

ESB 6453 - H AMD 1181
By Representative Hunt

WITHDRAWN 03/08/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART 1 - PRIMARY

4 **Sec. 101.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
5 read as follows:

6 As used in this title:

7 (1) "Ballot" means, as the context implies, either:

8 (a) The issues and offices to be voted upon in a jurisdiction or
9 portion of a jurisdiction at a particular primary, general election, or
10 special election;

11 (b) A facsimile of the contents of a particular ballot whether
12 printed on a paper ballot or ballot card or as part of a voting machine
13 or voting device;

14 (c) A physical or electronic record of the choices of an individual
15 voter in a particular primary, general election, or special election;
16 or

17 (d) The physical document on which the voter's choices are to be
18 recorded;

19 (2) "Paper ballot" means a piece of paper on which the ballot for
20 a particular election or primary has been printed, on which a voter may
21 record his or her choices for any candidate or for or against any
22 measure, and that is to be tabulated manually;

23 (3) "Ballot card" means any type of card or piece of paper of any
24 size on which a voter may record his or her choices for any candidate
25 and for or against any measure and that is to be tabulated on a vote
26 tallying system;

27 (4) "Sample ballot" means a printed facsimile of all the issues and
28 offices on the ballot in a jurisdiction and is intended to give voters
29 notice of the issues, offices, and candidates that are to be voted on
30 at a particular primary, general election, or special election;

1 (5) "Provisional ballot" means a ballot issued to a voter at the
2 polling place on election day by the precinct election board, for one
3 of the following reasons:

4 (a) The voter's name does not appear in the poll book;

5 (b) There is an indication in the poll book that the voter has
6 requested an absentee ballot, but the voter wishes to vote at the
7 polling place;

8 (c) The voter asserts that he or she is registered in a different
9 major political party from what appears in the poll book and wants to
10 vote the party ballot of that different party;

11 (d) There is a question on the part of the voter concerning the
12 issues or candidates on which the voter is qualified to vote;

13 (6) "Party ballot" means a primary election ballot specific to a
14 particular major political party listing all partisan offices to be
15 voted on at that primary, and the candidates for those offices who
16 affiliate with that same major political party, together with all
17 nonpartisan races and ballot measures to be voted on at a primary;

18 (7) "Nonpartisan ballot" means a primary election ballot listing
19 only nonpartisan races and ballot measures to be voted on at that
20 primary election.

21 (8) "Party not participating in the primary" means: (a) A minor
22 political party; or (b) a major political party if that major political
23 party is required by section 301 or 302 of this act to nominate its
24 candidates pursuant to RCW 29A.20.110 through 29A.20.200.

25 (9) "Party participating in the primary" means a major political
26 party that is nominating its candidates pursuant to sections 157
27 through 160 of this act.

28 NEW SECTION. Sec. 102. A new section is added to chapter 29A.04
29 RCW to read as follows:

30 "Registered party member" means a registered voter who chooses to
31 affiliate with a political party as part of his or her voter
32 registration. Party affiliation as part of voter registration includes
33 major and minor political parties. A registered voter is not required
34 to affiliate with a political party to be eligible to vote in a primary
35 or election.

36 NEW SECTION. Sec. 103. A new section is added to chapter 29A.04
37 RCW to read as follows:

1 "Unaffiliated voter" means a registered voter who is not a
2 registered party member of any major political party.

3 **Sec. 104.** RCW 29A.04.215 and 2003 c 111 s 134 are each amended to
4 read as follows:

5 The county auditor of each county shall be ex officio the
6 supervisor of all primaries and elections, general or special, and it
7 shall be the county auditor's duty to provide places for holding such
8 primaries and elections; to appoint the precinct election officers and
9 to provide for their compensation; to provide the supplies and
10 materials necessary for the conduct of elections to the precinct
11 election officers; and to publish and post notices of calling such
12 primaries and elections in the manner provided by law. The notice of
13 a (~~general election~~) primary held in an even-numbered year must
14 indicate that the office of precinct committee officer will be on the
15 party ballot. The auditor shall also apportion to each city, town, or
16 district, and to the state of Washington in the odd-numbered year, its
17 share of the expense of such primaries and elections. This section
18 does not apply to general or special elections for any city, town, or
19 district that is not subject to RCW 29A.04.320 and 29A.04.330, but all
20 such elections must be held and conducted at the time, in the manner,
21 and by the officials (with such notice, requirements for filing for
22 office, and certifications by local officers) as provided and required
23 by the laws governing such elections.

24 **Sec. 105.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
25 read as follows:

26 Nominating primaries for general elections to be held in November,
27 and the election of precinct committee officers, must be held on the
28 third Tuesday of the preceding September or on the seventh Tuesday
29 immediately preceding such general election, whichever occurs first.

30 **Sec. 106.** RCW 29A.04.320 and 2003 c 111 s 144 are each amended to
31 read as follows:

32 (1) All state, county, city, town, and district general elections
33 for the election of federal, state, legislative, judicial, county,
34 city, town, and district(~~(, and precinct)~~) officers, and for the
35 submission to the voters of the state, county, city, town, or district
36 of any measure for their adoption and approval or rejection, shall be

1 held on the first Tuesday after the first Monday of November, in the
2 year in which they may be called. A statewide general election shall
3 be held on the first Tuesday after the first Monday of November of each
4 year. However, the statewide general election held in odd-numbered
5 years shall be limited to (a) city, town, and district general
6 elections as provided for in RCW 29A.04.330, or as otherwise provided
7 by law; (b) the election of federal officers for the remainder of any
8 unexpired terms in the membership of either branch of the Congress of
9 the United States; (c) the election of state and county officers for
10 the remainder of any unexpired terms of offices created by or whose
11 duties are described in Article II, section 15, Article III, sections
12 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the
13 state Constitution and RCW 2.06.080; (d) the election of county
14 officers in any county governed by a charter containing provisions
15 calling for general county elections at this time; and (e) the approval
16 or rejection of state measures, including proposed constitutional
17 amendments, matters pertaining to any proposed constitutional
18 convention, initiative measures and referendum measures proposed by the
19 electorate, referendum bills, and any other matter provided by the
20 legislature for submission to the electorate.

21 (2) A county legislative authority may, if it deems an emergency to
22 exist, call a special county election by presenting a resolution to the
23 county auditor at least forty-five days prior to the proposed election
24 date. Except as provided in subsection (4) of this section, a special
25 election called by the county legislative authority shall be held on
26 one of the following dates as decided by such governing body:

- 27 (a) The first Tuesday after the first Monday in February;
- 28 (b) The second Tuesday in March;
- 29 (c) The fourth Tuesday in April;
- 30 (d) The third Tuesday in May;
- 31 (e) The day of the primary as specified by RCW 29A.04.310; or
- 32 (f) The first Tuesday after the first Monday in November.

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

38 (4) In a presidential election year, if a presidential preference
39 primary is conducted in February, March, April, or May under chapter

1 29A.56 RCW, the date on which a special election may be called by the
2 county legislative authority under subsection (2) of this section
3 during the month of that primary is the date of the presidential
4 primary.

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

13 **Sec. 107.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to
14 read as follows:

15 (1) On receipt of an application for voter registration under this
16 chapter, the county auditor shall review the application to determine
17 whether the information supplied is complete. An application that
18 contains the applicant's name, complete valid residence address, date
19 of birth, and signature attesting to the truth of the information
20 provided on the application is complete. If it is not complete, the
21 auditor shall promptly mail a verification notice of the deficiency to
22 the applicant. This verification notice shall require the applicant to
23 provide the missing information. If the verification notice is not
24 returned by the applicant or is returned as undeliverable the auditor
25 shall not place the name of the applicant on the county voter list. If
26 the applicant provides the required information, the applicant shall be
27 registered to vote as of the date of mailing of the original voter
28 registration application. Party affiliation information is not
29 required for a complete voter registration.

30 (2) If the information is complete, the applicant is considered to
31 be registered to vote as of the date of mailing. The auditor shall
32 record the appropriate precinct identification, taxing district
33 identification, ~~((and))~~ date of registration, and party affiliation, if
34 any, on the voter's record. Within forty-five days after the receipt
35 of an application but no later than seven days before the next primary,
36 special election, or general election, the auditor shall send to the
37 applicant, by first class mail, an acknowledgement notice identifying
38 the registrant's precinct and party affiliation, if any, and containing

1 such other information as may be required by the secretary of state.
2 The postal service shall be instructed not to forward a voter
3 registration card to any other address and to return to the auditor any
4 card which is not deliverable. If the applicant has indicated that he
5 or she is registered to vote in another county in Washington but has
6 also provided an address within the auditor's county that is for voter
7 registration purposes, the auditor shall send, on behalf of the
8 registrant, a registration cancellation notice to the auditor of that
9 other county and the auditor receiving the notice shall cancel the
10 registrant's voter registration in that other county. If the
11 registrant has indicated on the form that he or she is registered to
12 vote within the county but has provided a new address within the county
13 that is for voter registration purposes, the auditor shall transfer the
14 voter's registration.

15 (3) If an acknowledgement notice card is properly mailed as
16 required by this section to the address listed by the voter as being
17 the voter's mailing address and the notice is subsequently returned to
18 the auditor by the postal service as being undeliverable to the voter
19 at that address, the auditor shall promptly send the voter a
20 confirmation notice. The auditor shall place the voter's registration
21 on inactive status pending a response from the voter to the
22 confirmation notice.

23 NEW SECTION. **Sec. 108.** A new section is added to chapter 29A.08
24 RCW to read as follows:

25 In addition to the information required by RCW 29A.08.010 for voter
26 registration, the county auditor shall provide each voter an
27 opportunity to affiliate with a major political party by checking the
28 appropriate box, or to indicate that the voter wants to affiliate with
29 a minor political party not listed, as part of his or her voter
30 registration. A voter may choose any major or minor political party,
31 or may make no party selection. Under no circumstances may an
32 individual be required to affiliate with a political party in order to
33 register to vote. Each voter who chooses to affiliate with a major
34 political party as part of his or her voter registration is considered
35 a "registered party member" of that political party so long as he or
36 she maintains that affiliation as part of his or her voter
37 registration. A voter who does not affiliate with any major party on
38 his or her voter registration form will be considered to be an

1 unaffiliated voter. A voter may not affiliate with more than one
2 political party at a time, but may change his or her party affiliation
3 information in a manner consistent with the procedures for changing a
4 voter registration address, as provided in RCW 29A.08.140, 29A.08.145,
5 and 29A.08.430: PROVIDED, HOWEVER, That a change of party affiliation
6 made less than thirty days prior to a primary shall not be effective
7 until the day after the primary.

8 No record may be created or maintained by a state or local
9 governmental agency that identifies a voter with the votes cast by the
10 voter.

11 **Sec. 109.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
12 read as follows:

13 Each county auditor shall maintain a computer file containing the
14 records of all registered voters within the county. The auditor may
15 provide for the establishment and maintenance of such files by private
16 contract or through interlocal agreement as provided by chapter 39.34
17 RCW. The computer file must include, but not be limited to, each
18 voter's last name, first name, middle initial, date of birth, residence
19 address, gender, party affiliation, if any, date of registration,
20 applicable taxing district and precinct codes, and the last date on
21 which the individual voted. The county auditor shall subsequently
22 record each consecutive date upon which the individual has voted and
23 retain at least the last five such consecutive dates. If the voter has
24 not voted at least five times since establishing his or her current
25 registration record, only the available dates will be included.

26 **Sec. 110.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to
27 read as follows:

28 The county auditor shall acknowledge each new voter registration or
29 transfer of address or party affiliation by providing or sending the
30 voter a card identifying his or her current precinct and party
31 affiliation, if any, and containing such other information as may be
32 prescribed by the secretary of state. When a person who has previously
33 registered to vote in a jurisdiction applies for voter registration in
34 a new jurisdiction, the person shall provide on the registration form,
35 all information needed to cancel any previous registration. The county
36 auditor shall forward any information pertaining to the voter's prior
37 voter registration to the county where the voter was previously

1 registered, so that registration may be canceled. If the prior voter
2 registration is in another state, the notification must be made to the
3 state elections office of that state. A county auditor receiving
4 official information that a voter has registered to vote in another
5 jurisdiction shall immediately cancel that voter's registration.

6 **Sec. 111.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to
7 read as follows:

8 The registration files of all precincts shall be closed against
9 original registration or transfers of address or party affiliation for
10 thirty days immediately preceding every primary, special election, and
11 general election to be held in such precincts.

12 The county auditor shall give notice of the closing of the precinct
13 files for original registration and transfer and notice of the special
14 registration and voting procedure provided by RCW 29A.08.145 by one
15 publication in a newspaper of general circulation in the county at
16 least five days before the closing of the precinct files.

17 No person may vote at any primary, special election, or general
18 election in a precinct polling place unless he or she has registered to
19 vote at least thirty days before that primary or election. If a
20 person, otherwise qualified to vote in the state, county, and precinct
21 in which he or she applies for registration, does not register at least
22 thirty days before any primary, special election, or general election,
23 he or she may register and vote (~~by absentee ballot~~) for that primary
24 or election under RCW 29A.08.145.

