

---

ENGROSSED SENATE BILL 6183

---

State of Washington

57th Legislature 2001 First Special Session

By Senators Snyder, Swecker, Kohl-Welles, Roach, Prentice, Horn,  
Jacobsen, Stevens, Constantine and Kline

READ FIRST TIME 05/04/2001. HELD ON FIRST READING.

1 AN ACT Relating to primaries; amending RCW 29.30.085, 29.01.090,  
2 29.01.130, 29.04.180, 29.04.190, 29.13.070, 29.15.010, 29.15.025,  
3 29.15.040, 29.15.050, 29.15.060, 29.15.070, 29.15.080, 29.15.150,  
4 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220, 29.18.010,  
5 29.18.160, 29.27.020, 29.27.050, 29.27.080, 29.27.090, 29.30.005,  
6 29.30.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, 29.62.010,  
7 29.62.180, 29.64.010, 29.64.015, 29.64.030, 29.64.040, 29.64.060,  
8 29.68.080, 29.68.130, 29.71.020, 29.81.220, 29.85.100, and 42.17.020;  
9 amending 2001 c ... (SB 5275) s 17; adding a new section to chapter  
10 29.07 RCW; adding a new section to chapter 29.18 RCW; adding a new  
11 section to chapter 29.01 RCW; adding a new section to chapter 29.15  
12 RCW; adding a new section to chapter 29.19 RCW; recodifying RCW  
13 29.24.055; repealing RCW 29.01.160, 29.15.200, 29.18.150, 29.30.095,  
14 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040,  
15 29.24.060, 29.24.070, and 29.24.---; providing an effective date; and  
16 declaring an emergency.

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

18 **Sec. 1.** RCW 29.30.085 and 1992 c 181 s 2 are each amended to read  
19 as follows:

1 (1) Except as provided in RCW 29.30.086 and in subsection (2) of  
2 this section, on the ballot at the general election for ((a  
3 ~~nonpartisan~~)) an office for which a primary was held, only the names of  
4 the candidate who received the greatest number of votes and the  
5 candidate who received the next greatest number of votes for that  
6 office shall appear under the title of that office, and the names shall  
7 appear in that order. If a primary was conducted, no candidate's name  
8 may be printed on the subsequent general election ballot unless he or  
9 she receives at least one percent of the total votes cast for that  
10 office at the preceding primary. On the ballot at the general election  
11 for ((~~any other nonpartisan~~)) an office for which no primary was held,  
12 the names of the candidates shall be listed in the order determined  
13 under RCW 29.30.025.

14 (2) On the ballot at the general election for the office of justice  
15 of the supreme court, judge of the court of appeals, judge of the  
16 superior court, or state superintendent of public instruction, if a  
17 candidate in a contested primary receives a majority of all the votes  
18 cast for that office or position, only the name of that candidate may  
19 be printed under the title of the office for that position.

20 NEW SECTION. Sec. 2. A new section is added to chapter 29.07 RCW  
21 to read as follows:

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

25 NEW SECTION. Sec. 3. A new section is added to chapter 29.18 RCW  
26 to read as follows:

27 (1) A primary is a critical stage in the public process by which  
28 voters elect candidates to public office. A primary may not be used to  
29 select the nominees of a political party.

30 (2) Whenever candidates for a partisan office are to be elected,  
31 the general election must be preceded by a primary conducted under this  
32 chapter, except as otherwise provided in law. Based upon votes cast at  
33 the primary, either one or two candidates must be certified as  
34 qualified to appear on the general election ballot, under RCW 29.27.050  
35 and 29.30.085.

36 (3) If a candidate expresses a party preference on his or her  
37 declaration of candidacy, then the preference will be listed for the

1 candidate on the primary and general election ballots. Each candidate  
2 who does not express a preference for a political party will be listed  
3 as an independent candidate on the primary and general election  
4 ballots. Party preferences will be listed for the information of  
5 voters only, and may not be used for any purpose relating to the  
6 conduct, canvassing, or certification of the primary, and may in no way  
7 limit the options available to voters in deciding for whom to cast a  
8 vote.

9 **Sec. 4.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to  
10 read as follows:

11 "Major political party" means a political party of which at least  
12 one (~~(nominee for president, vice president, United States senator, or~~  
13 ~~a statewide office received at least five percent of the total vote~~  
14 ~~cast at the last preceding state general election in an even-numbered~~  
15 ~~year:—~~ PROVIDED, That any political party qualifying as a major  
16 political party under the previous subsection (2) or subsection (3) of  
17 this section prior to its 1977 amendment shall retain such status until  
18 after the next state general election following June 30, 1977))  
19 candidate for an office voted upon statewide who expressed a preference  
20 for that party on his or her declaration of candidacy received at least  
21 five percent of the total vote cast at the last preceding primary  
22 election or general election occurring in a year in which the governor  
23 is elected.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 29.01 RCW  
25 to read as follows:

26 "Partisan office" means the following offices:

- 27 (1) United States senator and United States representative;  
28 (2) All state offices except (a) judicial offices and (b) the  
29 office of superintendent of public instruction;  
30 (3) All county offices except (a) judicial offices and (b) those  
31 offices where a county home rule charter provides otherwise.

32 **Sec. 6.** RCW 29.01.130 and 1965 c 9 s 29.01.130 are each amended to  
33 read as follows:

34 "Primary" or "primary election" means a statutory procedure (~~(for~~  
35 ~~nominating candidates to public office at the polls))~~ held before a  
36 general election by which each voter is permitted to cast a vote for

1 his or her preferred candidate for each office appearing on the ballot,  
2 without any limitation based on party preference or affiliation, of  
3 either the voter or the candidate, with the result of qualifying not  
4 more than two candidates for each office to appear on the general  
5 election ballot.

6       **Sec. 7.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read  
7 as follows:

8       (1) Any person who desires to be a write-in candidate and have such  
9 votes counted at a primary or election may(~~(, if the jurisdiction of~~  
10 ~~the office sought is entirely within one county,)~~) file a declaration  
11 of candidacy (~~(with the county auditor not later than the day before~~  
12 ~~the primary or election. If the jurisdiction of the office sought~~  
13 ~~encompasses more than one county the declaration of candidacy shall be~~  
14 ~~filed)~~) similar to the form in RCW 29.15.010 with the (~~(secretary of~~  
15 ~~state)~~) same officer as provided in RCW 29.15.030 not later than the  
16 day before the primary or election. Declarations of candidacy for  
17 write-in candidates must be accompanied by a filing fee in the same  
18 manner as required of other candidates filing for the office as  
19 provided in RCW 29.15.050.

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

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

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

35       (~~(2)~~) (b) The person attempting to file as a write-in candidate  
36 has already filed a valid write-in declaration for that primary or  
37 election, unless one or the other of the two filings is for the office  
38 of precinct committee person;

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

5       (4) The declaration of candidacy shall be similar to that required  
6 by RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may  
7 be included in any voter's pamphlet produced under chapter (~~(29-80)~~)  
8 29.81 RCW unless that candidate qualifies to have his or her name  
9 printed on the general election ballot. The legislative authority of  
10 any jurisdiction producing a local voter's pamphlet under chapter  
11 29.81A RCW may provide, by ordinance, for the inclusion of write-in  
12 candidates in such pamphlets.

