under
4 chapter ((29.80)) 29.81 RCW unless that candidate qualifies to have his
5 or her name printed on the general election ballot. The legislative
6 authority of any jurisdiction producing a local voter's pamphlet under
7 chapter 29.81A RCW may provide, by ordinance, for the inclusion of
8 write-in candidates in such pamphlets.

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

11 If a place on the ticket of a major political party is vacant
12 because no person has filed for nomination as the candidate of that
13 major political party after the last day allowed for candidates to
14 withdraw under RCW 29.15.120, and if the vacancy is for a state or
15 county office to be voted on solely by the electors of a single county,
16 the county central committee of the major political party may select
17 and certify a candidate to fill the vacancy. If the vacancy is for any
18 other office, the state central committee of the major political party
19 may select and certify a candidate to fill the vacancy. The
20 certificate must set forth the cause of the vacancy, the name of the
21 person nominated, the office for which nominated, and other pertinent
22 information required in an ordinary certificate of nomination and be
23 filed in the proper office no later than the first Friday after the
24 last day allowed for candidates to withdraw, together with the
25 candidate's fee applicable to that office and a declaration of
26 candidacy.

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

29 A vacancy caused by the death or disqualification of a candidate or
30 nominee of a major or minor political party may be filled at any time
31 up to and including the day before the election for that position. For
32 state partisan offices in a political subdivision voted on solely by
33 electors of a single county, the county central committee in the case
34 of a major political party or the state central committee or comparable
35 governing body in the case of a minor political party shall appoint a
36 person to fill the vacancy. For other partisan offices, including
37 federal or statewide offices, the state central committee or comparable

1 governing body of the appropriate political party shall appoint a
2 person to fill the vacancy.

3 If the vacancy occurs no later than the third Tuesday before the
4 primary or general election concerned and the ballots and voting
5 machine labels have been printed, the appropriate election officers
6 shall correct the ballots and labels. In making the correction, it is
7 not necessary to reprint complete ballots if any other less expensive
8 technique can be used and the resulting correction is reasonably clear.

9 If the vacancy occurs after the third Tuesday before the primary or
10 general election and time does not exist in which to correct paper
11 ballots (including absentee ballots) or voting machine labels, either
12 in total or in part, then the votes cast or recorded for the person who
13 has died or become disqualified must be counted for the person who has
14 been named to fill the vacancy.

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

19 If the secretary of state has already sent forth the certificate
20 when the appointment to fill a vacancy is filed, the secretary of state
21 shall immediately certify to the county auditors of the proper counties
22 the name and place of residence of the person appointed to fill a
23 vacancy, the office for which the person is a candidate or nominee, the
24 party represented, and all other pertinent facts pertaining to the
25 vacancy.

26 **Sec. 17.** RCW 29.24.070 and 1990 c 59 s 103 are each amended to
27 read as follows:

28 Not later than the Friday immediately preceding the first day for
29 candidates to file, the secretary of state shall notify the county
30 auditors of the names and designations of all minor party and
31 independent candidates who have filed valid convention certificates and
32 nominating petitions with that office. Except for the offices of
33 president and vice president, persons nominated under this chapter
34 shall file declarations of candidacy as provided by RCW 29.15.010 and
35 29.15.030. The name of a candidate nominated at a convention shall not
36 be printed upon the ((primary)) ballot at a primary unless ((he)) the
37 candidate pays the fee required by law to be paid by candidates for the
38 same office to be nominated at a primary.

1 **Sec. 18.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
2 as follows:

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

10 **Sec. 19.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended
11 to read as follows:

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

26 **Sec. 20.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read
27 as follows:

28 Except for the candidates for the positions of president and vice
29 president or for ~~((a partisan or nonpartisan))~~ an office for which no
30 primary is required, the names of all candidates who have filed for
31 ~~((nomination under chapter 29.18 RCW and those independent candidates~~
32 ~~and candidates of minor political parties who have been nominated under~~
33 ~~chapter 29.24 RCW shall))~~ office under chapter 29.15 RCW must appear on
34 the appropriate ballot at the primary throughout the jurisdiction in
35 which they are to be nominated.