25 **Sec. 112.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to
26 read as follows:

27 This section establishes a special procedure which an elector may
28 use to register to vote or change his or her voter registration address
29 during the period beginning after the closing of registration for
30 voting at the polls under RCW 29A.08.140 and ending on the fifteenth
31 day before a primary, special election, or general election. A
32 qualified elector in the (~~county~~) state may register to vote or
33 change his or her registration address in person in the office of the
34 county auditor or at a voter registration location specifically
35 designated for this purpose by the county auditor of the county in
36 which the applicant resides, and apply for an absentee ballot for that
37 primary or election. The auditor or registration assistant shall

1 register that individual in the manner provided in this chapter and
2 provide an absentee ballot. If the elector is not registered to vote
3 in Washington, and registers less than thirty days before a primary
4 election, the absentee ballot or ballots must comply with RCW
5 29A.40.090, and the elector's party affiliation, if any. The
6 application for an absentee ballot executed by the newly registered
7 voter for the primary or election that follows the execution of the
8 registration shall be promptly transmitted to the auditor with the
9 completed voter registration form.

10 **Sec. 113.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to
11 read as follows:

12 An applicant for voter registration shall complete an application
13 providing the following information concerning his or her
14 qualifications as a voter in this state:

15 (1) The address of the last former registration of the applicant as
16 a voter in the state;

17 (2) The applicant's full name;

18 (3) The applicant's date of birth;

19 (4) The address of the applicant's residence for voting purposes;

20 (5) The mailing address of the applicant if that address is not the
21 same as the address in subsection (4) of this section;

22 (6) The sex of the applicant;

23 (7) A declaration that the applicant is a citizen of the United
24 States;

25 (8) The applicant's signature; and

26 (9) Any other information that the secretary of state determines is
27 necessary to establish the identity of the applicant and prevent
28 duplicate or fraudulent voter registrations.

29 The application must also include a box for the applicant to check
30 in order to affiliate with a major political party or indicate
31 affiliation with a minor political party not listed. Affiliation with
32 a political party is not required for registration, and lack of party
33 affiliation may not be used as grounds for not registering an applicant
34 to vote.

35 This information shall be recorded on a single registration form to
36 be prescribed by the secretary of state.

37 If the applicant fails to provide the information required for
38 voter registration, the auditor shall send the applicant a verification

1 notice. The auditor shall not register the applicant until the
2 required information is provided. If a verification notice is returned
3 as undeliverable or the applicant fails to respond to the notice within
4 forty-five days, the auditor shall not register the applicant to vote.

5 The following warning shall appear in a conspicuous place on the
6 voter registration form:

7 "If you knowingly provide false information on this voter
8 registration form or knowingly make a false declaration about your
9 qualifications for voter registration you will have committed a class
10 C felony that is punishable by imprisonment for up to five years, or by
11 a fine of up to ten thousand dollars, or both imprisonment and fine."

12 The voter registration form must include information on how to
13 affiliate with a political party, and the fact that party affiliation
14 is not required to register to vote.

15 **Sec. 114.** RCW 29A.08.340 and 2003 c 111 s 225 are each amended to
16 read as follows:

17 (1) A person may register to vote(~~(, transfer a voter~~
18 ~~registration,~~) or change his or her voter registration name (~~for~~
19 ~~voter registration purposes~~), address, or party affiliation when he or
20 she applies for or renews a driver's license or identification card
21 under chapter 46.20 RCW.

22 (2) To register to vote(~~(, transfer his or her voter~~
23 ~~registration,~~) or change his or her voter registration name (~~for~~
24 ~~voter registration purposes~~), address, or party affiliation under this
25 section, the applicant shall provide the information required by RCW
26 29A.08.210.

27 (3) The driver licensing agent shall record that the applicant has
28 requested to register to vote or (~~(transfer a))~~ change voter
29 (~~(registration))~~ address, or party affiliation.

30 **Sec. 115.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to
31 read as follows:

32 (1) The secretary of state shall provide for the voter registration
33 forms submitted under RCW 29A.08.340 to be collected from each driver's
34 licensing facility within five days of their completion.

35 (2) The department of licensing shall produce and transmit to the
36 secretary of state a machine-readable file containing the following
37 information from the records of each individual who requested a voter

1 registration or transfer at a driver's license facility during each
2 period for which forms are transmitted under subsection (1) of this
3 section: The name, address, date of birth, gender, and driver's
4 license number of the applicant, the (~~driver's license number~~)
5 applicant's party affiliation, if any, the date on which the
6 application for voter registration or transfer was submitted, and the
7 location of the office at which the application was submitted.

8 (3) The voter registration forms from the driver's licensing
9 facilities must be forwarded to the county in which the applicant has
10 registered to vote no later than ten days after the date on which the
11 forms were to be collected.

12 (4) For a voter registration application where the address for
13 voting purposes is different from the address in the machine-readable
14 file received from the department of licensing, the secretary of state
15 shall amend the record of that application in the machine-readable file
16 to reflect the county in which the applicant has registered to vote.

17 (5) The secretary of state shall sort the records in the machine-
18 readable file according to the county in which the applicant registered
19 to vote and produce a file of voter registration transactions for each
20 county. The records of each county may be transmitted on or through
21 whatever medium the county auditor determines will best facilitate the
22 incorporation of these records into the existing voter registration
23 files of that county.

24 (6) The secretary of state shall produce a list of voter
25 registration transactions for each county and transmit a copy of this
26 list to that county with each file of voter registration transactions
27 no later than ten days after the date on which that information was to
28 be transmitted under subsection (1) of this section.

29 (7) If a registrant has indicated on the voter registration
30 application form that he or she is registered to vote in another county
31 in Washington but has also provided an address within the auditor's
32 county that is for voter registration purposes, the auditor shall send,
33 on behalf of the registrant, a registration cancellation notice to the
34 auditor of that other county and the auditor receiving the notice shall
35 cancel the registrant's voter registration in that other county. If
36 the registrant has indicated on the form that he or she is registered
37 to vote within the county but has provided a new address within the
38 county that is for voter registration purposes, the auditor shall
39 transfer the voter's registration.

1 **Sec. 116.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to
2 read as follows:

3 (1) The department of licensing shall provide information on all
4 persons changing their address on change of address forms submitted to
5 the department unless the voter has indicated that the address change
6 is not for voting purposes. This information will be transmitted to
7 the secretary of state each week in a machine-readable file containing
8 the following information on persons changing their address: The name,
9 address, date of birth, gender, and driver's license number of the
10 applicant, the applicant's (~~driver's license number~~) party
11 affiliation, if any, the applicant's former address, the county code
12 for the applicant's former address, and the date that the request for
13 address change was received.

14 (2) The secretary of state shall forward this information to the
15 appropriate county each week. When the information indicates that the
16 voter has moved within the county, the county auditor shall use the
17 change of address information to transfer the voter's registration and
18 send the voter an acknowledgement notice of the transfer. If the
19 information indicates that the new address is outside the voter's
20 original county, the county auditor shall send the voter a registration
21 by mail form at the voter's new address and advise the voter of the
22 need to reregister in the new county. The auditor shall then place the
23 voter on inactive status.

24 **Sec. 117.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
25 read as follows:

26 (~~To maintain a valid voter registration,~~) A registered voter who
27 changes his or her party affiliation, or residence from one address to
28 another within the same county, shall transfer his or her registration
29 (~~to the new address~~) information in one of the following ways: (1)
30 Sending to the county auditor a signed request stating the voter's
31 present and previous party affiliation or registration address (~~and~~
32 ~~the address from which the voter was last registered~~), as applicable;
33 (2) appearing in person before the auditor and signing such a request;
34 or (3) transferring the registration information in the manner provided
35 by RCW 29A.08.430(~~;~~ ~~or~~ (4) ~~telephoning the county auditor to transfer~~
36 ~~the registration. The telephone call transferring a registration by~~
37 ~~telephone must be received by the auditor before the precinct~~
38 ~~registration files are closed to new registrations for the next primary~~

1 ~~or special or general election in which the voter participates)).~~ A
2 change in the voter's party affiliation made less than thirty days
3 prior to a primary election is not effective until the day after the
4 primary election.

5 **Sec. 118.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to
6 read as follows:

7 (1) A person who is registered to vote in this state may transfer
8 his or her voter registration information on the day of a special,
9 primary, or general election (~~(or primary)~~) under the following
10 procedures:

11 (a) The voter may complete, at the polling place, a registration
12 transfer form designed by the secretary of state and supplied by the
13 county auditor; or

14 (b) The voter may write in his or her new residential address in
15 the precinct list of registered voters.

16 The county auditor shall determine which of these two procedures
17 are to be used in the county or may determine that both procedures are
18 to be available to voters for use in the county.

19 (2) A voter who transfers his or her registration in the manner
20 authorized by this section shall vote in the precinct in which he or
21 she was previously registered.

22 (3) The auditor shall, within ninety days, mail to each voter who
23 has transferred a registration under this section a notice of his or
24 her current precinct and polling place.

25 (4) A change in the voter's party affiliation made less than thirty
26 days prior to a primary election is not effective until the day after
27 the primary election.

28 **Sec. 119.** RCW 29A.08.645 and 2003 c 111 s 244 are each amended to
29 read as follows:

30 The secretary of state shall create a standard electronic file
31 format (state transfer form) to be used for the transfer of voter
32 registration information between county auditors and the office of the
33 secretary of state. The format must be prescribed by rule and contain
34 at least the following information: Voter name, address, date of
35 birth, party affiliation, if any, date of registration, mailing
36 address, legislative and congressional district, and digitized

1 signature image. Each county shall program its voter registration
2 system to convert this data from the county's storage format into the
3 state transfer format.

4 **Sec. 120.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to
5 read as follows:

6 (1) The county auditor shall have custody of the voter registration
7 records for each county. The original voter registration form must be
8 filed without regard to precinct and is considered confidential and
9 unavailable for public inspection and copying. An automated file of
10 all registered voters must be maintained pursuant to RCW 29A.08.125.
11 An auditor may maintain the automated file in lieu of filing or
12 maintaining the original voter registration forms if the automated file
13 includes all of the information from the original voter registration
14 forms including, but not limited to, a retrievable facsimile of each
15 voter's signature.

16 (2) The following information contained in voter registration
17 records or files regarding a voter or a group of voters is available
18 for public inspection and copying: The voter's name, gender, voting
19 record, party affiliation, if any, date of registration, and
20 registration number. The address and political jurisdiction of a
21 registered voter are available for public inspection and copying except
22 as provided by chapter 40.24 RCW. No other information from voter
23 registration records or files is available for public inspection or
24 copying, including an unaffiliated voter's choice of ballot under RCW
25 29A.44.230.

26 **Sec. 121.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
27 read as follows:

28 The secretary of state shall not approve a vote tallying system
29 unless it:

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

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

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

1 (4) (~~Accommodates rotation of candidates' names on the ballot~~
2 ~~under RCW 29A.36.140;~~

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

4 (~~(6))~~ (5) Except for functions or capabilities unique to this
5 state, has been tested, certified, and used in at least one other state
6 or election jurisdiction.

7 **Sec. 122.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
8 read as follows:

9 (1) A person filing a declaration of candidacy for an office shall,
10 at the time of filing, be a registered voter and possess the
11 qualifications specified by law for persons who may be elected to the
12 office.

13 (2) Excluding the office of precinct committee officer or a
14 temporary elected position such as a charter review board member or
15 freeholder, no person may file for more than one office. This
16 subsection does not apply to the office of a member of the United
17 States congress.

18 (3) The name of a candidate for an office shall not appear on a
19 ballot for that office unless, except as provided in RCW 3.46.067 and
20 3.50.057, the candidate is, at the time the candidate's declaration of
21 candidacy is filed, properly registered to vote in the geographic area
22 represented by the office, and, if seeking a partisan office, the
23 candidate is qualified to run as a candidate of the party indicated or
24 as an independent. For the purposes of this section, each geographic
25 area in which registered voters may cast ballots for an office is
26 represented by that office. If a person elected to an office must be
27 nominated from a district or similar division of the geographic area
28 represented by the office, the name of a candidate for the office shall
29 not appear on a primary ballot for that office unless the candidate is,
30 at the time the candidate's declaration of candidacy is filed, properly
31 registered to vote in that district or division. The officer with whom
32 declarations of candidacy must be filed under this title shall review
33 each such declaration filed regarding compliance with this subsection.
34 This subsection does not apply to the office of a member of the United
35 States Congress.

36 (4) (~~This section does not apply to the office of a member of the~~
37 ~~United States Congress)) For a primary conducted in 2004, if a person
38 filing a declaration of candidacy for a partisan office designates on~~

1 his or her declaration an affiliation with a major political party, he
2 or she must, at the time of filing, be a registered party member of
3 that major political party. Beginning January 1, 2005, if a person
4 filing a declaration of candidacy for a partisan office designates on
5 his or her declaration an affiliation with a major political party, he
6 or she must, at the time of filing: (a) Be a registered party member
7 of that major political party; and (b)(i) be qualified to run as a
8 candidate of that party according to the party's rules in effect on the
9 fifth day of March preceding the filing; (ii) submit a petition
10 substantially in the form required by RCW 29A.24.100(3) to the filing
11 officer containing the signatures of registered party members of at
12 least five percent of the registered party members of that party
13 residing within the jurisdiction of the office sought as of the March
14 1st preceding the filing; or (iii) meet any party rules in effect on
15 March 5th preceding the primary regarding the number of signatures
16 required for ballot eligibility, provided that such rules may not
17 exceed the five percent requirement of (b)(ii) of this subsection and
18 the signatures shall be submitted substantially in the form required by
19 RCW 29A.24.100(3). The candidate may gather petition signatures at any
20 time after the first day of February preceding the primary, and may
21 provide documentation and assistance to qualified electors desiring to
22 register to vote, affiliate with a political party, or change party
23 affiliation.