13       **Sec. 8.** RCW 29.04.190 and 1988 c 181 s 2 are each amended to read  
14 as follows:

15       The secretary of state or county auditor who received a write-in  
16 declaration for a district encompassing more than one county shall  
17 notify each county auditor of any declarations filed with the secretary  
18 under RCW 29.04.180 for offices appearing on the ballot in that county.  
19 The county auditor shall ensure that those persons charged with  
20 counting the ballots for a primary or election are notified of all  
21 valid write-in candidates before the tabulation of those ballots.

22       **Sec. 9.** RCW 29.13.070 and 1977 ex.s. c 361 s 29 are each amended  
23 to read as follows:

24       (~~(Nominating)~~) Primaries for general elections to be held in  
25 November shall be held at the regular polling places in each precinct  
26 on the third Tuesday of the preceding September or on the seventh  
27 Tuesday immediately preceding such general election, whichever occurs  
28 first.

29       **Sec. 10.** RCW 29.15.010 and 1990 c 59 s 82 are each amended to read  
30 as follows:

31       A (~~(candidate)~~) person who desires to have his or her name printed  
32 on the ballot as a candidate for (~~(election to)~~) an office where  
33 ownership of property is not a prerequisite to vote, other than  
34 president of the United States(~~(7)~~) or vice president of the United  
35 States, (~~(or an office for which ownership of property is a~~  
36 ~~prerequisite to voting)~~) shall complete and file a declaration and

1 affidavit of candidacy for the office. The secretary of state shall  
2 adopt, by rule, a ~~((declaration of candidacy))~~ separate form for  
3 candidates for the office of precinct committee officer and a  
4 ~~((separate))~~ standard form for candidates for all other offices filing  
5 under this chapter. Included on the standard form ~~((shall))~~ must be:

6 (1) A place for the candidate to declare that he or she is a  
7 registered voter within the jurisdiction of the office for which he or  
8 she is filing, and the address at which he or she is registered;

9 (2) A place for the candidate to indicate the position for which he  
10 or she is filing;

11 (3) For partisan offices only, a place for the candidate to  
12 indicate ~~((a party designation, if applicable))~~ which major or minor  
13 political party, if any, or independent status, the candidate regards  
14 as best approximating his or her personal preference. A candidate may  
15 only list one party preference or may list independent;

16 (4) A place for the candidate to indicate the amount of the filing  
17 fee accompanying the declaration and affidavit of candidacy or for the  
18 candidate to indicate that he or she is filing a ~~((nominating))~~  
19 petition of candidacy in lieu of the filing fee under RCW 29.15.050;

20 (5) A place for the candidate to sign the declaration and affidavit  
21 of candidacy, stating that the information provided on the form is true  
22 and swearing or affirming that he or she will support the Constitution  
23 and laws of the United States and the Constitution and laws of the  
24 state of Washington~~((-~~

25 The secretary of state may require)); and

26 (6) Any other information ~~((on the form he or she))~~ that the  
27 secretary of state deems appropriate to facilitate the filing process.

28 **Sec. 11.** RCW 29.15.025 and 1999 c 298 s 9 are each amended to read  
29 as follows:

30 (1) A person filing a declaration and affidavit of candidacy for an  
31 office shall, at the time of filing, be a registered voter and possess  
32 the qualifications specified by law for persons who may be elected to  
33 the office.

34 (2) The name of a candidate for an office shall not appear on a  
35 ballot for that office unless, except as provided in RCW 3.46.067 and  
36 3.50.057, the candidate is, at the time the candidate's declaration and  
37 affidavit of candidacy is filed, properly registered to vote in the  
38 geographic area represented by the office. For the purposes of this

1 section, each geographic area in which registered voters may cast  
2 ballots for an office is represented by that office. If a person  
3 elected to an office must be (~~nominated~~) qualified from a district or  
4 similar division of the geographic area represented by the office, the  
5 name of a candidate for the office shall not appear on a primary ballot  
6 for that office unless the candidate is, at the time the candidate's  
7 declaration and affidavit of candidacy is filed, properly registered to  
8 vote in that district or division. The officer with whom declarations  
9 and affidavits of candidacy must be filed under this title shall review  
10 each such declaration filed regarding compliance with this subsection.

11 (3) This section does not apply to the office of a member of the  
12 United States congress.

13 **Sec. 12.** RCW 29.15.040 and 1987 c 110 s 2 are each amended to read  
14 as follows:

15 Any candidate may mail his or her declaration of candidacy for an  
16 office to the filing officer. Such declarations of candidacy shall be  
17 processed by the filing officer in the following manner:

18 (1) Any declaration received by the filing officer by mail before  
19 the tenth business day immediately preceding the first day for  
20 candidates to file for office shall be returned to the candidate  
21 submitting it, together with a notification that the declaration of  
22 candidacy was received too early to be processed. The candidate shall  
23 then be permitted to resubmit his or her declaration of candidacy  
24 during the filing period.

25 (2) Any properly executed declaration of candidacy received by mail  
26 on or after the tenth business day immediately preceding the first day  
27 for candidates to file for office and before the close of business on  
28 the last day of the filing period shall be included with filings made  
29 in person during the filing period. In primaries for partisan offices  
30 and judicial (~~elections~~) offices the filing officer shall determine  
31 by lot the order in which the names of those candidates shall appear  
32 upon sample and absentee primary ballots.

33 (3) Any declaration of candidacy received by the filing officer  
34 after the close of business on the last day for candidates to file for  
35 office shall be rejected and returned to the candidate attempting to  
36 file it.







1 signed the same petition more than once, he or she shall reject all but  
2 the first valid signature.

3 (3) If the officer with whom the petition is filed refuses to  
4 accept the petition or refuses to certify the petition as bearing  
5 sufficient valid signatures, the person filing the petition may appeal  
6 that action to the superior court. The application for judicial review  
7 shall take precedence over other cases and matters and shall be  
8 speedily heard and determined.

9 **Sec. 16.** RCW 29.15.080 and 1984 c 142 s 8 are each amended to read  
10 as follows:

11 The following apply to persons signing (~~nominating~~) petitions of  
12 candidacy prescribed by RCW 29.15.060:

13 (1) A person who signs a petition with any other than his or her  
14 name (~~shall be~~) is guilty of a misdemeanor.

15 (2) A person (~~shall be~~) is guilty of a misdemeanor if the person  
16 knowingly: Signs more than one petition for any single candidacy of  
17 any single candidate; signs the petition when he or she is not a legal  
18 voter; or makes a false statement as to his or her residence.

19 **Sec. 17.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read  
20 as follows:

21 Whenever it shall be necessary to hold a special election in an  
22 odd-numbered year to fill an unexpired term of any office which is  
23 scheduled to be voted upon for a full term in an even-numbered year, no  
24 (~~September~~) primary election shall be held in the odd-numbered year  
25 if, after the last day allowed for candidates to withdraw, (~~either of~~  
26 ~~the following circumstances exist:~~

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

30 (~~2~~)) no more than two candidates have filed a declaration of  
31 candidacy for a single (~~nonpartisan~~) office to be filled.