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

3 (1) The name of a candidate for a partisan office for which a
4 primary was conducted shall not be printed on the ballot for that
5 office at the subsequent general election unless the candidate receives
6 a number of votes equal to at least one percent of the total number
7 cast for all candidates for that position sought and a plurality of the
8 votes cast for the candidates of his or her party for that office at
9 the preceding primary on the standard ballot.

10 (2) If a major political party has requested a party ballot, the
11 name of a major political party candidate for which a primary was
12 conducted may not appear on the ballot for that office at the
13 subsequent general election unless the candidate receives a number of
14 votes equal to at least one percent of the total number cast for all
15 candidates for that position sought and a plurality of the votes cast
16 for the candidates of his or her party for that office at the preceding
17 primary on the party ballot.

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

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

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

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

34 **Sec. 23.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended
35 to read as follows:

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

37 (1) Make its own rules and regulations;

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

10 **Sec. 24.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
11 read as follows:

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

1 candidates when filing for election to such office for such precinct:
2 PROVIDED FURTHER, That when a vacancy in the office of precinct
3 committee officer exists because of failure to elect at a state general
4 election, such vacancy shall not be filled until after the organization
5 meeting of the county central committee and the new county chair
6 selected as provided by RCW 29.42.030.

7 **Sec. 25.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
8 as follows:

9 (1) "Agency" includes all state agencies and all local agencies.
10 "State agency" includes every state office, department, division,
11 bureau, board, commission, or other state agency. "Local agency"
12 includes every county, city, town, municipal corporation, quasi-
13 municipal corporation, or special purpose district, or any office,
14 department, division, bureau, board, commission, or agency thereof, or
15 other local public agency.

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

20 (3) "Ballot proposition" means any "measure" as defined by RCW
21 29.01.110, or any initiative, recall, or referendum proposition
22 proposed to be submitted to the voters of the state or any municipal
23 corporation, political subdivision, or other voting constituency from
24 and after the time when the proposition has been initially filed with
25 the appropriate election officer of that constituency prior to its
26 circulation for signatures.

27 (4) "Benefit" means a commercial, proprietary, financial, economic,
28 or monetary advantage, or the avoidance of a commercial, proprietary,
29 financial, economic, or monetary disadvantage.

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

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

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

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

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

6 (7) "Treasurer" and "deputy treasurer" mean the individuals
7 appointed by a candidate or political committee, pursuant to RCW
8 42.17.050, to perform the duties specified in that section.

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

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

14 (b) Announces publicly or files for office;

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

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

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

22 (10) "Commercial advertiser" means any person who sells the service
23 of communicating messages or producing printed material for broadcast
24 or distribution to the general public or segments of the general public
25 whether through the use of newspapers, magazines, television and radio
26 stations, billboard companies, direct mail advertising companies,
27 printing companies, or otherwise.

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

29 (12) "Compensation" unless the context requires a narrower meaning,
30 includes payment in any form for real or personal property or services
31 of any kind: PROVIDED, That for the purpose of compliance with RCW
32 42.17.241, the term "compensation" shall not include per diem
33 allowances or other payments made by a governmental entity to reimburse
34 a public official for expenses incurred while the official is engaged
35 in the official business of the governmental entity.