24 (5) If a person filing a declaration of candidacy for a partisan
25 office designates on his or her declaration an affiliation with a minor
26 political party or indicates that he or she is an independent
27 candidate, he or she may not, at the time of filing, be a registered
28 party member of any major political party.

29 (6) Within thirty days after the effective date of this section,
30 each major political party shall file with the secretary of state a
31 copy of its rules governing the eligibility of persons to seek election
32 to public office using the party's name. The secretary of state shall
33 place the text of the rules on its web site. A copy of any party's
34 rules shall be publicly available upon request. If a major political
35 party changes its rules governing the eligibility of persons to seek
36 the nomination of the party to public office, the amended rules must be
37 filed with the secretary of state and take effect no later than March
38 1st for purposes of any partisan primary conducted that year.

1 **Sec. 123.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
2 read as follows:

3 (1) Any nomination of a candidate for partisan public office by
4 ~~((other than a major political party))~~ a party not participating in the
5 primary may be made only: (a) In ~~((a))~~ conventions held not earlier
6 than the last Saturday in ~~((June))~~ February and not later than the
7 first Saturday in July or during any of the seven days immediately
8 preceding the first day for filing declarations of candidacy as fixed
9 in accordance with RCW 29A.28.040; (b) as provided by RCW 29A.60.020;
10 or (c) as otherwise provided in this section. Candidates of a party
11 not participating in the primary and independent candidates may appear
12 only on the general election ballot.

13 (2) Nominations of candidates for president and vice president of
14 the United States other than by a major political party may be made
15 either at a convention conducted under subsection (1) of this section,
16 or at a similar convention taking place not earlier than the first
17 Sunday in July and not later than seventy days before the general
18 election. Conventions held during this time period may not nominate
19 candidates for any public office other than president and vice
20 president of the United States, except as provided in subsection (3) of
21 this section.

22 (3) If a special filing period for a partisan office is opened
23 under RCW 29A.24.210, candidates of ~~((minor political))~~ parties not
24 participating in the primary that year and independent candidates may
25 file for office during that special filing period. The names of those
26 candidates may not appear on the ballot unless they are nominated by
27 convention held no later than five days after the close of the special
28 filing period and a certificate of nomination is filed with the filing
29 officer no later than three days after the convention. The
30 requirements of RCW 29A.20.130 do not apply to such a convention. ~~((If~~
31 ~~primary ballots or a voters' pamphlet are ordered to be printed before~~
32 ~~the deadline for submitting the certificate of nomination and the~~
33 ~~certificate has not been filed, then the candidate's name will be~~
34 ~~included but may not appear on the general election ballot unless the~~
35 ~~certificate is timely filed and the candidate otherwise qualifies to~~
36 ~~appear on that ballot.))~~

37 (4) A ~~((minor political))~~ party not participating in the primary
38 may hold more than one convention but in no case shall any such party
39 nominate more than one candidate for any one partisan public office or

1 position. (~~For the purpose of nominating candidates for the offices~~
2 ~~of president and vice president, United States senator, or a statewide~~
3 ~~office, minor party or~~) A candidate of a party not participating in
4 the primary or an independent candidate holding multiple conventions
5 may add together the number of signatures of different individuals from
6 each convention obtained in support of the candidate or candidates in
7 order to obtain the number required by RCW 29A.20.140. (~~For all other~~
8 ~~offices for which nominations are made, signatures of the requisite~~
9 ~~number of registered voters must be obtained at a single convention.)~~)

10 **Sec. 124.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
11 read as follows:

12 (1) To be valid, a convention must be attended by at least
13 (~~twenty-five~~) one hundred registered voters, not including registered
14 party members of a party participating in the primary. A candidate of
15 a party not participating in the primary or an independent candidate
16 holding multiple conventions may add together the number of different
17 individuals attending different conventions in order to obtain the
18 required number of registered voters.

19 (2) In order to nominate candidates for the offices of president
20 and vice president of the United States, United States senator, or any
21 statewide office, a nominating convention shall obtain and submit to
22 the filing officer the signatures of at least (~~two hundred~~) one
23 thousand registered voters of the state of Washington, not including
24 the signatures of registered party members of a party participating in
25 the primary. A candidate of a party not participating in the primary
26 or an independent candidate holding multiple conventions may add
27 together the number of signatures of different individuals from
28 different conventions in order to obtain the required number of
29 required signatures. In order to nominate candidates for any other
30 office, a nominating convention shall obtain and submit to the filing
31 officer the signatures of (~~twenty-five~~) one hundred persons who are
32 registered to vote in the jurisdiction of the office for which the
33 nominations are made, none of whom may be registered party members of
34 a major political party.

35 (3) A person signing a nominating petition for a candidate of a
36 party not participating in the primary shall be limited to voting a
37 nonpartisan ballot at the subsequent primary election and may not vote
38 a party ballot.

1 **Sec. 125.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
2 read as follows:

3 A nominating petition submitted under this chapter shall clearly
4 identify the name of the (~~minor~~) party not participating in the
5 primary or independent candidate convention as it appears on the
6 certificate of nomination as required by RCW 29A.20.160(3). The
7 petition shall (~~also~~) contain a statement that the person signing the
8 petition is a registered voter of the state of Washington and that the
9 person signing the petition will not be eligible to vote a party ballot
10 at the subsequent primary election. The petition shall also have a
11 space for the voter to sign his or her name and to print his or her
12 name and address. No person may sign more than one nominating petition
13 under this chapter for an office for (~~a primary or~~) an election.

14 **Sec. 126.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
15 read as follows:

16 A certificate evidencing nominations made at a convention or
17 conventions must:

18 (1) Be in writing;

19 (2) Contain the name of each person nominated, his or her
20 residence, a statement that he or she is not a registered party member
21 of a party participating in the primary, and the office for which he or
22 she is named, and if the nomination is for the offices of president and
23 vice president of the United States, a sworn statement from both
24 nominees giving their consent to the nomination;

25 (3) Identify the (~~minor political~~) party not participating in the
26 primary or the independent candidate on whose behalf the convention was
27 held;

28 (4) Be verified by the oath of the presiding officer and secretary;

29 (5) Be accompanied by a nominating petition or petitions bearing
30 the signatures and addresses of registered voters equal in number to
31 that required by RCW 29A.20.140;

32 (6) Contain proof of publication of the notice of calling the
33 convention; and

34 (7) Be submitted to the appropriate filing officer not later than
35 one week following the adjournment of the convention at which the
36 nominations were made. If the nominations are made only for offices
37 whose jurisdiction is entirely within one county, the certificate and
38 nominating petitions must be filed with the county auditor. If a

1 (~~minor party~~) convention of a party not participating in the primary
2 or independent candidate convention nominates any candidates for
3 offices whose jurisdiction encompasses more than one county, all
4 nominating petitions and the convention certificates must be filed with
5 the secretary of state.

6 **Sec. 127.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
7 read as follows:

8 (1) For a general election or qualifying primary, if two or more
9 valid certificates of nomination are filed purporting to nominate
10 different candidates for the same position using the same party name or
11 confusingly similar party names, or if a valid certificate is filed
12 using the same party name as a party participating in the primary or a
13 name confusingly similar to the name of a party participating in the
14 primary, the filing officer must give effect to (~~both~~) all
15 certificates. If conflicting claims to the party name are not resolved
16 either by mutual agreement or by a judicial determination of the right
17 to the name, the candidates must be treated as independent candidates.
18 Disputes over the right to the name must not be permitted to delay the
19 printing of either ballots or a voters' pamphlet. Other candidates
20 nominated by the same conventions may continue to use the partisan
21 affiliation unless a court of competent jurisdiction directs otherwise.

22 (2) A person or party participating in the primary affected may
23 petition the superior court of the county in which the filing officer
24 is located for a judicial determination of the right to the name of a
25 minor political party, either before or after documents are filed with
26 the filing officer. The court shall resolve the conflict between
27 competing claims to the use of the same or similar party name according
28 to the following principles: (a) The prior established public use of
29 the name during previous elections by a party composed of or led by the
30 same individuals or individuals in documented succession; (b) prior
31 established public use of the name earlier in the same election cycle;
32 (c) the nomination of a more complete slate of candidates for a number
33 of offices or in a number of different regions of the state; (d)
34 documented affiliation with a national or statewide party organization
35 with an established use of the name; (e) the first date of filing of a
36 certificate of nomination; (~~and~~) (f) if the issue is whether the
37 names are confusingly similar, the likelihood of confusion on the part
38 of a reasonable voter; and (g) such other indicia of an established

1 right to use of the name as the court may deem relevant. If more than
2 one filing officer is involved, and one of them is the secretary of
3 state, the petition must be filed in the superior court for Thurston
4 county. Upon resolving the conflict between competing claims, the
5 court may also address any ballot designation for the candidate who
6 does not prevail. An action brought under this section has priority
7 over other docket items and shall be heard within seven days of filing
8 and the completion of service.

9 (3) This section also applies to candidates of a major political
10 party if the primary is being held under section 302 or 303 of this
11 act.

12 **Sec. 128.** RCW 29A.20.190 and 2003 c 111 s 513 are each amended to
13 read as follows:

14 Upon the receipt of the certificate of nomination, the officer with
15 whom it is filed shall check the certificate and canvass the signatures
16 on the accompanying nominating petitions to determine if the
17 requirements of RCW 29A.20.140 have been met. Once the determination
18 has been made, the filing officer shall notify the presiding officer of
19 the convention and any other persons requesting the notification, of
20 his or her decision regarding the sufficiency of the certificate or the
21 nominating petitions, and forward to the secretary of state the name
22 and address of all registered voters who have signed the nominating
23 petition. Any appeal regarding the filing officer's determination must
24 be filed with the superior court of the county in which the certificate
25 or petitions were filed not later than five days from the date the
26 determination is made, and shall be heard and finally disposed of by
27 the court within five days of the filing. Nominating petitions shall
28 not be available for public inspection or copying.

29 **Sec. 129.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to
30 read as follows:

31 Not later than the Friday immediately preceding the first day for
32 candidates to file, the secretary of state shall notify the county
33 auditors of the names and designations of all minor party and
34 independent candidates who have filed valid convention certificates and
35 nominating petitions with that office. The secretary of state shall
36 also forward to the appropriate county auditors the names and addresses
37 of all voters on the nominating petitions residing in that county.

1 Except for the offices of president and vice president, persons
2 nominated under this chapter shall file declarations of candidacy as
3 provided by RCW 29A.24.030 and 29A.24.070. The name of a candidate
4 nominated at a convention shall not be printed upon the ((primary))
5 general election ballot unless he or she pays the fee required by law
6 to be paid by candidates for the same office to be nominated at a
7 primary.

8 **Sec. 130.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
9 read as follows:

10 A candidate who desires to have his or her name printed on the
11 ballot for election to an office other than president of the United
12 States, vice president of the United States, or an office for which
13 ownership of property is a prerequisite to voting shall complete and
14 file a declaration of candidacy. The secretary of state shall adopt,
15 by rule, a declaration of candidacy form for the office of precinct
16 committee officer and a separate standard form for candidates for all
17 other offices filing under this chapter. Included on the standard form
18 shall be:

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

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

24 (3) A place for the candidate to indicate a party designation, if
25 applicable, and declare that he or she meets the requirements of RCW
26 29A.20.020 if the designation is a major political party;

27 (4) A place for the candidate to indicate the amount of the filing
28 fee accompanying the declaration of candidacy or for the candidate to
29 indicate that he or she is filing a nominating petition in lieu of the
30 filing fee under RCW 29A.24.090; and

31 (5) A place for the candidate to sign the declaration of candidacy,
32 stating that the information provided on the form is true and swearing
33 or affirming that he or she will support the Constitution and laws of
34 the United States and the Constitution and laws of the state of
35 Washington.

36 In the case of a declaration of candidacy filed electronically,
37 submission of the form constitutes agreement that the information
38 provided with the filing is true, that he or she will support the

1 Constitutions and laws of the United States and the state of
2 Washington, and that he or she agrees to electronic payment of the
3 filing fee established in RCW 29A.24.090.

4 The secretary of state may require any other information on the
5 form he or she deems appropriate to facilitate the filing process.

6 **Sec. 131.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
7 read as follows:

8 (1) The nominating petition authorized by RCW 29A.24.090 (~~shall~~)
9 must be printed on sheets of uniform color and size, (~~shall~~) include
10 a place for each individual to sign and print his or her name and the
11 address, city, and county at which he or she is registered to vote, and
12 contain no more than twenty numbered lines(~~, and~~).

13 (2) For candidates for nonpartisan office, the nominating petition
14 must be in substantially the following form:

15 The warning prescribed by RCW 29A.72.140; followed by:

16 We, the undersigned registered voters of _____ (the state of
17 Washington or the political subdivision for which the nomination is
18 made) _____, hereby petition that the name of _____ (candidate's name) _____ be
19 printed on the official primary ballot for the office of _____ (insert
20 name of office) _____.

