
SENATE BILL 6199

State of Washington 57th Legislature 2001 Second Special Session

By Senators Constantine, Morton, Roach, Patterson, Jacobsen, Snyder, Franklin, Kohl-Welles and Spanel

READ FIRST TIME 06/08/2001. HELD AT THE DESK.

1 AN ACT Relating to an open private choice primary; amending RCW
2 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025,
3 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050,
4 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW;
5 adding new sections to chapter 29.30 RCW; adding new sections to
6 chapter 29.15 RCW; adding a new section to chapter 29.81A RCW; adding
7 a new chapter to Title 29 RCW; repealing RCW 29.18.010, 29.18.120,
8 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration
9 date; and declaring an emergency.

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

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

15 (1) Ensures that all votes will be counted;

16 (2) Allows each voter, including those who choose not to affiliate
17 with any major political party, to participate;

18 (3) Preserves the privacy of each voter's party affiliation, if
19 any;

- 1 (4) Rejects mandatory voter registration by political party;
2 (5) Protects ballot access for minor political party and
3 independent candidates;
4 (6) Maintains a candidate's right to self-identify with any major
5 political party; and
6 (7) Upholds a political party's First Amendment right of
7 association.

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

10 "Major political party" means a political party of which at least
11 one nominee for president, vice president, United States senator, or a
12 statewide office received at least five percent of the total vote cast
13 at the last preceding state general election in an even-numbered
14 year(~~(:— PROVIDED, That any political party qualifying as a major~~
15 ~~political party under the previous subsection (2) or subsection (3) of~~
16 ~~this section prior to its 1977 amendment shall retain such status until~~
17 ~~after the next state general election following June 30, 1977)).~~
18 However, a political party of which no nominee received at least ten
19 percent of the total vote cast may forgo its status as a major
20 political party by filing with the secretary of state an appropriate
21 party rule within sixty days of attaining major party status under this
22 section or thirty days of the effective date of this act, whichever is
23 later.

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

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

29 NEW SECTION. **Sec. 4.** Candidates for all partisan elected offices,
30 except for president and vice president, precinct committee officer,
31 and offices exempted from the primary under RCW 29.15.150, will be
32 nominated or qualified, as applicable, at primaries held under this
33 chapter.

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

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

6 Each primary ballot that includes one or more partisan offices must
7 include a party identification checkoff box that allows a voter to
8 declare an affiliation with any of the major political parties, all of
9 which are to be listed, or the option to not declare an affiliation
10 with any major political party. If a voter makes no selection or
11 selects more than one option, then the voter is presumed to have not
12 declared an affiliation with any major political party.

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

15 The party identification checkoff box required under section 6 of
16 this act must appear on the primary ballot before any offices and
17 ballot measures. Clear and concise instructions to the voter must be
18 prominently displayed immediately before the list of major political
19 parties, and must include:

20 (1) A question asking the voter to indicate the major political
21 party, if any, with which the voter chooses to declare an affiliation;

22 (2) A statement indicating that all votes cast will be counted
23 regardless of the voter's declared party affiliation, if any, or the
24 candidate's party designation;

25 (3) An explanation, for each major political party, of whether or
26 not votes cast by a voter who declares an affiliation with a different
27 major political party or who chooses not to declare an affiliation with
28 any major political party will be used to determine the major political
29 party's nominees; and

30 (4) An explanation that any candidate who receives a plurality that
31 exceeds forty percent of all votes cast, but who does not qualify to be
32 a political party's nominee, will advance to the general election as an
33 unaffiliated candidate.

34 NEW SECTION. **Sec. 8.** No record may be created or maintained by a
35 state or local governmental agency or a political organization that
36 identifies a voter with the information provided on the voter's ballot,

1 including the declaration that the voter makes regarding political
2 party affiliation.

3 NEW SECTION. **Sec. 9.** (1) A major political party may choose, by
4 rule adopted under chapter 29.42 RCW, to allow voters who declare an
5 affiliation with a different major political party, or who choose not
6 to declare an affiliation with any major political party, to cast votes
7 that will be used to determine the major political party's nominees.
8 The major political party shall have the option to accept votes cast by
9 voters who have declared an affiliation with a specific and different
10 major political party or parties, or who have chosen not to declare an
11 affiliation with any major political party, or both. The rule shall be
12 made on a statewide basis, shall be applied evenly to all votes cast by
13 the voters within any given party affiliation category, and shall not
14 be specific to any district, office, or candidate.