32 In (~~either~~) this event, the officer with whom the declarations of  
33 candidacy were filed shall immediately notify all candidates concerned  
34 and the names of the candidates that would have been printed upon the  
35 (~~September~~) primary ballot, but for the provisions of this section,  
36 shall be printed as (~~nominees~~) candidates for the positions sought  
37 upon the (~~November~~) general election ballot.

1       **Sec. 18.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each  
2 amended to read as follows:

3       A void in candidacy for ((~~a nonpartisan~~)) an office occurs when an  
4 election for such office, except for the short term, has been scheduled  
5 and no valid declaration of candidacy has been filed for the position  
6 or all persons filing such valid declarations of candidacy have died or  
7 been disqualified.

8       **Sec. 19.** RCW 29.15.170 and 2001 c 46 s 1 are each amended to read  
9 as follows:

10       Filings for ((~~a nonpartisan~~)) an office shall be reopened for a  
11 period of three normal business days, such three day period to be fixed  
12 by the election officer with whom such declarations of candidacy are  
13 filed and notice thereof given by notifying press, radio, and  
14 television in the county or counties involved, and by such other means  
15 as may now or hereafter be provided by law whenever before the sixth  
16 Tuesday prior to a primary:

17       (1) A void in candidacy occurs;

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

21       (3) A ((~~nominee~~)) candidate for judge of the superior court  
22 entitled to a certificate of election pursuant to Article 4, section  
23 29, Amendment 41 of the state Constitution, dies or is disqualified.

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

26       NEW SECTION. **Sec. 20.** A new section is added to chapter 29.15 RCW  
27 to read as follows:

28       If the death or disqualification of a candidate for a partisan or  
29 nonpartisan office does not give rise to the opening of a new filing  
30 period under RCW 29.15.170 and if no appointment is made under RCW  
31 29.18.160, then the following will occur:

32       (1) If the candidate dies or becomes disqualified after filing a  
33 declaration of candidacy but before the close of the filing period,  
34 then the declaration of candidacy is void and his or her name will not  
35 appear on the ballot.

36       (2)(a) If the candidate dies or becomes disqualified after the  
37 close of the filing period but before the day of the primary, then his

1 or her name will appear on the primary ballot and all otherwise valid  
2 votes for that candidate will be tabulated. The candidate's name will  
3 not appear on the general election ballot even if he or she otherwise  
4 would have qualified to do so, but no other candidate will advance or  
5 be substituted in place of that candidate.

6 (b) If the candidate was the only candidate to qualify to advance  
7 to the general election, then the general election for that office  
8 lapses, and the office will be regarded as vacant as of the time the  
9 newly elected official would have otherwise taken office.

10 (3) If the candidate dies or becomes disqualified on or after the  
11 day of the primary, and he or she would have otherwise qualified to  
12 appear on the general election ballot, then his or her name will appear  
13 on the general election ballot and all otherwise valid votes for that  
14 candidate will be tabulated. If the candidate received a number of  
15 votes sufficient to be elected to office, but for his or her death or  
16 disqualification, then the office will be regarded as vacant as of the  
17 time the newly elected official would have otherwise taken office.

18 **Sec. 21.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each  
19 amended to read as follows:

20 A scheduled election (~~((shall be lapsed))~~) lapses, the office is  
21 deemed stricken from the ballot, no purported write-in votes may be  
22 counted, and no candidate may be certified as elected, when:

23 (1) In an election for judge of the supreme court (~~((or))~~),  
24 superintendent of public instruction, or a partisan office, a void in  
25 candidacy occurs on or after the fourth Tuesday prior to a primary,  
26 public filings and the primary being an indispensable phase of the  
27 election process for such offices;

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

33 (3) In other elections for nonpartisan office a void in candidacy  
34 occurs or a vacancy occurs involving an unexpired term to be filled on  
35 or after the fourth Tuesday prior to an election.

36 **Sec. 22.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each amended to  
37 read as follows:

1 The election officer with whom declarations of candidacy are filed  
2 shall give notice of a void in candidacy for ~~((a nonpartisan))~~ an  
3 office((~~7~~)) by notifying press, radio, and television in the county or  
4 counties involved and by such other means as may now or hereafter be  
5 provided by law. The notice shall state the office, and the time and  
6 place for filing declarations of candidacy.

7 **Sec. 23.** RCW 29.15.220 and 1972 ex.s. c 61 s 6 are each amended to  
8 read as follows:

9 Filings to fill a void in candidacy for ~~((nonpartisan))~~ an office  
10 shall be made in the same manner and with the same official as required  
11 during the regular filing period for such office(~~(:—PROVIDED, That~~  
12 ~~nominating signature))~~). Petitions ((which may be)) of candidacy that  
13 are required of candidates filing ~~((for certain district offices))~~  
14 during the normal filing period shall not be required of candidates  
15 filing during the special three day filing period.

16 **Sec. 24.** RCW 29.18.010 and 1990 c 59 s 78 are each amended to read  
17 as follows:

18 Candidates for ~~((the following offices shall be nominated at))~~  
19 partisan offices will appear on the ballot at primaries held ((pursuant  
20 to the provisions of)) under this chapter(~~(:—~~

21 ~~(1) Congressional offices;~~

22 ~~(2) All state offices except (a) judicial offices and (b) the~~  
23 ~~office of superintendent of public instruction;~~

24 ~~(3) All county offices except (a) judicial offices and (b) those~~  
25 ~~offices where a county home rule charter provides otherwise)).~~

26 **Sec. 25.** RCW 29.18.160 and 2001 c 46 s 4 are each amended to read  
27 as follows:

28 A vacancy caused by the death or disqualification of any candidate  
29 ~~((or nominee of))~~ for a partisan office who is affiliated with a major  
30 or minor political party that would result in no candidate affiliated  
31 with that party being on the primary ballot for a partisan office, may  
32 be filled at any time up to and including the day ~~((prior to the~~  
33 ~~election))~~ before the primary for that position. For ~~((state))~~  
34 partisan offices ((in any political subdivision voted on solely by  
35 electors)) of a county or the state legislature voted on solely by  
36 voters all or part of a single county, an individual ((shall)) may be

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

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

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

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

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

36 **Sec. 26.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read  
37 as follows:

1 On or before the day following the last day allowed for (~~political~~  
2 ~~parties to fill vacancies in the ticket as provided by RCW 29.18.150~~)  
3 candidates to withdraw under RCW 29.15.120, the secretary of state  
4 shall certify to each county auditor a list of the candidates who have  
5 filed declarations of candidacy in his or her office for the primary.  
6 For each office, the certificate shall include the name of each  
7 candidate, his or her address, and his or her party designation, if  
8 any.

9 **Sec. 27.** RCW 29.27.050 and 1990 c 59 s 9 are each amended to read  
10 as follows:

11 No later than the day following the certification of the returns of  
12 any primary, the secretary of state shall certify to the appropriate  
13 county auditors, the names of all persons (~~nominated~~) qualified to  
14 appear on the general election ballot as candidates for offices, the  
15 returns of which have been canvassed by the secretary of state.