21 ~~((The petition must include a place for each individual to sign and~~
22 ~~print his or her name, and the address, city, and county at which he or~~
23 ~~she is registered to vote.))~~

24 (3) For candidates of a major political party for partisan office,
25 the nominating petition must be in substantially the following form:

26 The warning prescribed by RCW 29A.72.140; followed by:

27 We, the undersigned registered voters of _____ (the state of
28 Washington or the political subdivision for which the nomination is
29 made) _____, and registered party members of the _____ (major political
30 party), _____ hereby petition that the name of _____ (candidate's name) _____ be
31 printed on the official primary ballot for the office of _____ (insert
32 name of office) _____ as a candidate of the _____ (major political party).

33 (4) For independent candidates and candidates of a minor political
34 party for partisan office, the nominating petition must be in
35 substantially the following form:

36 The warning prescribed by RCW 29A.72.140; followed by:

1 We, the undersigned registered voters of (the state of
2 Washington or the political subdivision for which the nomination is
3 made), hereby petition that the name of (candidate's name)
4 be printed on the official general election ballot for the office
5 of (insert name of office)

6 **Sec. 132.** RCW 29A.24.130 and 2003 c 111 s 613 are each amended to
7 read as follows:

8 A candidate may withdraw his or her declaration of candidacy at any
9 time before the close of business on the Thursday following the last
10 day for candidates to file under RCW 29A.24.050 by filing, with the
11 officer with whom the declaration of candidacy was filed, a signed
12 request that his or her name not be printed on the ballot. There shall
13 be no withdrawal period for declarations of candidacy filed during
14 special filing periods held under this title. The filing officer may
15 permit the withdrawal of a filing for the office of precinct committee
16 officer at the request of the candidate at any time if no absentee
17 ballots have been issued for that office and the ((~~general election~~))
18 party ballots for that precinct have not been printed. The filing
19 officer may permit the withdrawal of a filing for any elected office of
20 a city, town, or special district at the request of the candidate at
21 any time before a primary if the primary ballots for that city, town,
22 or special district have not been ordered. No filing fee may be
23 refunded to any candidate who withdraws under this section. Notice of
24 the deadline for withdrawal of candidacy and that the filing fee is not
25 refundable shall be given to each candidate at the time he or she
26 files.

27 **Sec. 133.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to
28 read as follows:

29 Filings for a partisan elective office shall be opened for a period
30 of three normal business days whenever, on or after the first day of
31 the regular filing period and before the sixth Tuesday prior to a
32 primary, a vacancy occurs in that office, leaving an unexpired term to
33 be filled by an election for which filings have not been held.

34 Any such special three-day filing period shall be fixed by the
35 election officer with whom declarations of candidacy for that office
36 are filed. The election officer shall give notice of the special

1 three-day filing period by notifying the press, radio, and television
2 in the county or counties involved, and by such other means as may be
3 required by law.

4 Candidacies validly filed within the special three-day filing
5 period shall appear on the ((primary)) ballot as if filed during the
6 regular filing period.

7 **Sec. 134.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
8 read as follows:

9 Any person who desires to be a write-in candidate and have such
10 votes counted at a primary or election may file a declaration of
11 candidacy with the officer designated in RCW 29A.24.070 not later than
12 the day before the primary or election. Declarations of candidacy for
13 write-in candidates must be accompanied by a filing fee in the same
14 manner as required of other candidates filing for the office as
15 provided in RCW 29A.24.090.

16 Votes cast for write-in candidates who have filed such declarations
17 of candidacy and write-in votes for persons appointed by major
18 political parties pursuant to RCW 29A.28.020 need only specify the name
19 of the candidate in the appropriate location on the ballot in order to
20 be counted. Write-in votes cast for any other candidate, in order to
21 be counted, must designate the office sought and position number or
22 political party, if the manner in which the write-in is done does not
23 make the office or position clear. In order for write-in votes to be
24 valid in jurisdictions employing optical-scan mark sense ballot systems
25 the voter must complete the proper mark next to the write-in line for
26 that office.

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

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

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

36 (3) Where the name of the person attempting to file already appears
37 on the ballot as a candidate for another office, unless one of the two

1 offices for which he or she is a candidate is precinct
2 (~~committee person~~) committee officer;

3 (4) At a party primary election unless the person meets the
4 requirements of RCW 29A.20.020.

5 The declaration of candidacy shall be similar to that required by
6 RCW 29A.24.030. No write-in candidate filing under this section may be
7 included in any voter's pamphlet produced under chapter 29A.32 RCW
8 unless that candidate qualifies to have his or her name printed on the
9 general election ballot. The legislative authority of any jurisdiction
10 producing a local voter's pamphlet under chapter 29A.32 RCW may
11 provide, by ordinance, for the inclusion of write-in candidates in such
12 pamphlets.

13 **Sec. 135.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
14 read as follows:

15 (1) Whenever a vacancy occurs in the United States house of
16 representatives or the United States senate from this state, the
17 governor shall order a special election to fill the vacancy.
18 Candidates of a party not participating in a primary that year and
19 independent candidates may be nominated through the convention
20 procedures provided in RCW 29A.20.110 through 29A.20.200.

21 (2) Within ten days of such vacancy occurring, he or she shall
22 issue a writ of election fixing a date for the special vacancy election
23 not less than ninety days after the issuance of the writ, fixing a date
24 for the primary for nominating major political party candidates for the
25 special vacancy election not less than thirty days before the day fixed
26 for holding the special vacancy election, fixing the dates for the
27 special filing period, and designating the term or part of the term for
28 which the vacancy exists. If the vacancy is in the office of United
29 States representative, the writ of election shall specify the
30 congressional district that is vacant.

31 (3) If the vacancy occurs less than six months before a state
32 general election and before the second Friday following the close of
33 the filing period for that general election, the special primary and
34 special vacancy elections shall be held in concert with the state
35 primary and state general election in that year.

36 (4) If the vacancy occurs on or after the first day for filing
37 under RCW 29A.24.050 and on or before the second Friday following the
38 close of the filing period, a special filing period of three normal

1 business days shall be fixed by the governor and notice thereof given
2 to all media, including press, radio, and television within the area in
3 which the vacancy election is to be held, to the end that, insofar as
4 possible, all interested persons will be aware of such filing period.
5 The last day of the filing period shall not be later than the third
6 Tuesday before the primary at which major political party candidates
7 are to be nominated. The names of major political party candidates who
8 have filed valid declarations of candidacy during this three-day period
9 shall appear on the approaching primary ballot. The requirements of
10 RCW 29A.20.130 do not apply to the convention of parties not
11 participating in the primary or an independent candidate convention
12 held under this subsection.

13 (5) If the vacancy occurs later than the second Friday following
14 the close of the filing period, a special primary ((and)) special
15 vacancy election, and the conventions of parties not participating in
16 the primary and independent candidates to fill the position shall be
17 held after the next state general election but, in any event, no later
18 than the ninetieth day following the November election.

19 **Sec. 136.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
20 read as follows:

21 The general election laws and laws relating to partisan primaries
22 shall apply to the special primaries and vacancy elections provided for
23 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
24 inconsistent with the provisions of these sections. Candidates of a
25 party not participating in a primary and independent candidates may
26 appear only on the general election ballot. Statutory time deadlines
27 relating to availability of absentee ballots, certification,
28 canvassing, and related procedures that cannot be met in a timely
29 fashion may be modified for the purposes of a specific primary or
30 vacancy election under this chapter by the secretary of state through
31 emergency rules adopted under RCW 29A.04.610.

32 **Sec. 137.** RCW 29A.28.070 and 2003 c 111 s 707 are each amended to
33 read as follows:

34 If a vacancy occurs in the office of precinct committee officer by
35 reason of death, resignation, or disqualification of the incumbent, or
36 because of failure to elect, the respective county chair of the county
37 central committee shall fill the vacancy by appointment. ((However, in

1 ~~a legislative district having a majority of its precincts in a county~~
2 ~~with a population of one million or more, the appointment may be made~~
3 ~~only upon the recommendation of the legislative district chair.))~~ The
4 person so appointed must have the same qualifications as candidates
5 when filing for election to the office for that precinct. When a
6 vacancy in the office of precinct committee officer exists because of
7 failure to elect at a (~~state general~~) primary election, the vacancy
8 may not be filled until after the organization meeting of the county
9 central committee and the new county chair has been selected as
10 provided by RCW 29A.80.030.

11 **Sec. 138.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
12 read as follows:

13 The voters' pamphlet must contain:

14 (1) Information about each ballot measure initiated by or referred
15 to the voters for their approval or rejection as required by RCW
16 29A.32.070;

17 (2) In even-numbered years, statements, if submitted, advocating
18 the candidacies of nominees for the office of president and vice
19 president of the United States, United States senator, United States
20 representative, governor, lieutenant governor, secretary of state,
21 state treasurer, state auditor, attorney general, commissioner of
22 public lands, superintendent of public instruction, insurance
23 commissioner, state senator, state representative, justice of the
24 supreme court, judge of the court of appeals, or judge of the superior
25 court. The voters' pamphlet must not contain any statement of
26 affiliation with any major political party unless the candidate is the
27 nominee of that party. Candidates may also submit a campaign mailing
28 address and telephone number and a photograph not more than five years
29 old and of a size and quality that the secretary of state determines to
30 be suitable for reproduction in the voters' pamphlet;

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

35 (4) In even-numbered years, a section explaining how voters may
36 participate in the election campaign process; the address and telephone
37 number of the public disclosure commission established under RCW

1 42.17.350; and a summary of the disclosure requirements that apply when
2 contributions are made to candidates and political committees;

3 (5) In even-numbered years the name, address, and telephone number
4 of each political party with nominees listed in the pamphlet, if filed
5 with the secretary of state by the state committee of a major political
6 party or the presiding officer of the convention of a minor political
7 party;

8 (6) In each odd-numbered year immediately before a year in which a
9 president of the United States is to be nominated and elected,
10 information explaining the precinct caucus and convention process used
11 by each major political party to elect delegates to its national
12 presidential candidate nominating convention. The pamphlet must also
13 provide a description of the statutory procedures by which minor
14 political parties are formed and the statutory methods used by the
15 parties to nominate candidates for president;

16 (7) (~~In even-numbered years, a description of the office of~~
17 ~~precinct committee officer and its duties~~) A section explaining how to
18 register to vote, how to affiliate with a major or minor political
19 party, and the fact that party affiliation is not required in order to
20 register to vote;

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

22 (9) A brief statement explaining the deletion and addition of
23 language for proposed measures under RCW 29A.32.080;

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

27 NEW SECTION. Sec. 139. A new section is added to chapter 29A.32
28 RCW to read as follows:

29 If the secretary of state prints and distributes a voters' pamphlet
30 for a primary in an even-numbered year, it must not contain any
31 statement of affiliation of a candidate with any major political party
32 unless that candidate is qualified under RCW 29A.20.020(4) to run as a
33 candidate of that party.

34 If the secretary of state prints and distributes a voters' pamphlet
35 for a primary in an even-numbered year, it must contain:

36 (1) A description of the office of precinct committee officer and
37 its duties;

1 (2) An explanation of whether each major political party is
2 allowing unaffiliated voters to participate in that party's partisan
3 primary;

4 (3) An explanation that minor political party candidates and
5 independent candidates will appear only on the general election ballot;
6 and

7 (4) For 2004 only, an explanation that the party primary will be
8 conducted as a statewide vote-by-mail primary.

9 **Sec. 140.** RCW 29A.32.240 and 2003 c 111 s 816 are each amended to
10 read as follows:

11 The local voters' pamphlet must not contain any statement of
12 affiliation of a candidate with any major political party unless that
13 candidate is qualified under RCW 29A.20.020(4) to run as a candidate of
14 that party, and shall include but not be limited to the following:

15 (1) Appearing on the cover, the words "official local voters'
16 pamphlet," the name of the jurisdiction producing the pamphlet, and the
17 date of the election or primary;

18 (2) A list of jurisdictions that have measures or candidates in the
19 pamphlet;

20 (3) Information on how a person may register to vote, how to
21 affiliate with a major or minor political party, the fact that party
22 affiliation is not required in order to register to vote, and how to
23 obtain an absentee ballot;

24 (4) The text of each measure accompanied by an explanatory
25 statement prepared by the prosecuting attorney for any county measure
26 or by the attorney for the jurisdiction submitting the measure if other
27 than a county measure. All explanatory statements for city, town, or
28 district measures not approved by the attorney for the jurisdiction
29 submitting the measure shall be reviewed and approved by the county
30 prosecuting attorney or city attorney, when applicable, before
31 inclusion in the pamphlet;

32 (5) The arguments for and against each measure submitted by
33 committees selected pursuant to RCW 29A.32.280;

34 (6) For partisan primary elections, an explanation of whether each
35 major political party is allowing unaffiliated voters to participate in
36 that party's partisan primary, and an explanation that minor political
37 party candidates and independent candidates will appear only on the
38 general election ballot;

1 (7) For the 2004 primary, an explanation that the party primary
2 will be conducted as a statewide vote-by-mail primary.

3 **Sec. 141.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
4 read as follows:

5 On or before the day following the last day for political parties
6 to fill vacancies in the ticket as provided by RCW 29A.28.010, the
7 secretary of state shall certify to each county auditor a list of the
8 candidates who have filed declarations of candidacy in his or her
9 office for the primary. For each office, the certificate shall include
10 the name of each candidate, his or her address, and his or her party
11 designation, if any. Candidates of parties not participating in the
12 primary and independent candidates may appear only on the general
13 election ballot.