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

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

23 (4) If a major political party adopts an appropriate rule under
24 subsection (1) of this section, then the major political party's
25 nominee will be the candidate of that party who receives a plurality
26 from the aggregation of votes cast by voters who declare an affiliation
27 with that major political party and votes cast by any other specific
28 category of voter so authorized by the party.

29 (5) Unless a major political party adopts a rule under subsection
30 (1) of this section, or if a rule so adopted is repealed under
31 subsection (2) of this section, the major political party's nominee
32 will be the candidate who receives a plurality of votes cast by only
33 those voters who declare an affiliation with that major political
34 party.

35 (6) The adoption of a rule under subsection (1) of this section or
36 the repeal of the rule under subsection (2) of this section must occur
37 on or before July 1st in order to be in effect at any primary conducted

1 between September 1st of the same year and August 30th of the following
2 year.

3 (7) The decision by a major political party to accept votes cast by
4 any specific categories of voters does not affect the rights of any
5 other major political party.

6 NEW SECTION. **Sec. 10.** For each major political party, prominent
7 notification regarding whether or not the major political party will
8 allow voters who declare an affiliation with a different major
9 political party or who choose not to declare an affiliation with any
10 major political party to participate in the major political party's
11 nomination process must be made, without limitation, in:

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

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

16 (3) Notices of primary published in compliance with RCW 29.27.030;

17 (4) Sample ballots prepared by a county auditor under RCW
18 29.30.060;

19 (5) Content of the web site of the office of the secretary of
20 state; and

21 (6) Content of each county auditors' web site that is in existence.

22 NEW SECTION. **Sec. 11.** (1) All votes cast that are deemed valid
23 shall be tabulated and reported.

24 (2) Votes cast for any candidate for partisan office shall be
25 reported by specific category of voter so that votes cast by voters who
26 declare an affiliation with a major political party are reported
27 separately from votes cast by voters who declare an affiliation with a
28 different major political party or who choose not to declare an
29 affiliation with any major political party.

30 NEW SECTION. **Sec. 12.** The secretary of state as chief election
31 officer shall adopt rules under chapter 34.05 RCW to facilitate the
32 operation, accomplishment, and purpose of this chapter.

33 **Sec. 13.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read
34 as follows:

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

11 Votes cast for write-in candidates who have filed such declarations
12 of candidacy and write-in votes for persons appointed by political
13 parties (~~(pursuant to RCW 29.18.160)~~) under section 15 of this act need
14 only specify the name of the candidate in the appropriate location on
15 the ballot in order to be counted. Write-in votes cast for any other
16 candidate, in order to be counted, must designate the office sought and
17 position number or political party, if applicable. In order for write-
18 in votes to be valid in jurisdictions employing optical-scan mark sense
19 ballot systems the voter must complete the proper mark next to the
20 write-in line for that office.

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

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

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

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

33 The declaration of candidacy shall be similar to that required by
34 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be
35 included in any voter's pamphlet produced under chapter (~~(29.80)~~) 29.81
36 RCW unless that candidate qualifies to have his or her name printed on
37 the general election ballot. The legislative authority of any
38 jurisdiction producing a local voter's pamphlet under chapter 29.81A

1 RCW may provide, by ordinance, for the inclusion of write-in candidates
2 in such pamphlets.

3 NEW SECTION. **Sec. 14.** A new section is added to chapter 29.15 RCW
4 to read as follows:

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

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

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

34 If the vacancy occurs no later than the sixth Tuesday before the
35 primary or general election concerned and the ballots have been
36 printed, the appropriate election officers shall correct the ballots.
37 In making the correction, it is not necessary to reprint complete

1 ballots if any other less expensive technique can be used and the
2 resulting correction is reasonably clear.

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

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

13 If the secretary of state has already sent forth the certificate
14 when the appointment to fill a vacancy is filed, the secretary of state
15 shall immediately certify to the county auditors of the proper counties
16 the name and place of residence of the person appointed to fill a
17 vacancy, the office for which the person is a candidate or nominee, the
18 party represented, and all other pertinent facts pertaining to the
19 vacancy.