16 **Sec. 28.** RCW 29.27.080 and 1999 c 4 s 1 are each amended to read  
17 as follows:

18 (1) Except as provided in RCW 29.81A.060, notice for any state,  
19 county, district, or municipal election, whether special or general,  
20 shall be given by at least one publication not more than ten nor less  
21 than three days prior to the election by the county auditor or the  
22 officer conducting the election as the case may be, in one or more  
23 newspapers of general circulation within the county. (~~Said~~) The  
24 legal notice shall contain the title of each office under the proper  
25 party (~~designation~~) preference, the names and addresses of all  
26 (~~officers~~) candidates who have been (~~nominated~~) qualified to appear  
27 on the ballot for an office to be voted upon at that election, together  
28 with the ballot titles of all measures, the hours during which the  
29 polls will be open, and that the election will be held in the regular  
30 polling places in each precinct, giving the address of each polling  
31 place: PROVIDED, That the names of all candidates for nonpartisan  
32 offices shall be published separately with designation of the offices  
33 for which they are candidates but without party designation. This  
34 shall be the only notice required for a state, county, district, or  
35 municipal general or special election and shall supersede the  
36 provisions of any and all other statutes, whether general or special in

1 nature, having different requirements for the giving of notice of any  
2 general or special elections.

3 (2) All school district elections held on February 5, 1980, at  
4 which the number and proportion of persons required by law voted to  
5 authorize bonds or tax levies, are hereby validated regardless of any  
6 failure to publish notice of such election. No action challenging the  
7 validity of any such election may be brought later than April 15, 1980,  
8 or thirty days from June 12, 1980, whichever is later. Notice of  
9 provisions of this subsection shall be published within five days after  
10 February 28, 1980, in a newspaper of general circulation within each  
11 county where a school district election was held on February 5, 1980,  
12 and where notice of such election was not published as provided in  
13 subsection (1) of this section.

14 (3) All school district elections held on May 19, 1998, at which  
15 the number and proportion of persons required by law voted to authorize  
16 bonds or tax levies, are hereby validated regardless of any failure to  
17 publish notice of such election. No action challenging the validity of  
18 any such election may be brought later than thirty days after January  
19 29, 1999. Notice of provisions of this subsection shall be published  
20 within five days after January 29, 1999, in a newspaper of general  
21 circulation within each county where a school district election was  
22 held on May 19, 1998, and where notice of such election was not  
23 published as provided in subsection (1) of this section.

24 **Sec. 29.** RCW 29.27.090 and 1965 c 9 s 29.27.090 are each amended  
25 to read as follows:

26 The secretary of state(~~(, county)~~) and the auditor of each  
27 county(~~(, and clerks of the several municipal corporations)~~) shall  
28 preserve (~~(all certificates of nomination)~~) documentation indicating  
29 which candidates have qualified to appear on a general election ballot  
30 filed in their respective offices for six months. All certificates  
31 shall be open to public inspection under proper regulations made by the  
32 officer with whom they are filed.

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

35 Except for the candidates for the positions of president and vice  
36 president or for a partisan or nonpartisan office for which no primary  
37 is required, the names of all candidates who have (~~(filed for~~



1 ~~nomination under chapter 29.18 RCW and those independent candidates and~~  
2 ~~candidates of minor political parties who have been nominated under~~  
3 ~~chapter 29.24 RCW shall))~~ satisfied all requirements of law will appear  
4 on the appropriate ballot at the primary throughout the jurisdiction  
5 ~~((in which they are to be nominated))~~ of the office for which they are  
6 a candidate.

7 **Sec. 31.** RCW 29.30.020 and 2001 c 30 s 5 are each amended to read  
8 as follows:

9 (1) The positions or offices on a primary ballot shall be arranged  
10 in substantially the following order: United States senator; United  
11 States representative; governor; lieutenant governor; secretary of  
12 state; state treasurer; state auditor; attorney general; commissioner  
13 of public lands; superintendent of public instruction; insurance  
14 commissioner; state senator; state representative; county officers;  
15 justices of the supreme court; judges of the court of appeals; judges  
16 of the superior court; and judges of the district court. For all other  
17 jurisdictions on the primary ballot, the offices in each jurisdiction  
18 shall be grouped together and be in the order of the position numbers  
19 assigned to those offices, if any.

20 (2) The order of the positions or offices on an election ballot  
21 shall be substantially the same as on a primary ballot except that the  
22 offices of president and vice-president of the United States shall  
23 precede all other offices on a presidential election ballot. State  
24 ballot issues shall be placed before all offices on an election ballot.  
25 The positions on a ballot to be assigned to ballot measures regarding  
26 local units of government shall be established by the secretary of  
27 state by rule.

28 (3) The political party or independent candidacy of each candidate  
29 for partisan office shall be indicated next to the name of the  
30 candidate on the primary and election ballot. ~~((A candidate shall file~~  
31 ~~a written notice with the filing officer within three business days~~  
32 ~~after the close of the filing period designating the political party to~~  
33 ~~be indicated next to the candidate's name on the ballot if either:—(a)~~  
34 ~~The candidate has been nominated by two or more minor political parties~~  
35 ~~or independent conventions; or (b) the candidate has both filed a~~  
36 ~~declaration of candidacy declaring an affiliation with a major~~  
37 ~~political party and been nominated by a minor political party or~~  
38 ~~independent convention. If no written notice is filed the filing~~

1 officer shall give effect to the party designation shown upon the first  
2 document filed. A candidate may be deemed nominated by a minor party  
3 or independent convention only if all documentation required by chapter  
4 29.24 RCW has been timely filed.))

5 **Sec. 32.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to  
6 read as follows:

7 The names of the persons certified ((as nominees)) by the secretary  
8 of state or the county canvassing board as having qualified to appear  
9 on the general election ballot shall be printed on the ballot at the  
10 ensuing election.

11 No name of any candidate ((whose nomination at a primary is  
12 required by law shall)) for an office for which a primary is conducted  
13 may be placed upon the ballot at a general or special election unless  
14 it appears upon the certificate of either (1) the secretary of state,  
15 or (2) the county canvassing board, or (3) ((a minor party convention  
16 or)) the state or county central committee of a major political party  
17 to fill a vacancy on its ticket under RCW 29.18.160.

18 Excluding the office of precinct committee officer or a temporary  
19 elected position such as a charter review board member or freeholder,  
20 a candidate's name shall not appear more than once upon a ballot for a  
21 position regularly ((nominated)) qualified or elected at the same  
22 election.

23 **Sec. 33.** 2001 c ... (SB 5275) s 17 is amended to read as follows:

24 In an odd-numbered year, the county auditor may conduct a primary  
25 or a special election by mail ballot concurrently with the primary:

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

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

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

35 The county auditor shall notify an election jurisdiction for which  
36 a primary is to be held that the primary will be conducted by mail  
37 ballot.

1 A primary in an odd-numbered year may not be conducted by mail  
2 ballot in a precinct with two hundred or more active registered voters  
3 if a partisan office or state office or state ballot measure is to be  
4 voted upon at that primary in the precinct.