14 **Sec. 142.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
15 read as follows:

16 Except for the candidates for the positions of president and vice
17 president ~~((or))~~, for a partisan or nonpartisan office for which no
18 primary is required, or for independent candidates or candidates of
19 parties not participating in the primary, the names of all candidates
20 who, under this title, filed a declaration of candidacy~~((or))~~ or were
21 certified as a candidate to fill a vacancy on a major party ticket~~((or~~
22 ~~or were nominated as an independent or minor party candidate))~~ will
23 appear on the appropriate ballot at the primary throughout the
24 jurisdiction in which they are to be nominated.

25 NEW SECTION. **Sec. 143.** A new section is added to chapter 29A.36
26 RCW to read as follows:

27 (1) At all partisan primaries, the county auditor must prepare a
28 nonpartisan ballot, if nonpartisan races or ballot measures are to be
29 voted on at the primary, and party ballots for each major political
30 party. Partisan primaries must be conducted using party ballots when
31 applicable.

32 (2) In order to appear on a party ballot, a candidate must be a
33 registered party member, have designated that same major political
34 party in his or her declaration of candidacy for partisan office, and
35 meet the requirements of RCW 29A.20.020(4).

1 (3) Every eligible registered voter, regardless of party
2 affiliation, may vote in a partisan primary as follows:

3 (a) A voter who is a registered party member of a major political
4 party may vote the party ballot for that same political party, and may
5 not vote the party ballot for any other political party.

6 (b) An unaffiliated voter may vote the party ballot for any
7 particular political party unless, by March 1st of that year, the state
8 chair of that political party has provided to the secretary of state a
9 signed statement refusing to consent to the participation of
10 unaffiliated voters in that party's partisan primary. If a state chair
11 does not provide such a statement, the party is deemed to have
12 consented to the participation of unaffiliated voters in that party's
13 partisan primary.

14 (c) An unaffiliated voter who has signed a minor party or
15 independent candidate nominating petition may vote only the nonpartisan
16 ballot and may not vote a party ballot.

17 **Sec. 144.** RCW 29A.36.110 and 2003 c 111 s 911 are each amended to
18 read as follows:

19 Every ballot for a single combination of issues (~~(and)~~), offices
20 (~~(shall)~~), and candidates must be uniform within a precinct and
21 (~~(shall)~~) identify the type of primary or election, the county, and the
22 date of the primary or election(~~(, and)~~). The ballot or voting device
23 shall contain instructions on the proper method of recording a vote,
24 including write-in votes. Each position, together with the names of
25 the candidates for that office, shall be clearly separated from other
26 offices or positions in the same jurisdiction. The offices in each
27 jurisdiction shall be clearly separated from each other. No paper
28 ballot or ballot card may be marked in any way that would permit the
29 identification of the person who voted that ballot.

30 **Sec. 145.** RCW 29A.36.120 and 2003 c 111 s 912 are each amended to
31 read as follows:

32 (1) The positions or offices on a primary ballot shall be arranged
33 in substantially the following order: United States senator; United
34 States representative; governor; lieutenant governor; secretary of
35 state; state treasurer; state auditor; attorney general; commissioner
36 of public lands; superintendent of public instruction; insurance
37 commissioner; state senator; state representative; county officers;

1 justices of the supreme court; judges of the court of appeals; judges
2 of the superior court; and judges of the district court. For all other
3 jurisdictions on the primary ballot, the offices in each jurisdiction
4 shall be grouped together and be in the order of the position numbers
5 assigned to those offices, if any.

6 (2) The order of the positions or offices on ~~((an))~~ a general
7 election ballot shall be substantially the same as on a primary ballot
8 except that the offices of president and vice president of the United
9 States shall precede all other offices on a presidential election
10 ballot. ~~((State ballot issues shall be placed before all offices on an
11 election ballot.))~~ The positions on a ballot to be assigned to ballot
12 measures regarding local units of government shall be established by
13 the secretary of state by rule.

14 (3) The political party or independent candidacy of each candidate
15 for partisan office shall be indicated next to the name of the
16 candidate on ~~((the))~~ party primary and general election ballots. A
17 candidate shall file a written notice with the filing officer within
18 three business days after the close of the filing period designating
19 the political party to be indicated next to the candidate's name on the
20 ballot if either: (a) The candidate has been nominated by two or more
21 minor political parties or independent conventions; or (b) the
22 candidate has both filed a declaration of candidacy declaring an
23 affiliation with a major political party and been nominated by a minor
24 political party or independent convention. If no written notice is
25 filed the filing officer shall give effect to the party designation
26 shown upon the first valid document filed. A candidate may be deemed
27 nominated by a ~~((minor party))~~ convention of a party not participating
28 in the primary or independent convention only if all documentation
29 required by chapter 29A.20 RCW has been timely filed.

30 **Sec. 146.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to
31 read as follows:

32 After the close of business on the last day for candidates to file
33 for office, the filing officer shall, from among those filings made in
34 person and by mail, determine by lot the order in which the names of
35 those candidates will appear on ~~((all sample and absentee))~~ the
36 applicable ballots. ~~((In the case of candidates for city, town, and
37 district office, this procedure shall also determine the order for
38 candidate names on the official primary ballot used at the polling~~

1 ~~place.))~~ The determination shall be done publicly and may be witnessed
2 by the media and by any candidate. If no primary is required for any
3 nonpartisan office under RCW 29A.52.010 or 29A.52.220, or if any
4 independent or minor party candidate files a declaration of candidacy,
5 the names shall appear on the general election ballot in the order
6 determined by lot.

7 **Sec. 147.** RCW 29A.36.150 and 2003 c 111 s 915 are each amended to
8 read as follows:

9 Except in each county with a population of one million or more, on
10 or before the fifteenth day before a primary or election, the county
11 auditor shall prepare a sample ballot which shall be made readily
12 available to members of the public. For a partisan primary, the county
13 auditor shall prepare a sample nonpartisan ballot and sample party
14 ballots. The secretary of state shall adopt rules governing the
15 preparation of sample ballots in counties with a population of one
16 million or more. The rules shall permit, among other alternatives, the
17 preparation of more than one sample ballot by a county with a
18 population of one million or more for a primary or election, each of
19 which lists a portion of the offices and issues to be voted on in that
20 county. The position of precinct committee officer shall be shown on
21 the sample party ballot for the (~~general election~~) primary, but the
22 names of candidates for the individual positions need not be shown.

23 **Sec. 148.** RCW 29A.36.160 and 2003 c 111 s 916 are each amended to
24 read as follows:

25 (1) On the top of each ballot (~~there will~~) must be printed clear
26 and concise instructions directing the voter(~~s~~) how to mark the
27 ballot, including write-in votes. (~~After the instructions and before~~
28 ~~the offices,~~)

29 (2) The questions of adopting constitutional amendments or any
30 other state measure authorized by law to be submitted to the voters at
31 that election (~~will be placed~~) must appear after the instructions and
32 before any offices.

33 (3) In a year that president and vice president appear on the
34 general election ballot, the names of the candidates for president and
35 vice president for each political party must be grouped together with
36 a single response position for a voter to indicate his or her choice.

1 ~~((2))~~ (4) On a general election ballot, the candidate or
2 candidates of the major political party that received the highest
3 number of votes from the electors of this state for the office of
4 president of the United States at the last presidential election
5 ~~((will))~~ must appear first following the appropriate office
6 heading~~((r))~~. The candidate or candidates of the other major political
7 parties will follow according to the votes cast for their nominees for
8 president at the last presidential election, and independent candidates
9 and the candidate or candidates of all other parties will follow in the
10 order of their qualification with the secretary of state.

11 ~~((3) The names of candidates for president and vice president for~~
12 ~~each political party must be grouped together with a single response~~
13 ~~position for a voter to indicate his or her choice.~~

14 ~~(4))~~ (5) All paper ballots and ballot cards used at a polling
15 place must be sequentially numbered in such a way to permit removal of
16 such numbers without leaving any identifying marks on the ballot.

17 **Sec. 149.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to
18 read as follows:

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

26 **Sec. 150.** RCW 29A.40.060 and 2003 c 111 s 1006 are each amended to
27 read as follows:

28 (1) The county auditor shall issue an absentee ballot for the
29 primary or election for which it was requested, or for the next
30 occurring primary or election when ongoing absentee status has been
31 requested if the information contained in a request for an absentee
32 ballot or ongoing absentee status received by the county auditor is
33 complete and correct and the applicant is qualified to vote under
34 federal or state law. Otherwise, the county auditor shall notify the
35 applicant of the reason or reasons why the request cannot be accepted.
36 Whenever two or more candidates have filed for the position of precinct
37 committee officer for the same party in the same precinct ~~((at a~~

1 ~~general election held in an even-numbered year~~)), the contest for that
2 position must be presented to absentee voters from that precinct by
3 either including the contest on the regular absentee ballot or a
4 separate absentee ballot. The ballot must provide space designated for
5 writing in the name of additional candidates.

6 (2) A registered voter may obtain a replacement ballot if the
7 ballot is destroyed, spoiled, lost, or not received by the voter. The
8 voter may obtain the ballot by telephone request, by mail,
9 electronically, or in person. The county auditor shall keep a record
10 of each replacement ballot provided under this subsection.

11 (3) A copy of the state voters' pamphlet must be sent to registered
12 voters temporarily outside the state, out-of-state voters, overseas
13 voters, and service voters along with the absentee ballot if such a
14 pamphlet has been prepared for the primary or election and is available
15 to the county auditor at the time of mailing. The county auditor shall
16 mail all absentee ballots and related material to voters outside the
17 territorial limits of the United States and the District of Columbia
18 under 39 U.S.C. 3406.

19 NEW SECTION. **Sec. 151.** A new section is added to chapter 29A.40
20 RCW to read as follows:

21 (1) For the 2004 primary, all registered voters shall be considered
22 to be absentee voters. Each county auditor shall issue ballots to all
23 registered voters in accordance with RCW 29A.40.090.

24 (2) This section expires January 1, 2005.

25 **Sec. 152.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to
26 read as follows:

27 (1) For a primary election with at least one partisan race, the
28 county auditor shall:

29 (a) Send each absentee unaffiliated voter a party ballot for each
30 major political party, one security envelope in which to seal the voted
31 party ballot, a larger envelope in which to return the security
32 envelope, instructions on how to mark and return one ballot to the
33 county auditor, and instructions to destroy unused party ballots. The
34 instructions that accompany absentee party ballots to an unaffiliated
35 voter must include an explanation that only one party ballot may be
36 voted and returned, and that if more than one party ballot is voted and

1 returned in the security envelope, none of the party ballots will be
2 counted;

3 (b) Send each absentee unaffiliated voter who has signed a
4 nominating petition for a candidate of a party not participating in the
5 primary or an independent candidate nominating petition a nonpartisan
6 ballot, a security envelope in which to seal the nonpartisan ballot
7 after voting, a larger envelope in which to return the security
8 envelope, and instructions on how to mark the ballot and how to return
9 it to the county auditor;

10 (c) Send each absentee voter who is a registered party member of a
11 major political party the party ballot of the major political party
12 with which the voter is affiliated, a security envelope in which to
13 seal the party ballot after voting, a larger envelope in which to
14 return the security envelope, and instructions on how to mark the
15 ballot and how to return it to the county auditor; and

16 (d) Instruct the voter to destroy and discard all unvoted party
17 ballots.

18 (2) For a general election, the county auditor shall send each
19 absentee voter a ballot, a security envelope in which to seal the
20 ballot after voting, a larger envelope in which to return the security
21 envelope, and instructions on how to mark the ballot and how to return
22 it to the county auditor.

23 (3) For primary and general elections, the larger return envelope
24 must contain a declaration by the absentee voter reciting his or her
25 qualifications and stating that he or she has not voted in any other
26 jurisdiction at this election and, if for a primary election, that he
27 or she has destroyed any unused primary ballots, together with a
28 summary of the penalties for any violation of any of the provisions of
29 this chapter. The return envelope must provide space for the voter to
30 indicate the date on which the ballot was voted and for the voter to
31 sign the oath. A summary of the applicable penalty provisions of this
32 chapter must be printed on the return envelope immediately adjacent to
33 the space for the voter's signature. The signature of the voter on the
34 return envelope must affirm and attest to the statements regarding the
35 qualifications of that voter and to the validity of the ballot. For
36 out-of-state voters, overseas voters, and service voters, the signed
37 declaration on the return envelope constitutes the equivalent of a
38 voter registration for the election or primary for which the ballot has
39 been issued. The voter must be instructed to either return the ballot

1 to the county auditor by whom it was issued or attach sufficient first
2 class postage, if applicable, and mail the ballot to the appropriate
3 county auditor no later than the day of the election or primary for
4 which the ballot was issued.

5 If the county auditor chooses to forward absentee ballots, he or
6 she must include with the ballot a clear explanation of the
7 qualifications necessary to vote in that election and must also advise
8 a voter with questions about his or her eligibility to contact the
9 county auditor. This explanation may be provided on the ballot
10 envelope, on an enclosed insert, or printed directly on the ballot
11 itself. If the information is not included, the envelope must clearly
12 indicate that the ballot is not to be forwarded and that return postage
13 is guaranteed.

14 **Sec. 153.** RCW 29A.44.020 and 2003 c 111 s 1102 are each amended to
15 read as follows:

16 (1) At any election, general or special, or at any primary, any
17 political party or committee may designate a person other than a
18 precinct election officer, for each polling place to check a list of
19 registered voters of the precinct to determine who has and who has not
20 voted.