20 **Sec. 16.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
21 as follows:

22 On or before the day following the last day for political parties
23 to fill vacancies in the ticket as provided by (~~RCW 29.18.150~~)
24 section 14 of this act, the secretary of state shall certify to each
25 county auditor a list of the candidates who have filed declarations of
26 candidacy in his or her office for the primary. For each office, the
27 certificate shall include the name of each candidate, his or her
28 address, and his or her party designation, if any.

29 **Sec. 17.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended
30 to read as follows:

31 Not more than ten nor less than three days prior to the primary
32 (~~election~~), the county auditor shall publish notice of such primary
33 in one or more newspapers of general circulation within the county.
34 (~~Said~~) The notice shall contain the proper party designations, the
35 names and addresses of all persons who have filed a declaration of
36 candidacy to be voted upon at that primary election, the notification
37 that is required for each major political party under section 10 of

1 this act, the hours during which the polls will be open, and an
2 explanation that the election will be held in the regular polling place
3 in each precinct, giving the address of each polling place(~~(+~~
4 ~~PROVIDED, That~~)). The names of all candidates for nonpartisan offices
5 shall be published separately with designation of the offices for which
6 they are candidates but without party designation. This shall be the
7 only notice required for the holding of any primary election.

8 **Sec. 18.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read
9 as follows:

10 Except for the candidates for the positions of president and vice
11 president or for (~~(a partisan or nonpartisan)~~) an office for which no
12 primary is required, the names of all candidates who have filed for
13 (~~(nomination under chapter 29.18 RCW and those independent candidates~~
14 ~~and candidates of minor political parties who have been nominated under~~
15 ~~chapter 29.24 RCW shall)~~) office under chapter 29.15 RCW must appear on
16 the appropriate ballots at the primary throughout the jurisdiction in
17 which they are to be nominated.

18 **Sec. 19.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
19 as follows:

20 After the close of business on the last day for candidates to file
21 for office, the filing officer shall, from among those filings made in
22 person and by mail, determine by lot the order in which the names of
23 those candidates will appear on all primary, sample, and absentee
24 ballots. ((In the case of candidates for city, town, and district
25 office, this procedure shall also determine the order for candidate
26 names on the official primary ballot used at the polling place.)) The
27 determination shall be done publicly and may be witnessed by the media
28 and by any candidate. If no primary is required for any nonpartisan
29 office under RCW 29.15.150 or 29.21.015, the names shall appear on the
30 general election ballot in the order determined by lot.

31 **Sec. 20.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read
32 as follows:

33 (1) The name of a candidate for a partisan office for which a
34 primary was conducted shall not be printed on the ballot for that
35 office at the subsequent general election unless the candidate receives
36 a number of votes equal to at least one percent of the total number

1 cast for all candidates for that position sought and either a plurality
2 of the votes cast, the acceptance of which is determined by party rule
3 under section 9 of this act, for the candidates of his or her party for
4 that office, or a plurality that exceeds forty percent of all the votes
5 cast for that office at the preceding primary.

6 (2) If, under section 9 of this act, a major political party has
7 adopted a rule allowing a voter who declares an affiliation with a
8 different major political party or who chooses not to declare an
9 affiliation with any major political party to participate in its
10 nomination process, then votes cast by all voters who have declared an
11 affiliation with that party for candidates who indicated that major
12 political party designation when filing a declaration of candidacy must
13 be aggregated with votes cast by the other specific categories of
14 voters so authorized by the party before comparing vote totals in order
15 to determine a plurality. If not, then a plurality is determined by
16 comparing only the tabulations of votes cast by voters who declared any
17 affiliation with that major political party.

18 (3) A candidate who does not receive a plurality of the votes cast
19 for the candidates of his or her party for that office as determined
20 under subsection (2) of this section but does receive a plurality that
21 exceeds forty percent of all votes cast for that office qualifies to
22 have his or her name placed on the general election ballot as an
23 unaffiliated candidate.