5 To the extent they are not inconsistent with other provisions of  
6 law, the laws governing the conduct of mail ballot special elections  
7 apply to (~~nonpartisan~~) primaries for nonpartisan offices conducted by  
8 mail ballot.

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

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

- 12 (1) Make its own rules and regulations;  
13 (2) Call conventions;  
14 (3) Elect delegates to conventions, state and national;  
15 (4) Fill vacancies on the ticket under RCW 29.18.160;  
16 (5) Provide for the nomination of presidential electors; and  
17 (6) Perform all functions inherent in such an organization(~~(+~~  
18 ~~PROVIDED, That only major political parties shall have the power to~~  
19 ~~designate candidates to appear on the state primary election ballot as~~  
20 ~~provided in RCW 29.18.150 as now or hereafter amended)~~)).

21 **Sec. 35.** RCW 29.42.020 and 1987 c 295 s 11 are each amended to  
22 read as follows:

23 The state committee of each major political party shall consist of  
24 one committeeman and one committeewoman from each county elected by the  
25 county committee at its organization meeting. It shall have a chair  
26 and vice-chair who must be of opposite sexes. This committee shall  
27 meet during January of each odd-numbered year for the purpose of  
28 organization at a time and place designated by a sufficient notice to  
29 all the newly elected state committeemen and committeewomen by the  
30 authorized officers of the retiring committee. For the purpose of this  
31 section a notice mailed at least one week prior to the date of the  
32 meeting shall constitute sufficient notice. At its organizational  
33 meeting it shall elect its chair and vice-chair, and such officers as  
34 its bylaws may provide, and adopt bylaws, rules and regulations. It  
35 shall have power to:

- 36 (1) Call conventions at such time and place and under such  
37 circumstances and for such purposes as the call to convention shall

1 designate. The manner, number and procedure for selection of state  
2 convention delegates shall be subject to the committee's rules and  
3 regulations duly adopted;

4 (2) Provide for the election of delegates to national conventions;

5 (3) Fill vacancies on the ticket for any federal or state office to  
6 be voted on by the (~~electors~~) voters of more than one county under  
7 RCW 29.18.160;

8 (4) Provide for the nomination of presidential electors; and

9 (5) Perform all functions inherent in such an organization.

10 Notwithstanding any provision of this chapter, the committee shall  
11 not set rules which shall govern the conduct of the actual proceedings  
12 at a party state convention.

13 **Sec. 36.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to  
14 read as follows:

15 The statutory requirements for filing as a candidate at the  
16 primaries shall apply to candidates for precinct committee officer  
17 except that the filing period for this office alone shall be extended  
18 to and include the second Friday immediately following the last day for  
19 (~~political parties to fill vacancies in the ticket as provided by RCW~~  
20 ~~29.18.150~~) the filing of declarations of candidacy under RCW  
21 29.15.020, and the office shall not be voted upon at the primaries, but  
22 the names of all candidates must appear under the proper party and  
23 office designations on the ballot for the general November election for  
24 each even-numbered year and the one receiving the highest number of  
25 votes shall be declared elected: PROVIDED, That to be declared  
26 elected, a candidate must receive at least ten percent of the number of  
27 votes cast for the candidate of the candidate's party receiving the  
28 greatest number of votes in the precinct. Any person elected to the  
29 office of precinct committee officer who has not filed a declaration of  
30 candidacy shall pay the fee of one dollar to the county auditor for a  
31 certificate of election. The term of office of precinct committee  
32 officer shall be for two years, commencing upon completion of the  
33 official canvass of votes by the county canvassing board of election  
34 returns. Should any vacancy occur in this office by reason of death,  
35 resignation, or disqualification of the incumbent, or because of  
36 failure to elect, the respective county chair of the county central  
37 committee shall be empowered to fill such vacancy by appointment:  
38 PROVIDED, HOWEVER, That in legislative districts having a majority of

1 its precincts in a county with a population of one million or more,  
2 such appointment shall be made only upon the recommendation of the  
3 legislative district chair: PROVIDED, That the person so appointed  
4 shall have the same qualifications as candidates when filing for  
5 election to such office for such precinct: PROVIDED FURTHER, That when  
6 a vacancy in the office of precinct committee officer exists because of  
7 failure to elect at a state general election, such vacancy shall not be  
8 filled until after the organization meeting of the county central  
9 committee and the new county chair selected as provided by RCW  
10 29.42.030.

11 **Sec. 37.** RCW 29.62.010 and 1990 c 59 s 62 are each amended to read  
12 as follows:

13 Every canvassing board or officer responsible for canvassing and  
14 certifying the returns of any primary or election shall:

15 (1) Adopt administrative rules to facilitate and govern the  
16 canvassing process in that jurisdiction;

17 (2) For each primary and election, prepare and sign a statement of  
18 the returns for each office, candidate, and issue voted on in that  
19 jurisdiction;

20 (3) If, at a (~~partisan~~) primary, two or more candidates (~~of the~~  
21 ~~same party~~) receive the greatest or second greatest, and identical,  
22 number of votes for an office or position, resolve the tie vote by  
23 lot(~~+~~

24 ~~(4) If, at a nonpartisan or judicial primary, two or more~~  
25 ~~candidates receive the second greatest, and identical, number of votes~~  
26 ~~for that office or position, resolve the tie vote by lot)).~~

27 **Sec. 38.** RCW 29.62.180 and 1999 c 157 s 3 are each amended to read  
28 as follows:

29 (1) For any office at any election or primary, any voter may write  
30 in on the ballot the name of any person for an office who has filed as  
31 a write-in candidate for the office in the manner provided by RCW  
32 29.04.180 and such vote shall be counted the same as if the name had  
33 been printed on the ballot and marked by the voter. No write-in vote  
34 made for any person who has not filed a declaration of candidacy  
35 pursuant to RCW 29.04.180 is valid if that person filed for the same  
36 office, either as a regular candidate or a write-in candidate, at the  
37 preceding primary, except that nothing in this section invalidates a

1 vote for the sole reason that the vote was cast as a write-in for a  
2 candidate whose name appears on the same ballot for the same office.  
3 Any abbreviation used to designate office, position, or political party  
4 shall be accepted if the canvassing board can determine, to their  
5 satisfaction, the voter's intent.

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

8 (3) Write-in votes cast for an individual candidate for an office  
9 need not be tallied if the total number of write-in votes cast for the  
10 office is not greater than the number of votes cast for ~~((the))~~ a  
11 candidate apparently ~~((nominated))~~ qualified to appear on the general  
12 election ballot or elected, and the write-in votes could not have  
13 altered the outcome of the primary or election. In the case of write-  
14 in votes for statewide office or for any office whose jurisdiction  
15 encompasses more than one county, write-in votes for an individual  
16 candidate must be tallied whenever the county auditor is notified by  
17 either the office of the secretary of state or another auditor in a  
18 multicounty jurisdiction that it appears that the write-in votes could  
19 alter the outcome of the primary or election.