21 (2) The precinct committee officer or his or her designee or
22 designees must not seek to obtain or keep a record of the party ballot
23 voted by an unaffiliated voter voting in any election.

24 (3) The lists must be furnished by the party or committee
25 concerned.

26 (4) Every person who violates subsection (2) of this section is
27 guilty of a class C felony, punishable under RCW 9A.20.021.

28 **Sec. 154.** RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to
29 read as follows:

30 A voter desiring to vote shall give his or her name to the precinct
31 election officer who has the precinct list of registered voters. This
32 officer shall announce the name to the precinct election officer who
33 has the copy of the inspector's poll book for that precinct. If the
34 right of this voter to participate in the primary or election is not
35 challenged, the voter must be issued a ballot or permitted to enter a
36 voting booth or to operate a voting device. At a partisan primary,
37 every voter who is a registered party member of a major political party

1 must be issued the party ballot specific to his or her political party;
2 every unaffiliated voter must be issued a party ballot for each major
3 political party that has consented to the participation of unaffiliated
4 voters in its partisan primary under section 143 of this act; and every
5 unaffiliated voter who has signed a nominating petition for a candidate
6 of a party not participating in the primary or independent candidate
7 nominating petition must be issued only the nonpartisan ballot. The
8 number of the ballot or the voter must be recorded by the precinct
9 election officers. If the right of the voter to participate is
10 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

11 **Sec. 155.** RCW 29A.44.230 and 2003 c 111 s 1122 are each amended to
12 read as follows:

13 As each voter casts his or her vote, the precinct election officers
14 shall insert in the poll books or precinct list of registered voters
15 opposite that voter's name, a notation to credit the voter with having
16 participated in that primary or election. In a partisan primary, no
17 record may be made of which party ballot an unaffiliated voter voted,
18 except as necessary for conducting the provisions of chapter 29A.60,
19 29A.64, or 29A.68 RCW. Any record made under this section shall be
20 subject to the provisions of RCW 29A.08.710 and section 167 of this
21 act. The precinct election officers shall record the voter's name so
22 that a separate record is kept.

23 NEW SECTION. **Sec. 156.** A new section is added to chapter 29A.52
24 RCW to read as follows:

25 Major political party candidates for all partisan elected offices,
26 except for president, vice president, precinct committee officer, and
27 offices exempted from the primary under RCW 29A.52.010, must be
28 nominated at primaries held under sections 157 through 160 of this act,
29 or, if applicable, chapter 29A.-- RCW (sections 201 through 255 of this
30 act).

31 NEW SECTION. **Sec. 157.** A new section is added to chapter 29A.52
32 RCW to read as follows:

33 (1) After June 15, 2004, a major political party may choose, by
34 rule, to allow unaffiliated voters to participate in its primary. The
35 rule may be applied only on a statewide basis and with respect to all
36 votes cast by unaffiliated voters, rather than with respect to votes

1 cast in specific districts or races or for specific candidates. If a
2 major political party allows unaffiliated voters to participate in its
3 primary, no distinction may be made by the party or by a county
4 canvassing board between votes cast by registered party members and
5 votes cast by unaffiliated voters.

6 (2) A major political party shall be deemed to have chosen to allow
7 unaffiliated voters to participate in its primary unless by March 1st
8 of the year of the primary, the state chair of the major political
9 party has provided to the secretary of state a signed statement
10 refusing to consent to the participation of unaffiliated voters in that
11 party's primary. Any such refusal to consent shall only be effective
12 for any partisan primary conducted between September 1st of the same
13 year and August 30th of the following year.

14 (3) In any year after 2004 in which the chair of a major political
15 party provides the secretary of state a signed statement by March 1st,
16 under subsection (2) of this section, that only registered party
17 members may vote the party ballot specific to that political party,
18 sections 302 and 303 of this act apply.

19 NEW SECTION. **Sec. 158.** A new section is added to chapter 29A.52
20 RCW to read as follows:

21 In a partisan primary:

22 (1) Every eligible voter, regardless of party affiliation, may vote
23 a party ballot if at least one major political party has consented to
24 allowing unaffiliated voters to participate in its primary.

25 (2) A voter who is a registered party member of a major political
26 party may vote the party ballot for his or her political party, and may
27 not vote the party ballot for any other political party.

28 (3) An unaffiliated voter may vote the party ballot for any
29 particular political party unless, by March 1st of that year, the state
30 chair of that political party has provided to the secretary of state a
31 signed statement refusing to consent to the participation of
32 unaffiliated voters in that party's partisan primary. Only one party
33 ballot may be voted.

34 (4) An unaffiliated voter who has signed a nominating petition for
35 a candidate of a party not participating in the primary or an
36 independent candidate nominating petition may vote only the nonpartisan
37 ballot, and may not vote a party ballot.

1 NEW SECTION. **Sec. 159.** A new section is added to chapter 29A.52
2 RCW to read as follows:

3 So far as applicable, the provisions of this title relating to
4 conducting general elections govern the conduct of primaries.

5 NEW SECTION. **Sec. 160.** A new section is added to chapter 29A.52
6 RCW to read as follows:

7 An explanation of whether each major political party is allowing
8 unaffiliated voters to participate in that party's partisan primary,
9 and instructions for voting a party ballot, must appear, at the very
10 least, in:

- 11 (1) Any primary voters' pamphlet prepared by the secretary of state
12 or a local government if a partisan office will appear on the ballot;
- 13 (2) Instructions that accompany a primary absentee party ballot;
- 14 (3) Any notice of a partisan primary published in compliance with
15 RCW 29A.52.310; and
- 16 (4) The web site of the office of the secretary of state and any
17 web site of a county auditor's office.

18 **Sec. 161.** RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to
19 read as follows:

20 (1) The offices of superintendent of public instruction, justice of
21 the supreme court, judge of the court of appeals, judge of the superior
22 court, and judge of the district court shall be nonpartisan and the
23 candidates therefor shall be nominated and elected as such.

24 (2) All city, town, and special purpose district elective offices
25 shall be nonpartisan and the candidates therefor shall be nominated and
26 elected as such.

27 (3) Nonpartisan offices shall appear in a primary on the
28 nonpartisan ballot and on every party ballot.

29 **Sec. 162.** RCW 29A.52.310 and 2003 c 111 s 1309 are each amended to
30 read as follows:

31 Not more than ten nor less than three days before the primary the
32 county auditor shall publish notice of such primary in one or more
33 newspapers of general circulation within the county. The notice must
34 contain the proper party designations, the names and addresses of all
35 persons who have filed a declaration of candidacy to be voted upon at
36 that primary, whether each major political party is allowing

1 unaffiliated voters to participate in its primary, an explanation that
2 candidates of political parties not participating in the primaries and
3 independent candidates will appear only in the general election, the
4 hours during which the polls will be open, and the polling places for
5 each precinct, giving the address of each polling place. The names of
6 all candidates for nonpartisan offices must be published separately
7 with designation of the offices for which they are candidates but
8 without party designation. This is the only notice required for the
9 holding of any primary.

10 NEW SECTION. Sec. 163. A new section is added to chapter 29A.52
11 RCW to read as follows:

12 (1) The notice required by RCW 29A.52.310 shall prominently include
13 an explanation that the 2004 primary will be conducted exclusively by
14 mail.

15 (2) This section expires January 1, 2005.

16 **Sec. 164.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
17 read as follows:

18 No later than the day following the certification of the returns of
19 any primary, the secretary of state shall certify to the appropriate
20 county auditors(~~(7)~~) the names of all persons nominated for offices(~~(7~~
21 ~~the returns of which have been canvassed by the secretary of state))~~ at
22 a primary, or at an independent candidate convention or a convention of
23 a party not participating in the primary.

24 NEW SECTION. Sec. 165. A new section is added to chapter 29A.60
25 RCW to read as follows:

26 (1) No record of the party ballot voted by an unaffiliated voter
27 voting in a primary or election may be created or maintained by any
28 public agency, organization, or person except for the purposes of
29 conducting the provisions of this chapter and chapters 29A.64 and
30 29A.68 RCW. Any such record created for the purpose defined in this
31 chapter is not a public record and is not available for public
32 inspection or copying.

33 (2) No record of the party ballot voted by an unaffiliated voter
34 voting in a primary shall be recorded or sought by individuals
35 conducting activities authorized under RCW 29A.44.020.

1 (3) Nothing in this section shall be construed so as to prohibit a
2 political organization from conducting voter identification and party
3 building activities that occur outside the polling place or at any time
4 other than on the day of the primary or election.

5 (4) Every person who violates this section is guilty of a class C
6 felony, punishable under RCW 9A.20.021.

7 **Sec. 166.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
8 read as follows:

9 (1) For any office at any election or primary, any voter may write
10 in on the ballot the name of any person for an office who has filed as
11 a write-in candidate for the office in the manner provided by RCW
12 29A.24.310 and such vote shall be counted the same as if the name had
13 been printed on the ballot and marked by the voter. In a partisan
14 primary, a voter may write in only the name of a write-in candidate
15 affiliated with the same major political party as designated on the
16 party ballot and eligible for nomination as a candidate of that party.

17 No write-in vote made for any person who has not filed a declaration of
18 candidacy pursuant to RCW 29A.24.310 is valid if that person filed for
19 the same office, either as a regular candidate or a write-in candidate,
20 at the preceding primary. Any abbreviation used to designate office,
21 position, or political party shall be accepted if the canvassing board
22 can determine, to their satisfaction, the voter's intent.

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

25 (3) Write-in votes cast for an individual candidate for an office
26 need not be tallied if the total number of write-in votes cast for the
27 office is not greater than the number of votes cast for the candidate
28 apparently nominated or elected, and the write-in votes could not have
29 altered the outcome of the primary or election. In the case of write-
30 in votes for statewide office or for any office whose jurisdiction
31 encompasses more than one county, write-in votes for an individual
32 candidate must be tallied whenever the county auditor is notified by
33 either the office of the secretary of state or another auditor in a
34 multicounty jurisdiction that it appears that the write-in votes could
35 alter the outcome of the primary or election.

36 (4) In the case of statewide offices or jurisdictions that
37 encompass more than one county, if the total number of write-in votes
38 cast for an office within a county is greater than the number of votes

1 cast for a candidate apparently nominated or elected in a primary or
2 election, the auditor shall tally all write-in votes for individual
3 candidates for that office and notify the office of the secretary of
4 state and the auditors of the other counties within the jurisdiction,
5 that the write-in votes for individual candidates should be tallied.

6 NEW SECTION. **Sec. 167.** A new section is added to chapter 29A.64
7 RCW to read as follows:

8 (1) No record of the party ballot voted by an unaffiliated voter
9 voting in a primary or election may be created or maintained by any
10 public agency, organization, or person except for the purposes of
11 conducting the provisions of this chapter and chapters 29A.60 and
12 29A.68 RCW. Any such record created for the purpose defined in this
13 chapter is not a public record and therefore is not available for
14 public inspection or copying.

15 (2) No record of the party ballot voted by an unaffiliated voter
16 voting in a primary shall be recorded or sought by individuals
17 conducting activities authorized under RCW 29A.44.020.

18 (3) Nothing in this section shall be construed so as to prohibit a
19 political organization from conducting voter identification and party
20 building activities that occur outside the polling place or at any time
21 other than on the day of the primary or election.

22 (4) Every person who violates this section is guilty of a class C
23 felony, punishable under RCW 9A.20.021.

24 NEW SECTION. **Sec. 168.** A new section is added to chapter 29A.68
25 RCW to read as follows:

26 (1) No record of the party ballot voted by an unaffiliated voter
27 voting in a primary or election may be created or maintained by any
28 public agency, organization, or person except for the purposes of
29 conducting the provisions of this chapter and chapters 29A.60 and
30 29A.64 RCW. Any such record created for the purpose defined in this
31 chapter is not a public record and therefore is not available for
32 public inspection or copying.

33 (2) No record of the party ballot voted by an unaffiliated voter
34 voting in a primary shall be recorded or sought by individuals
35 conducting activities authorized under RCW 29A.44.020.

36 (3) Nothing in this section shall be construed so as to prohibit a

1 political organization from conducting voter identification and party
2 building activities that occur outside the polling place or at any time
3 other than on the day of the primary or election.

4 (4) Every person who violates this section is guilty of a class C
5 felony, punishable under RCW 9A.20.021.

6 **Sec. 169.** RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to
7 read as follows:

8 Any registered party member of a major political party who is a
9 registered voter in the precinct may upon payment of a fee of one
10 dollar file his or her declaration of candidacy as prescribed under RCW
11 29A.24.030 with the county auditor for the office of precinct committee
12 officer of his or her party in that precinct. When elected at the
13 primary, the precinct committee officer shall serve so long as the
14 committee officer remains an eligible voter in that precinct and until
15 a successor has been elected at the next ensuing state (~~general~~)
16 primary election in the even-numbered year.