24 **NEW SECTION. Sec. 21.** A new section is added to chapter 29.30 RCW
25 to read as follows:

26 Any candidate for partisan office who is nominated or qualified at
27 a primary may remove his or her name for consideration at the
28 subsequent general election. If the appropriate action is taken by the
29 candidate less than twenty-four hours after the certification of the
30 primary results, then the candidate's name shall not appear on the
31 general election ballot. The secretary of state shall adopt rules
32 under chapter 34.05 RCW that facilitate this section.

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

35 The names of the persons certified as nominees or as qualified
36 unaffiliated candidates by the secretary of state or the county

1 canvassing board shall be printed on the ballot at the ensuing
2 election.

3 No name of any candidate whose nomination or qualification at a
4 primary is required by law shall be placed upon the ballot at a general
5 or special election unless it appears upon the certificate of either
6 (1) the secretary of state, or (2) the county canvassing board, or (3)
7 a minor political party convention or the state or county central
8 committee of a major political party to fill a vacancy on its ticket
9 under ((RCW 29.18.160)) section 15 of this act.

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

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

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

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

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

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

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

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

29 ~~((6))~~ (5) Except for functions or capabilities unique to this
30 state, has been tested, certified, and used in at least one other state
31 or election jurisdiction.

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

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

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

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

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

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

- 35 (1) Make its own rules and regulations;
36 (2) Call conventions;
37 (3) Elect delegates to conventions, state and national;
38 (4) Fill vacancies on the ticket;

1 (5) Provide for the nomination of presidential electors; and
2 (6) Perform all functions inherent in such an organization(~~(+~~
3 ~~PROVIDED, That~~)). However, only major political parties (~~(shall have~~
4 ~~the power to~~)) may designate candidates to appear on the state primary
5 election ballot as provided in (~~(RCW 29.18.150 as now or hereafter~~
6 ~~amended)~~) section 14 of this act.

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

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

1 election, such vacancy shall not be filled until after the organization
2 meeting of the county central committee and the new county chair
3 selected as provided by RCW 29.42.030.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (b) Announces publicly or files for office;

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) "Contribution" does not include:

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

39 (ii) Ordinary home hospitality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (21) "General election" for the purposes of the limits in RCW
2 42.17.640 means the election that results in the election of a person
3 to a state office. It does not include a primary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (34) "Primary" for purposes of the limits in RCW 42.17.640 means
10 the (~~procedure for nominating~~) election that nominates or qualifies
11 to the general election ballot a candidate to state office (~~under~~
12 ~~chapter 29.18 or 29.21 RCW or any other primary for an election that~~
13 ~~uses, in large measure, the procedures established in chapter 29.18 or~~
14 ~~29.21 RCW~~)).

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

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

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

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

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

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

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

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

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

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

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

31 (2) Each county auditor may design a ballot and utilize procedures
32 other than those detailed in this act when conducting a partisan
33 primary provided that the design of the ballot and the procedures are
34 specifically allowed by a rule adopted by the secretary of state under
35 chapter 34.05 RCW, and that the following criteria are met:

1 (a) A voter shall have the option to declare an affiliation with a
2 major political party, or to choose not to declare an affiliation with
3 any major political party;

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

6 (c) A voter may vote for any candidate regardless of the voter's
7 declared political party affiliation or the candidate's political party
8 designation, and votes cast by such voter shall be tabulated and
9 reported; and

10 (d) Votes cast for a candidate by voters who declare an affiliation
11 with a major political party shall be reported separately from votes
12 cast for the same candidate by voters who declare an affiliation with
13 a different major political party or who choose not to declare an
14 affiliation with any major political party.

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

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

18 (1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 &
19 1965 c 9 s 29.18.010;

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

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

25 (4) RCW 29.18.160 (Vacancies by death or disqualification--How
26 filled--Correcting ballots and labels--Counting votes already cast) and
27 2001 c 46 s 4 & 1977 ex.s. c 329 s 13;

28 (5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88
29 & 1965 c 9 s 29.18.200; and

30 (6) RCW 29.30.040 (Primaries--Rotating names of candidates) and
31 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040.

32 NEW SECTION. **Sec. 33.** Sections 1, 4, 5, 8 through 12, 30, and 31
33 of this act constitute a new chapter in Title 29 RCW.

34 NEW SECTION. **Sec. 34.** 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.

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

--- END ---