20 (4) In the case of statewide offices or jurisdictions that  
21 encompass more than one county, if the total number of write-in votes  
22 cast for an office within a county is greater than the number of votes  
23 cast for a candidate apparently ~~((nominated))~~ qualified to appear on  
24 the general election ballot or elected in a primary or election, the  
25 auditor shall tally all write-in votes for individual candidates for  
26 that office and notify the office of the secretary of state and the  
27 auditors of the other counties within the jurisdiction, that the write-  
28 in votes for individual candidates should be tallied.

29 **Sec. 39.** RCW 29.64.010 and 2001 c 225 s 3 are each amended to read  
30 as follows:

31 (1) An officer of a political party or any person for whom votes  
32 were cast in a primary who was not declared ~~((nominated))~~ qualified to  
33 appear on the general election ballot may file a written application  
34 for a recount of the votes or a portion of the votes cast at that  
35 primary for all persons for whom votes were cast for ~~((nomination to))~~  
36 that office.

37 (2) An officer of a political party or any person for whom votes  
38 were cast at any election may file a written application for a recount

1 of the votes or a portion of the votes cast at that election for all  
2 candidates for election to that office.

3 (3) Any group of five or more registered voters may file a written  
4 application for a recount of the votes or a portion of the votes cast  
5 upon any question or issue. They shall designate one of the members of  
6 the group as chairman and shall indicate the voting residence of each  
7 member of the group.

8 (4) An application for a recount of the votes cast for an office or  
9 on a ballot measure must be filed with the officer with whom filings  
10 are made for the jurisdiction.

11 (5) An application for a recount must specify whether the recount  
12 will be done manually or by the vote tally system. A recount done by  
13 the vote tally system must use programming that recounts and reports  
14 only the office or ballot measure in question. The county shall also  
15 provide for a test of the logic and accuracy of that program.

16 (6) An application for a recount shall be filed within three  
17 business days after the county canvassing board or secretary of state  
18 has declared the official results of the primary or election for the  
19 office or issue for which the recount is requested.

20 (7) This chapter applies to the recounting of votes cast by paper  
21 ballots and to the recounting of votes recorded on ballots counted by  
22 a vote tally system.

23 **Sec. 40.** RCW 29.64.015 and 2001 c 225 s 4 are each amended to read  
24 as follows:

25 (1) If the official canvass of all of the returns for any office at  
26 any primary or election reveals that the difference in the number of  
27 votes cast for a candidate apparently (~~nominated~~) qualified to appear  
28 on the general election ballot or elected to any office and the number  
29 of votes cast for the closest apparently defeated opponent is less than  
30 two thousand votes and also less than one-half of one percent of the  
31 total number of votes cast for both candidates, the county canvassing  
32 board shall conduct a recount of all votes cast on that position.

33 (a) Whenever such a difference occurs in the number of votes cast  
34 for candidates for a position the declaration of candidacy for which  
35 was filed with the secretary of state, the secretary of state shall,  
36 within three business days of the day that the returns of the primary  
37 or election are first certified by the canvassing boards of those

1 counties, direct those boards to recount all votes cast on the  
2 position.

3 (b) If the difference in the number of votes cast for the apparent  
4 winner and the closest apparently defeated opponent is less than one  
5 hundred fifty votes and also less than one-fourth of one percent of the  
6 total number of votes cast for both candidates, the votes shall be  
7 recounted manually or as provided in subsection (3) of this section.

8 (2) A mandatory recount shall be conducted in the manner provided  
9 by RCW 29.64.020, 29.64.030, and 29.64.040. No cost of a mandatory  
10 recount may be charged to any candidate.

11 (3) The apparent winner and closest apparently defeated opponent  
12 for an office for which a manual recount is required under subsection  
13 (1)(b) of this section may select an alternative method of conducting  
14 the recount. To select such an alternative, the two candidates shall  
15 agree to the alternative in a signed, written statement filed with the  
16 election official for the office. The recount shall be conducted using  
17 the alternative method if: It is suited to the balloting system that  
18 was used for casting the votes for the office; it involves the use of  
19 a vote tallying system that is approved for use in this state by the  
20 secretary of state; and the vote tallying system is readily available  
21 in each county required to conduct the recount. If more than one  
22 balloting system was used in casting votes for the office, an  
23 alternative to a manual recount may be selected for each system.

24 **Sec. 41.** RCW 29.64.030 and 2001 c 225 s 6 are each amended to read  
25 as follows:

26 (1) At the time and place established for a recount, the canvassing  
27 board or its duly authorized representatives, in the presence of all  
28 witnesses who may be in attendance, shall open the sealed containers  
29 containing the ballots to be recounted, and shall recount the votes for  
30 the offices or issues for which the recount has been ordered. Ballots  
31 shall be handled only by the members of the canvassing board or their  
32 duly authorized representatives.

33 Witnesses shall be permitted to observe the ballots and the process  
34 of tabulating the votes, but they shall not be permitted to handle the  
35 ballots. The canvassing board shall not permit the tabulation of votes  
36 for any ((~~nomination~~)) qualification, election, or issue other than the  
37 ones for which a recount was applied for or required.



1 (2) At any time before the ballots from all of the precincts listed  
2 in the application for the recount have been recounted, the applicant  
3 may file with the board a written request to stop the recount.

4 (3) The recount may be observed by persons representing the  
5 candidates affected by the recount or the persons representing both  
6 sides of an issue that is being recounted. The observers may not make  
7 a record of the names, addresses, or other information on the ballots,  
8 poll books, or applications for absentee ballots unless authorized by  
9 the superior court. The secretary of state or county auditor may limit  
10 the number of observers to not less than two on each side if, in his or  
11 her opinion, a greater number would cause undue delay or disruption of  
12 the recount process.

13 **Sec. 42.** RCW 29.64.040 and 2001 c 225 s 8 are each amended to read  
14 as follows:

15 Upon completion of the canvass of a recount, the canvassing board  
16 shall prepare and certify an amended abstract showing the votes cast in  
17 each precinct for which the recount was conducted. Copies of the  
18 amended abstracts must be transmitted to the same officers who received  
19 the abstract on which the recount was based.

20 If the ((~~nomination, election,~~)) office or issue for which the  
21 recount was conducted was submitted only to the voters of a county, the  
22 canvassing board shall file the amended abstract with the original  
23 results of that election or primary.

24 If the ((~~nomination, election,~~)) office or issue for which a  
25 recount was conducted was submitted to the voters of more than one  
26 county, the secretary of state shall canvass the amended abstracts and  
27 shall file an amended abstract with the original results of that  
28 election. An amended abstract certified under this section supersedes  
29 any prior abstract of the results for the same offices or issues at the  
30 same primary or election.

31 **Sec. 43.** RCW 29.64.060 and 2001 c 225 s 10 are each amended to  
32 read as follows:

33 The canvassing board shall determine the expenses for conducting a  
34 recount of votes.

35 The cost of the recount shall be deducted from the amount deposited  
36 by the applicant for the recount at the time of filing the request for  
37 the recount, and the balance shall be returned to the applicant. If

1 the costs of the recount exceed the deposit, the applicant shall pay  
2 the difference. No charges may be deducted by the canvassing board  
3 from the deposit for a recount if the recount changes the result of the  
4 (~~nomination~~) primary or election for the office or issue for which  
5 the recount was ordered.