17 **Sec. 170.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to
18 read as follows:

19 The statutory requirements for filing as a candidate at the
20 primaries apply to candidates for precinct committee officer, except
21 that the filing period for this office alone is extended to and
22 includes the Friday immediately following the last day for political
23 parties to fill vacancies in the ticket as provided by RCW 29A.28.010.
24 The office (~~shall not~~) must be voted upon at the primaries in even-
25 numbered years, (~~but~~) and the names of all candidates must appear
26 under the proper (~~party and~~) office designation(~~s~~) on the party
27 ballots (~~for the general election for each even-numbered year, and~~).
28 The one receiving the highest number of votes will be declared elected.
29 (~~However, to be declared elected, a candidate must receive at least~~
30 ~~ten percent of the number of votes cast for the candidate of the~~
31 ~~candidate's party receiving the greatest number of votes in the~~
32 ~~precinct.~~) The term of office of precinct committee officer is two
33 years, commencing upon completion of the official canvass of votes by
34 the county canvassing board of election returns.

35 **Sec. 171.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
36 as follows:

- 1 (1) "Agency" includes all state agencies and all local agencies.
2 "State agency" includes every state office, department, division,
3 bureau, board, commission, or other state agency. "Local agency"
4 includes every county, city, town, municipal corporation, quasi-
5 municipal corporation, or special purpose district, or any office,
6 department, division, bureau, board, commission, or agency thereof, or
7 other local public agency.
- 8 (2) "Authorized committee" means the political committee authorized
9 by a candidate, or by the public official against whom recall charges
10 have been filed, to accept contributions or make expenditures on behalf
11 of the candidate or public official.
- 12 (3) "Ballot proposition" means any "measure" as defined by RCW
13 (~~((29.01.110))~~) 29A.04.091, or any initiative, recall, or referendum
14 proposition proposed to be submitted to the voters of the state or any
15 municipal corporation, political subdivision, or other voting
16 constituency from and after the time when the proposition has been
17 initially filed with the appropriate election officer of that
18 constituency prior to its circulation for signatures.
- 19 (4) "Benefit" means a commercial, proprietary, financial, economic,
20 or monetary advantage, or the avoidance of a commercial, proprietary,
21 financial, economic, or monetary disadvantage.
- 22 (5) "Bona fide political party" means:
23 (a) An organization that has filed a valid certificate of
24 nomination with the secretary of state under chapter (~~((29.24))~~) 29A.20
25 RCW;
- 26 (b) The governing body of the state organization of a major
27 political party, as defined in RCW (~~((29.01.090))~~) 29A.04.085, that is
28 the body authorized by the charter or bylaws of the party to exercise
29 authority on behalf of the state party; or
- 30 (c) The county central committee or legislative district committee
31 of a major political party. There may be only one legislative district
32 committee for each party in each legislative district.
- 33 (6) "Depository" means a bank designated by a candidate or
34 political committee pursuant to RCW 42.17.050.
- 35 (7) "Treasurer" and "deputy treasurer" mean the individuals
36 appointed by a candidate or political committee, pursuant to RCW
37 42.17.050, to perform the duties specified in that section.
- 38 (8) "Candidate" means any individual who seeks nomination for

1 election or election to public office. An individual seeks nomination
2 or election when he or she first:

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

5 (b) Announces publicly or files for office;

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

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

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

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

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

20 (12) "Compensation" unless the context requires a narrower meaning,
21 includes payment in any form for real or personal property or services
22 of any kind: PROVIDED, That for the purpose of compliance with RCW
23 42.17.241, the term "compensation" shall not include per diem
24 allowances or other payments made by a governmental entity to reimburse
25 a public official for expenses incurred while the official is engaged
26 in the official business of the governmental entity.

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

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

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

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

38 (iii) The financing by a person of the dissemination, distribution,

1 or republication, in whole or in part, of broadcast, written, graphic,
2 or other form of political advertising prepared by a candidate, a
3 political committee, or its authorized agent;

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

7 (b) "Contribution" does not include:

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

10 (ii) Ordinary home hospitality;

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

14 (iv) A news item, feature, commentary, or editorial in a regularly
15 scheduled news medium that is of primary interest to the general
16 public, that is in a news medium controlled by a person whose business
17 is that news medium, and that is not controlled by a candidate or a
18 political committee;

19 (v) An internal political communication primarily limited to the
20 members of or contributors to a political party organization or
21 political committee, or to the officers, management staff, or
22 stockholders of a corporation or similar enterprise, or to the members
23 of a labor organization or other membership organization;

24 (vi) The rendering of personal services of the sort commonly
25 performed by volunteer campaign workers, or incidental expenses
26 personally incurred by volunteer campaign workers not in excess of
27 fifty dollars personally paid for by the worker. "Volunteer services,"
28 for the purposes of this section, means services or labor for which the
29 individual is not compensated by any person;

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

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

37 (A) A political party or caucus political committee if the person
38 paying for the services is the regular employer of the person rendering
39 such services; or

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

5 (c) Contributions other than money or its equivalent are deemed to
6 have a monetary value equivalent to the fair market value of the
7 contribution. Services or property or rights furnished at less than
8 their fair market value for the purpose of assisting any candidate or
9 political committee are deemed a contribution. Such a contribution
10 must be reported as an in-kind contribution at its fair market value
11 and counts towards any applicable contribution limit of the provider.

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

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

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

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

32 (19) "Expenditure" includes a payment, contribution, subscription,
33 distribution, loan, advance, deposit, or gift of money or anything of
34 value, and includes a contract, promise, or agreement, whether or not
35 legally enforceable, to make an expenditure. The term "expenditure"
36 also includes a promise to pay, a payment, or a transfer of anything of
37 value in exchange for goods, services, property, facilities, or
38 anything of value for the purpose of assisting, benefiting, or honoring
39 any public official or candidate, or assisting in furthering or

1 opposing any election campaign. For the purposes of this chapter,
2 agreements to make expenditures, contracts, and promises to pay may be
3 reported as estimated obligations until actual payment is made. The
4 term "expenditure" shall not include the partial or complete repayment
5 by a candidate or political committee of the principal of a loan, the
6 receipt of which loan has been properly reported.

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

9 (21) "General election" for the purposes of RCW 42.17.640 means the
10 election that results in the election of a person to a state office.
11 It does not include a primary.

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

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

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

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

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

1 (c) The expenditure, alone or in conjunction with another
2 expenditure or other expenditures of the same person in support of or
3 opposition to that candidate, has a value of five hundred dollars or
4 more. A series of expenditures, each of which is under five hundred
5 dollars, constitutes one independent expenditure if their cumulative
6 value is five hundred dollars or more.

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

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

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

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

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

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

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

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

37 (30) "Person" includes an individual, partnership, joint venture,
38 public or private corporation, association, federal, state, or local
39 governmental entity or agency however constituted, candidate,

1 committee, political committee, political party, executive committee
2 thereof, or any other organization or group of persons, however
3 organized.

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

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

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

18 (34) "Primary" for the purposes of RCW 42.17.640 means the
19 (~~procedure for nominating~~) election that nominates a candidate of a
20 major political party to state office (~~under chapter 29.18 or 29.21~~
21 ~~RCW or any other primary for an election that uses, in large measure,~~
22 ~~the procedures established in chapter 29.18 or 29.21 RCW~~). In the
23 event that all major parties adopt rules prohibiting the counting of
24 unaffiliated ballots at the primary election, primary means the
25 procedure for qualifying a candidate to state office under chapter
26 29A.-- RCW (sections 201 through 255 of this act).

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

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

1 reports submitted to the legislature; and any other record designated
2 a public record by any official action of the senate or the house of
3 representatives.

4 (37) "Recall campaign" means the period of time beginning on the
5 date of the filing of recall charges under RCW ((~~29.82.015~~)) 29A.56.120
6 and ending thirty days after the recall election.

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

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

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

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

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

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

36 **Sec. 172.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277
37 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as
38 follows:

- 1 (1) The following are exempt from public inspection and copying:
- 2 (a) Personal information in any files maintained for students in
3 public schools, patients or clients of public institutions or public
4 health agencies, or welfare recipients.
- 5 (b) Personal information in files maintained for employees,
6 appointees, or elected officials of any public agency to the extent
7 that disclosure would violate their right to privacy.
- 8 (c) Information required of any taxpayer in connection with the
9 assessment or collection of any tax if the disclosure of the
10 information to other persons would (i) be prohibited to such persons by
11 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
12 taxpayer's right to privacy or result in unfair competitive
13 disadvantage to the taxpayer.
- 14 (d) Specific intelligence information and specific investigative
15 records compiled by investigative, law enforcement, and penology
16 agencies, and state agencies vested with the responsibility to
17 discipline members of any profession, the nondisclosure of which is
18 essential to effective law enforcement or for the protection of any
19 person's right to privacy.
- 20 (e) Information revealing the identity of persons who are witnesses
21 to or victims of crime or who file complaints with investigative, law
22 enforcement, or penology agencies, other than the public disclosure
23 commission, if disclosure would endanger any person's life, physical
24 safety, or property. If at the time a complaint is filed the
25 complainant, victim or witness indicates a desire for disclosure or
26 nondisclosure, such desire shall govern. However, all complaints filed
27 with the public disclosure commission about any elected official or
28 candidate for public office must be made in writing and signed by the
29 complainant under oath.
- 30 (f) Test questions, scoring keys, and other examination data used
31 to administer a license, employment, or academic examination.
- 32 (g) Except as provided by chapter 8.26 RCW, the contents of real
33 estate appraisals, made for or by any agency relative to the
34 acquisition or sale of property, until the project or prospective sale
35 is abandoned or until such time as all of the property has been
36 acquired or the property to which the sale appraisal relates is sold,
37 but in no event shall disclosure be denied for more than three years
38 after the appraisal.

1 (h) Valuable formulae, designs, drawings, computer source code or
2 object code, and research data obtained by any agency within five years
3 of the request for disclosure when disclosure would produce private
4 gain and public loss.

5 (i) Preliminary drafts, notes, recommendations, and intra-agency
6 memorandums in which opinions are expressed or policies formulated or
7 recommended except that a specific record shall not be exempt when
8 publicly cited by an agency in connection with any agency action.

9 (j) Records which are relevant to a controversy to which an agency
10 is a party but which records would not be available to another party
11 under the rules of pretrial discovery for causes pending in the
12 superior courts.

13 (k) Records, maps, or other information identifying the location of
14 archaeological sites in order to avoid the looting or depredation of
15 such sites.

16 (l) Any library record, the primary purpose of which is to maintain
17 control of library materials, or to gain access to information, which
18 discloses or could be used to disclose the identity of a library user.

19 (m) Financial information supplied by or on behalf of a person,
20 firm, or corporation for the purpose of qualifying to submit a bid or
21 proposal for (i) a ferry system construction or repair contract as
22 required by RCW 47.60.680 through 47.60.750 or (ii) highway
23 construction or improvement as required by RCW 47.28.070.

24 (n) Railroad company contracts filed prior to July 28, 1991, with
25 the utilities and transportation commission under RCW 81.34.070, except
26 that the summaries of the contracts are open to public inspection and
27 copying as otherwise provided by this chapter.

28 (o) Financial and commercial information and records supplied by
29 private persons pertaining to export services provided pursuant to
30 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
31 export projects pursuant to RCW 43.23.035.

32 (p) Financial disclosures filed by private vocational schools under
33 chapters 28B.85 and 28C.10 RCW.

34 (q) Records filed with the utilities and transportation commission
35 or attorney general under RCW 80.04.095 that a court has determined are
36 confidential under RCW 80.04.095.

37 (r) Financial and commercial information and records supplied by
38 businesses or individuals during application for loans or program

1 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
2 or during application for economic development loans or program
3 services provided by any local agency.

4 (s) Membership lists or lists of members or owners of interests of
5 units in timeshare projects, subdivisions, camping resorts,
6 condominiums, land developments, or common-interest communities
7 affiliated with such projects, regulated by the department of
8 licensing, in the files or possession of the department.

9 (t) All applications for public employment, including the names of
10 applicants, resumes, and other related materials submitted with respect
11 to an applicant.

12 (u) The residential addresses or residential telephone numbers of
13 employees or volunteers of a public agency which are held by any public
14 agency in personnel records, public employment related records, or
15 volunteer rosters, or are included in any mailing list of employees or
16 volunteers of any public agency.

17 (v) The residential addresses and residential telephone numbers of
18 the customers of a public utility contained in the records or lists
19 held by the public utility of which they are customers, except that
20 this information may be released to the division of child support or
21 the agency or firm providing child support enforcement for another
22 state under Title IV-D of the federal social security act, for the
23 establishment, enforcement, or modification of a support order.

24 (w)(i) The federal social security number of individuals governed
25 under chapter 18.130 RCW maintained in the files of the department of
26 health, except this exemption does not apply to requests made directly
27 to the department from federal, state, and local agencies of
28 government, and national and state licensing, credentialing,
29 investigatory, disciplinary, and examination organizations; (ii) the
30 current residential address and current residential telephone number of
31 a health care provider governed under chapter 18.130 RCW maintained in
32 the files of the department, if the provider requests that this
33 information be withheld from public inspection and copying, and
34 provides to the department an accurate alternate or business address
35 and business telephone number. On or after January 1, 1995, the
36 current residential address and residential telephone number of a
37 health care provider governed under RCW 18.130.040 maintained in the
38 files of the department shall automatically be withheld from public

1 inspection and copying unless the provider specifically requests the
2 information be released, and except as provided for under RCW
3 42.17.260(9).

4 (x) Information obtained by the board of pharmacy as provided in
5 RCW 69.45.090.

6 (y) Information obtained by the board of pharmacy or the department
7 of health and its representatives as provided in RCW 69.41.044,
8 69.41.280, and 18.64.420.