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

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

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

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

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

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

15 (b) "Contribution" does not include:

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

18 (ii) Ordinary home hospitality;

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

22 (iv) A news item, feature, commentary, or editorial in a regularly
23 scheduled news medium that is of primary interest to the general
24 public, that is in a news medium controlled by a person whose business
25 is that news medium, and that is not controlled by a candidate or a
26 political committee;

27 (v) An internal political communication primarily limited to the
28 members of or contributors to a political party organization or
29 political committee, or to the officers, management staff, or
30 stockholders of a corporation or similar enterprise, or to the members
31 of a labor organization or other membership organization;

32 (vi) The rendering of personal services of the sort commonly
33 performed by volunteer campaign workers, or incidental expenses
34 personally incurred by volunteer campaign workers not in excess of
35 fifty dollars personally paid for by the worker. "Volunteer services,"
36 for the purposes of this section, means services or labor for which the
37 individual is not compensated by any person;

38 (vii) Messages in the form of reader boards, banners, or yard or
39 window signs displayed on a person's own property or property occupied

1 by a person. However, a facility used for such political advertising
2 for which a rental charge is normally made must be reported as an in-
3 kind contribution and counts towards any applicable contribution limit
4 of the person providing the facility;

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

6 (A) A political party or caucus political committee if the person
7 paying for the services is the regular employer of the person rendering
8 such services; or

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

13 (c) Contributions other than money or its equivalent are deemed to
14 have a monetary value equivalent to the fair market value of the
15 contribution. Services or property or rights furnished at less than
16 their fair market value for the purpose of assisting any candidate or
17 political committee are deemed a contribution. Such a contribution
18 must be reported as an in-kind contribution at its fair market value
19 and counts towards any applicable contribution limit of the provider.

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

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

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

33 (18) "Election cycle" means the period beginning on the first day
34 of December after the date of the last previous general election for
35 the office that the candidate seeks and ending on November 30th after
36 the next election for the office. In the case of a special election to
37 fill a vacancy in an office, "election cycle" means the period
38 beginning on the day the vacancy occurs and ending on November 30th
39 after the special election.

1 (19) "Expenditure" includes a payment, contribution, subscription,
2 distribution, loan, advance, deposit, or gift of money or anything of
3 value, and includes a contract, promise, or agreement, whether or not
4 legally enforceable, to make an expenditure. The term "expenditure"
5 also includes a promise to pay, a payment, or a transfer of anything of
6 value in exchange for goods, services, property, facilities, or
7 anything of value for the purpose of assisting, benefiting, or honoring
8 any public official or candidate, or assisting in furthering or
9 opposing any election campaign. For the purposes of this chapter,
10 agreements to make expenditures, contracts, and promises to pay may be
11 reported as estimated obligations until actual payment is made. The
12 term "expenditure" shall not include the partial or complete repayment
13 by a candidate or political committee of the principal of a loan, the
14 receipt of which loan has been properly reported.

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

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

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

20 (23) "Immediate family" includes the spouse, dependent children,
21 and other dependent relatives, if living in the household. For the
22 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
23 an individual's spouse, and child, stepchild, grandchild, parent,
24 stepparent, grandparent, brother, half brother, sister, or half sister
25 of the individual and the spouse of any such person and a child,
26 stepchild, grandchild, parent, stepparent, grandparent, brother, half
27 brother, sister, or half sister of the individual's spouse and the
28 spouse of any such person.

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

31 (a) It is made in support of or in opposition to a candidate for
32 office by a person who is not (i) a candidate for that office, (ii) an
33 authorized committee of that candidate for that office, (iii) a person
34 who has received the candidate's encouragement or approval to make the
35 expenditure, if the expenditure pays in whole or in part for political
36 advertising supporting that candidate or promoting the defeat of any
37 other candidate or candidates for that office, or (iv) a person with
38 whom the candidate has collaborated for the purpose of making the
39 expenditure, if the expenditure pays in whole or in part for political

1 advertising supporting that candidate or promoting the defeat of any
2 other candidate or candidates for that office;

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

7 (c) The expenditure, alone or in conjunction with another
8 expenditure or other expenditures of the same person in support of or
9 opposition to that candidate, has a value of five hundred dollars or
10 more. A series of expenditures, each of which is under five hundred
11 dollars, constitutes one independent expenditure if their cumulative
12 value is five hundred dollars or more.