6 **Sec. 44.** RCW 29.68.080 and 1990 c 59 s 105 are each amended to  
7 read as follows:

8 (1) Whenever a vacancy occurs in the office of United States  
9 representative or United States senator from this state or any  
10 congressional district of this state, the governor shall order a  
11 special election to fill the vacancy.

12 (2) Within ten days of such vacancy occurring, he or she shall  
13 issue a writ of election fixing a date for the special vacancy election  
14 not less than ninety days after the issuance of the writ, fixing a date  
15 for the primary for (~~nominating~~) qualifying candidates for the  
16 special vacancy election not less than thirty days before the day fixed  
17 for holding the special vacancy election, fixing the dates for the  
18 special filing period, and designating the term or part of the term for  
19 which the vacancy exists. If the vacancy is in the office of United  
20 States representative, the writ of election shall specify the  
21 congressional district that is vacant.

22 (3) If the vacancy occurs less than six months before a state  
23 general election and before the second Friday following the close of  
24 the filing period for that general election, the special primary and  
25 special vacancy elections shall be held in concert with the state  
26 primary and state general election in that year.

27 (4) If the vacancy occurs on or after the first day for filing  
28 under RCW 29.15.020 and on or before the second Friday following the  
29 close of the filing period, a special filing period of three normal  
30 business days shall be fixed by the governor and notice thereof given  
31 to all media, including press, radio, and television within the area in  
32 which the vacancy election is to be held, to the end that, insofar as  
33 possible, all interested persons will be aware of such filing period.  
34 The last day of the filing period shall not be later than the third  
35 Tuesday before the primary (~~at which candidates are to be nominated~~).  
36 The names of candidates who have filed valid declarations of candidacy  
37 during this three-day period shall appear on the approaching primary  
38 ballot.

1 (5) If the vacancy occurs later than the second Friday following  
2 the close of the filing period, a special primary and special vacancy  
3 election to fill the position shall be held after the next state  
4 general election but, in any event, no later than the ninetieth day  
5 following the November election.

6 (6) As used in this chapter, "county" means, in the case of a  
7 vacancy in the office of United States senator, any or all of the  
8 counties in the state and, in the case of a vacancy in the office of  
9 United States representative, only those counties wholly or partly  
10 within the congressional district in which the vacancy has occurred.

11 **Sec. 45.** RCW 29.68.130 and 1985 c 45 s 7 are each amended to read  
12 as follows:

13 The general election laws and laws relating to (~~partisan~~)  
14 primaries (~~shall~~) for partisan offices apply to the special primaries  
15 and vacancy elections provided for in RCW 29.68.080 through 29.68.120  
16 to the extent that they are not inconsistent with the provisions of  
17 these sections. Statutory time deadlines relating to availability of  
18 absentee ballots, certification, canvassing, and related procedures  
19 that cannot be met in a timely fashion may be modified for the purposes  
20 of a specific primary or vacancy election under this chapter by the  
21 secretary of state through emergency rules adopted under RCW 29.04.080.

22 **Sec. 46.** RCW 29.71.020 and 1990 c 59 s 69 are each amended to read  
23 as follows:

24 In the year in which a presidential election is held, each major  
25 political party and each minor political party or independent candidate  
26 convention (~~held under chapter 29.24 RCW~~) that nominates candidates  
27 for president and vice president of the United States shall nominate  
28 presidential electors for this state. The party or convention shall  
29 file with the secretary of state a certificate signed by the presiding  
30 officer of the convention at which the presidential electors were  
31 chosen, listing the names and addresses of the presidential electors.  
32 Each presidential elector shall execute and file with the secretary of  
33 state a pledge that, as an elector, he or she will vote for the  
34 candidates nominated by that party. The names of presidential electors  
35 shall not appear on the ballots. The votes cast for candidates for  
36 president and vice president of each political party shall be counted  
37 for the candidates for presidential electors of that political party.

1       **Sec. 47.** RCW 29.81.220 and 1999 c 260 s 2 are each amended to read  
2 as follows:

3       The voters' pamphlet must contain:

4       (1) Information about each ballot measure initiated by or referred  
5 to the voters for their approval or rejection as required by RCW  
6 29.81.250;

7       (2) In even-numbered years, statements, if submitted, advocating  
8 the candidacies of (~~nominees~~) candidates qualified to appear on the  
9 ballot for the office of president and vice president of the United  
10 States, United States senator, United States representative, governor,  
11 lieutenant governor, secretary of state, state treasurer, state  
12 auditor, attorney general, commissioner of public lands, superintendent  
13 of public instruction, insurance commissioner, state senator, state  
14 representative, justice of the supreme court, judge of the court of  
15 appeals, or judge of the superior court. Candidates may also submit a  
16 campaign mailing address and telephone number and a photograph not more  
17 than five years old and of a size and quality that the secretary of  
18 state determines to be suitable for reproduction in the voters'  
19 pamphlet;

20       (3) In odd-numbered years, if any office voted upon statewide  
21 appears on the ballot due to a vacancy, then statements and photographs  
22 for candidates for any vacant office listed in subsection (2) of this  
23 section must appear;

24       (4) In even-numbered years, a section explaining how voters may  
25 participate in the election campaign process; the address and telephone  
26 number of the public disclosure commission established under RCW  
27 42.17.350; and a summary of the disclosure requirements that apply when  
28 contributions are made to candidates and political committees;

29       (5) In even-numbered years the name, address, and telephone number  
30 of each political party (~~with nominees listed in the pamphlet, if~~  
31 ~~filed with the secretary of state by the state committee of a major~~  
32 ~~political party or the presiding officer of the convention of a minor~~  
33 ~~political party~~) for which a candidate appearing on the ballot has  
34 expressed a preference on his or her declaration of candidacy, if the  
35 party has provided that information to the secretary of state;

36       (6) In each odd-numbered year immediately before a year in which a  
37 president of the United States is to be nominated and elected,  
38 information explaining the precinct caucus and convention process used  
39 by each major political party to elect delegates to its national

1 presidential candidate nominating convention. The pamphlet must also  
2 provide a description of the statutory procedures by which minor  
3 political parties are formed and the statutory methods used by the  
4 parties to nominate candidates for president;

5 (7) In even-numbered years, a description of the office of precinct  
6 committee officer and its duties;

7 (8) An application form for an absentee ballot;

8 (9) A brief statement explaining the deletion and addition of  
9 language for proposed measures under RCW 29.81.260; and

10 (10) Any additional information pertaining to elections as may be  
11 required by law or in the judgment of the secretary of state is deemed  
12 informative to the voters.

13 **Sec. 48.** RCW 29.85.100 and 1991 c 81 s 8 are each amended to read  
14 as follows:

15 Every person who:

16 (1) Knowingly and falsely issues a certificate of (~~(nomination or)~~)  
17 election or a certificate stating which candidates for office have  
18 qualified to appear on the general election ballot; or

19 (~~(2) ((Knowingly provides false information on a certificate which~~  
20 ~~must be filed with an elections officer under chapter 29.24 RCW; or~~

21 ~~(3))) Knowingly provides false information on his or her~~  
22 ~~declaration of candidacy or petition of ((nomination))~~ candidacy; or

23 ~~((4)))~~ (3) Conceals or fraudulently defaces or destroys a  
24 ~~((certificate which has been filed with an elections officer under~~  
25 ~~chapter 29.24 RCW or a))~~ declaration of candidacy or petition of  
26 ~~((nomination which))~~ candidacy that has been filed with an elections  
27 officer, or any part of such a certificate, declaration, or petition,  
28 is guilty of a class C felony punishable under RCW 9A.20.021.

29 **Sec. 49.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read  
30 as follows:

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

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

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

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

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

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

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

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

26 (c) The governing body of the state organization of a minor  
27 political party, the name of which appears on a candidates's  
28 declaration of candidacy filed pursuant to RCW 29.15.010.

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

31 (7) "Treasurer" and "deputy treasurer" mean the individuals  
32 appointed by a candidate or political committee, pursuant to RCW  
33 42.17.050, to perform the duties specified in that section.

34 (8) "Candidate" means any individual who seeks ~~((nomination))~~  
35 qualification for election or election to public office. An individual  
36 seeks ~~((nomination))~~ qualification or election when he or she first:

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

39 (b) Announces publicly or files for office;

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

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

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

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

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

15 (12) "Compensation" unless the context requires a narrower meaning,  
16 includes payment in any form for real or personal property or services  
17 of any kind: PROVIDED, That for the purpose of compliance with RCW  
18 42.17.241, the term "compensation" shall not include per diem  
19 allowances or other payments made by a governmental entity to reimburse  
20 a public official for expenses incurred while the official is engaged  
21 in the official business of the governmental entity.

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

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

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

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

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

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

1 (b) "Contribution" does not include:

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

4 (ii) Ordinary home hospitality;

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

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

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

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

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

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

31 (A) A political party or caucus political committee if the person  
32 paying for the services is the regular employer of the person rendering  
33 such services; or

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

38 (c) Contributions other than money or its equivalent are deemed to  
39 have a monetary value equivalent to the fair market value of the



1 contribution. Services or property or rights furnished at less than  
2 their fair market value for the purpose of assisting any candidate or  
3 political committee are deemed a contribution. Such a contribution  
4 must be reported as an in-kind contribution at its fair market value  
5 and counts towards any applicable contribution limit of the provider.

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

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

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

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

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

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

3 (21) "General election" for purposes of the limitation under RCW  
4 42.17.640 means the election that results in the election of a person  
5 to a state office. It does not include a primary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (31) "Person in interest" means the person who is the subject of a  
38 record or any representative designated by that person, except that if

1 that person is under a legal disability, the term "person in interest"  
2 means and includes the parent or duly appointed legal representative.

3 (32) "Political advertising" includes any advertising displays,  
4 newspaper ads, billboards, signs, brochures, articles, tabloids,  
5 flyers, letters, radio or television presentations, or other means of  
6 mass communication, used for the purpose of appealing, directly or  
7 indirectly, for votes or for financial or other support in any election  
8 campaign.

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

13 (34) "Primary" for purposes of the limitation under RCW 42.17.640  
14 means the procedure for ~~((nominating a candidate to state office under~~  
15 ~~chapter 29.18 or 29.21 RCW or any other primary for an election that~~  
16 ~~uses, in large measure, the procedures established in chapter 29.18 or~~  
17 ~~29.21)) qualifying candidates to the general election ballot under~~  
18 Title 29 RCW.

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

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

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

37 (38) "State legislative office" means the office of a member of the  
38 state house of representatives or the office of a member of the state  
39 senate.

1 (39) "State office" means state legislative office or the office of  
2 governor, lieutenant governor, secretary of state, attorney general,  
3 commissioner of public lands, insurance commissioner, superintendent of  
4 public instruction, state auditor, or state treasurer.

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

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

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

25 As used in this chapter, the singular (~~shall~~) takes the plural  
26 and any gender, the other, as the context requires.

27 NEW SECTION. **Sec. 50.** The following acts or parts of acts are  
28 each repealed:

29 (1) RCW 29.01.160 (September primary) and 1965 c 9 s 29.01.160;

30 (2) RCW 29.15.200 (Lapse of election when no filing for single  
31 positions--Effect) and 1994 c 223 s 8 & 1975-'76 2nd ex.s. c 120 s 13;

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

35 (4) RCW 29.30.095 (Partisan candidates qualified for general  
36 election) and 1990 c 59 s 96.

1        NEW SECTION.    **Sec. 51.**    The following acts or parts of acts are  
2 each repealed:

3        (1)    RCW 29.24.010 (Definitions--"Convention" and "election  
4 jurisdiction") and 1977 ex.s. c 329 s 1 & 1965 c 9 s 29.24.010;

5        (2)    RCW 29.24.020 (Nomination by convention or write-in--Date for  
6 convention--Multiple conventions by single party) and 2001 c 30 s 2,  
7 1989 c 215 s 2, 1977 ex.s. c 329 s 2, & 1965 c 9 s 29.24.020;

8        (3)    RCW 29.24.025 (Notice of convention) and 1989 c 215 s 1;

9        (4)    RCW 29.24.030 (Requirements for validity of convention) and  
10 1989 c 215 s 3, 1977 ex.s. c 329 s 3, & 1965 c 9 s 29.24.030;

11        (5)    RCW 29.24.035 (Nominating petition--Name--Registered voters)  
12 and 2001 c 64 s 1, 2001 c 30 s 3, & 1989 c 215 s 5;

13        (6)    RCW 29.24.040 (Certificate of nomination--Requisites) and 1989  
14 c 215 s 4, 1977 ex.s. c 329 s 4, & 1965 c 9 s 29.24.040;

15        (7)    RCW 29.24.060 (Certificate of nomination--Checking signatures--  
16 Appeal of determination) and 1989 c 215 s 7, 1977 ex.s. c 329 s 6, &  
17 1965 c 9 s 29.24.060;

18        (8)    RCW 29.24.070 (Declarations of candidacy required, exceptions--  
19 Payment of fees) and 1990 c 59 s 103, 1989 c 215 s 8, 1977 ex.s. c 329  
20 s 7, & 1965 c 9 s 29.24.070; and

21        (9)    RCW 29.24.--- and 2001 c 30 s 4.

22        NEW SECTION.    **Sec. 52.**    RCW 29.24.055 is recodified as a section in  
23 chapter 29.19 RCW.

24        NEW SECTION.    **Sec. 53.**    (1) The code reviser shall recaption  
25 chapter 29.18 RCW as "Primaries and elections for partisan offices."

26        (2) The code reviser shall recaption RCW 29.30.085 as "Candidates  
27 qualified for general election."

28        (3) The code reviser shall recaption RCW 29.18.200 as "Rights of  
29 voters in primary elections."

30        NEW SECTION.    **Sec. 54.**    This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 June 1, 2001.

34        NEW SECTION.    **Sec. 55.**    If any provision of this act or its  
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

--- END ---