13 (25)(a) "Intermediary" means an individual who transmits a
14 contribution to a candidate or committee from another person unless the
15 contribution is from the individual's employer, immediate family as
16 defined for purposes of RCW 42.17.640 through 42.17.790, or an
17 association to which the individual belongs.

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

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

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

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

31 (27) "Lobby" and "lobbying" each mean attempting to influence the
32 passage or defeat of any legislation by the legislature of the state of
33 Washington, or the adoption or rejection of any rule, standard, rate,
34 or other legislative enactment of any state agency under the state
35 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
36 "lobbying" includes an association's or other organization's act of
37 communicating with the members of that association or organization.

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

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

4 (30) "Person" includes an individual, partnership, joint venture,
5 public or private corporation, association, federal, state, or local
6 governmental entity or agency however constituted, candidate,
7 committee, political committee, political party, executive committee
8 thereof, or any other organization or group of persons, however
9 organized.

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

14 (32) "Political advertising" includes any advertising displays,
15 newspaper ads, billboards, signs, brochures, articles, tabloids,
16 flyers, letters, radio or television presentations, or other means of
17 mass communication, used for the purpose of appealing, directly or
18 indirectly, for votes or for financial or other support in any election
19 campaign.

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

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

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

32 (36) "Public record" includes any writing containing information
33 relating to the conduct of government or the performance of any
34 governmental or proprietary function prepared, owned, used, or retained
35 by any state or local agency regardless of physical form or
36 characteristics. For the office of the secretary of the senate and the
37 office of the chief clerk of the house of representatives, public
38 records means legislative records as defined in RCW 40.14.100 and also
39 means the following: All budget and financial records; personnel

1 leave, travel, and payroll records; records of legislative sessions;
2 reports submitted to the legislature; and any other record designated
3 a public record by any official action of the senate or the house of
4 representatives.

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

8 (38) "State legislative office" means the office of a member of the
9 state house of representatives or the office of a member of the state
10 senate.

11 (39) "State office" means state legislative office or the office of
12 governor, lieutenant governor, secretary of state, attorney general,
13 commissioner of public lands, insurance commissioner, superintendent of
14 public instruction, state auditor, or state treasurer.

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

16 (41) "Surplus funds" mean, in the case of a political committee or
17 candidate, the balance of contributions that remain in the possession
18 or control of that committee or candidate subsequent to the election
19 for which the contributions were received, and that are in excess of
20 the amount necessary to pay remaining debts incurred by the committee
21 or candidate prior to that election. In the case of a continuing
22 political committee, "surplus funds" mean those contributions remaining
23 in the possession or control of the committee that are in excess of the
24 amount necessary to pay all remaining debts when it makes its final
25 report under RCW 42.17.065.

26 (42) "Writing" means handwriting, typewriting, printing,
27 photostating, photographing, and every other means of recording any
28 form of communication or representation, including, but not limited to,
29 letters, words, pictures, sounds, or symbols, or combination thereof,
30 and all papers, maps, magnetic or paper tapes, photographic films and
31 prints, motion picture, film and video recordings, magnetic or punched
32 cards, discs, drums, diskettes, sound recordings, and other documents
33 including existing data compilations from which information may be
34 obtained or translated.

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

37 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
38 each repealed:

1 (1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 &
2 1965 c 9 s 29.18.010;

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

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

8 (4) RCW 29.18.160 (Vacancies by death or disqualification--How
9 filled--Correcting ballots and labels--Counting votes already cast) and
10 2001 c 46 s 4 & 1977 ex.s. c 329 s 13; and

11 (5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88
12 & 1965 c 9 s 29.18.200.

13 NEW SECTION. **Sec. 27.** Sections 1 and 6 through 13 of this act
14 constitute a new chapter in Title 29 RCW.

15 NEW SECTION. **Sec. 28.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 29.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 immediately.

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