9 (z) Financial information, business plans, examination reports, and
10 any information produced or obtained in evaluating or examining a
11 business and industrial development corporation organized or seeking
12 certification under chapter 31.24 RCW.

13 (aa) Financial and commercial information supplied to the state
14 investment board by any person when the information relates to the
15 investment of public trust or retirement funds and when disclosure
16 would result in loss to such funds or in private loss to the providers
17 of this information.

18 (bb) Financial and valuable trade information under RCW 51.36.120.

19 (cc) Client records maintained by an agency that is a domestic
20 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
21 crisis center as defined in RCW 70.125.030.

22 (dd) Information that identifies a person who, while an agency
23 employee: (i) Seeks advice, under an informal process established by
24 the employing agency, in order to ascertain his or her rights in
25 connection with a possible unfair practice under chapter 49.60 RCW
26 against the person; and (ii) requests his or her identity or any
27 identifying information not be disclosed.

28 (ee) Investigative records compiled by an employing agency
29 conducting a current investigation of a possible unfair practice under
30 chapter 49.60 RCW or of a possible violation of other federal, state,
31 or local laws prohibiting discrimination in employment.

32 (ff) Business related information protected from public inspection
33 and copying under RCW 15.86.110.

34 (gg) Financial, commercial, operations, and technical and research
35 information and data submitted to or obtained by the clean Washington
36 center in applications for, or delivery of, program services under
37 chapter 70.95H RCW.

38 (hh) Information and documents created specifically for, and
39 collected and maintained by a quality improvement committee pursuant to

1 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
2 4.24.250, regardless of which agency is in possession of the
3 information and documents.

4 (ii) Personal information in files maintained in a data base
5 created under RCW 43.07.360.

6 (jj) Financial and commercial information requested by the public
7 stadium authority from any person or organization that leases or uses
8 the stadium and exhibition center as defined in RCW 36.102.010.

9 (kk) Names of individuals residing in emergency or transitional
10 housing that are furnished to the department of revenue or a county
11 assessor in order to substantiate a claim for property tax exemption
12 under RCW 84.36.043.

13 (ll) The names, residential addresses, residential telephone
14 numbers, and other individually identifiable records held by an agency
15 in relation to a vanpool, carpool, or other ride-sharing program or
16 service. However, these records may be disclosed to other persons who
17 apply for ride-matching services and who need that information in order
18 to identify potential riders or drivers with whom to share rides.

19 (mm) The personally identifying information of current or former
20 participants or applicants in a paratransit or other transit service
21 operated for the benefit of persons with disabilities or elderly
22 persons.

23 (nn) The personally identifying information of persons who acquire
24 and use transit passes and other fare payment media including, but not
25 limited to, stored value smart cards and magnetic strip cards, except
26 that an agency may disclose this information to a person, employer,
27 educational institution, or other entity that is responsible, in whole
28 or in part, for payment of the cost of acquiring or using a transit
29 pass or other fare payment media, or to the news media when reporting
30 on public transportation or public safety. This information may also
31 be disclosed at the agency's discretion to governmental agencies or
32 groups concerned with public transportation or public safety.

33 (oo) Proprietary financial and commercial information that the
34 submitting entity, with review by the department of health,
35 specifically identifies at the time it is submitted and that is
36 provided to or obtained by the department of health in connection with
37 an application for, or the supervision of, an antitrust exemption
38 sought by the submitting entity under RCW 43.72.310. If a request for
39 such information is received, the submitting entity must be notified of

1 the request. Within ten business days of receipt of the notice, the
2 submitting entity shall provide a written statement of the continuing
3 need for confidentiality, which shall be provided to the requester.
4 Upon receipt of such notice, the department of health shall continue to
5 treat information designated under this section as exempt from
6 disclosure. If the requester initiates an action to compel disclosure
7 under this chapter, the submitting entity must be joined as a party to
8 demonstrate the continuing need for confidentiality.

9 (pp) Records maintained by the board of industrial insurance
10 appeals that are related to appeals of crime victims' compensation
11 claims filed with the board under RCW 7.68.110.

12 (qq) Financial and commercial information supplied by or on behalf
13 of a person, firm, corporation, or entity under chapter 28B.95 RCW
14 relating to the purchase or sale of tuition units and contracts for the
15 purchase of multiple tuition units.

16 (rr) Any records of investigative reports prepared by any state,
17 county, municipal, or other law enforcement agency pertaining to sex
18 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
19 defined in RCW 71.09.020, which have been transferred to the Washington
20 association of sheriffs and police chiefs for permanent electronic
21 retention and retrieval pursuant to RCW 40.14.070(2)(b).

22 (ss) Credit card numbers, debit card numbers, electronic check
23 numbers, card expiration dates, or bank or other financial account
24 numbers, except when disclosure is expressly required by or governed by
25 other law.

26 (tt) Financial information, including but not limited to account
27 numbers and values, and other identification numbers supplied by or on
28 behalf of a person, firm, corporation, limited liability company,
29 partnership, or other entity related to an application for a liquor
30 license, gambling license, or lottery retail license.

31 (uu) Records maintained by the employment security department and
32 subject to chapter 50.13 RCW if provided to another individual or
33 organization for operational, research, or evaluation purposes.

34 (vv) Individually identifiable information received by the work
35 force training and education coordinating board for research or
36 evaluation purposes.

37 (ww) Those portions of records assembled, prepared, or maintained
38 to prevent, mitigate, or respond to criminal terrorist acts, which are
39 acts that significantly disrupt the conduct of government or of the

1 general civilian population of the state or the United States and that
2 manifest an extreme indifference to human life, the public disclosure
3 of which would have a substantial likelihood of threatening public
4 safety, consisting of:

5 (i) Specific and unique vulnerability assessments or specific and
6 unique response or deployment plans, including compiled underlying data
7 collected in preparation of or essential to the assessments, or to the
8 response or deployment plans; and

9 (ii) Records not subject to public disclosure under federal law
10 that are shared by federal or international agencies, and information
11 prepared from national security briefings provided to state or local
12 government officials related to domestic preparedness for acts of
13 terrorism.

14 (xx) Commercial fishing catch data from logbooks required to be
15 provided to the department of fish and wildlife under RCW 77.12.047,
16 when the data identifies specific catch location, timing, or
17 methodology and the release of which would result in unfair competitive
18 disadvantage to the commercial fisher providing the catch data.
19 However, this information may be released to government agencies
20 concerned with the management of fish and wildlife resources.

21 (yy) Sensitive wildlife data obtained by the department of fish and
22 wildlife. However, sensitive wildlife data may be released to
23 government agencies concerned with the management of fish and wildlife
24 resources. Sensitive wildlife data includes:

25 (i) The nesting sites or specific locations of endangered species
26 designated under RCW 77.12.020, or threatened or sensitive species
27 classified by rule of the department of fish and wildlife;

28 (ii) Radio frequencies used in, or locational data generated by,
29 telemetry studies; or

30 (iii) Other location data that could compromise the viability of a
31 specific fish or wildlife population, and where at least one of the
32 following criteria are met:

33 (A) The species has a known commercial or black market value;

34 (B) There is a history of malicious take of that species; or

35 (C) There is a known demand to visit, take, or disturb, and the
36 species behavior or ecology renders it especially vulnerable or the
37 species has an extremely limited distribution and concentration.

38 (zz) The personally identifying information of persons who acquire
39 recreational licenses under RCW 77.32.010 or commercial licenses under

1 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
2 department, and type of license, endorsement, or tag. However, the
3 department of fish and wildlife may disclose personally identifying
4 information to:

5 (i) Government agencies concerned with the management of fish and
6 wildlife resources;

7 (ii) The department of social and health services, child support
8 division, and to the department of licensing in order to implement RCW
9 77.32.014 and 46.20.291; and

10 (iii) Law enforcement agencies for the purpose of firearm
11 possession enforcement under RCW 9.41.040.

12 (aaa)(i) Discharge papers of a veteran of the armed forces of the
13 United States filed at the office of the county auditor before July 1,
14 2002, that have not been commingled with other recorded documents.
15 These records will be available only to the veteran, the veteran's next
16 of kin, a deceased veteran's properly appointed personal representative
17 or executor, a person holding that veteran's general power of attorney,
18 or to anyone else designated in writing by that veteran to receive the
19 records.

20 (ii) Discharge papers of a veteran of the armed forces of the
21 United States filed at the office of the county auditor before July 1,
22 2002, that have been commingled with other records, if the veteran has
23 recorded a "request for exemption from public disclosure of discharge
24 papers" with the county auditor. If such a request has been recorded,
25 these records may be released only to the veteran filing the papers,
26 the veteran's next of kin, a deceased veteran's properly appointed
27 personal representative or executor, a person holding the veteran's
28 general power of attorney, or anyone else designated in writing by the
29 veteran to receive the records.

30 (iii) Discharge papers of a veteran filed at the office of the
31 county auditor after June 30, 2002, are not public records, but will be
32 available only to the veteran, the veteran's next of kin, a deceased
33 veteran's properly appointed personal representative or executor, a
34 person holding the veteran's general power of attorney, or anyone else
35 designated in writing by the veteran to receive the records.

36 (iv) For the purposes of this subsection (1)(aaa), next of kin of
37 deceased veterans have the same rights to full access to the record.
38 Next of kin are the veteran's widow or widower who has not remarried,
39 son, daughter, father, mother, brother, and sister.

1 (bbb) Those portions of records containing specific and unique
2 vulnerability assessments or specific and unique emergency and escape
3 response plans at a city, county, or state adult or juvenile
4 correctional facility, the public disclosure of which would have a
5 substantial likelihood of threatening the security of a city, county,
6 or state adult or juvenile correctional facility or any individual's
7 safety.

8 (ccc) Information compiled by school districts or schools in the
9 development of their comprehensive safe school plans pursuant to RCW
10 28A.320.125, to the extent that they identify specific vulnerabilities
11 of school districts and each individual school.

12 (ddd) Information regarding the infrastructure and security of
13 computer and telecommunications networks, consisting of security
14 passwords, security access codes and programs, access codes for secure
15 software applications, security and service recovery plans, security
16 risk assessments, and security test results to the extent that they
17 identify specific system vulnerabilities.

18 (eee) Information obtained and exempted or withheld from public
19 inspection by the health care authority under RCW 41.05.026, whether
20 retained by the authority, transferred to another state purchased
21 health care program by the authority, or transferred by the authority
22 to a technical review committee created to facilitate the development,
23 acquisition, or implementation of state purchased health care under
24 chapter 41.05 RCW.

25 (fff) Proprietary data, trade secrets, or other information that
26 relates to: (i) A vendor's unique methods of conducting business; (ii)
27 data unique to the product or services of the vendor; or (iii)
28 determining prices or rates to be charged for services, submitted by
29 any vendor to the department of social and health services for purposes
30 of the development, acquisition, or implementation of state purchased
31 health care as defined in RCW 41.05.011.

32 (ggg) Proprietary information deemed confidential for the purposes
33 of section 923, chapter 26, Laws of 2003 1st sp. sess.

34 (hhh) Any records of the party ballot voted and returned by a
35 particular unaffiliated voter.

36 (2) Except for information described in subsection (1)(c)(i) of
37 this section and confidential income data exempted from public
38 inspection pursuant to RCW 84.40.020, the exemptions of this section
39 are inapplicable to the extent that information, the disclosure of

1 which would violate personal privacy or vital governmental interests,
2 can be deleted from the specific records sought. No exemption may be
3 construed to permit the nondisclosure of statistical information not
4 descriptive of any readily identifiable person or persons.

5 (3) Inspection or copying of any specific records exempt under the
6 provisions of this section may be permitted if the superior court in
7 the county in which the record is maintained finds, after a hearing
8 with notice thereof to every person in interest and the agency, that
9 the exemption of such records is clearly unnecessary to protect any
10 individual's right of privacy or any vital governmental function.

11 (4) Agency responses refusing, in whole or in part, inspection of
12 any public record shall include a statement of the specific exemption
13 authorizing the withholding of the record (or part) and a brief
14 explanation of how the exemption applies to the record withheld.

15 **Sec. 173.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
16 each reenacted and amended to read as follows:

17 (1) The following are exempt from public inspection and copying:

18 (a) Personal information in any files maintained for students in
19 public schools, patients or clients of public institutions or public
20 health agencies, or welfare recipients.

21 (b) Personal information in files maintained for employees,
22 appointees, or elected officials of any public agency to the extent
23 that disclosure would violate their right to privacy.

24 (c) Information required of any taxpayer in connection with the
25 assessment or collection of any tax if the disclosure of the
26 information to other persons would (i) be prohibited to such persons by
27 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
28 taxpayer's right to privacy or result in unfair competitive
29 disadvantage to the taxpayer.

30 (d) Specific intelligence information and specific investigative
31 records compiled by investigative, law enforcement, and penology
32 agencies, and state agencies vested with the responsibility to
33 discipline members of any profession, the nondisclosure of which is
34 essential to effective law enforcement or for the protection of any
35 person's right to privacy.

36 (e) Information revealing the identity of persons who are witnesses
37 to or victims of crime or who file complaints with investigative, law
38 enforcement, or penology agencies, other than the public disclosure

1 commission, if disclosure would endanger any person's life, physical
2 safety, or property. If at the time a complaint is filed the
3 complainant, victim or witness indicates a desire for disclosure or
4 nondisclosure, such desire shall govern. However, all complaints filed
5 with the public disclosure commission about any elected official or
6 candidate for public office must be made in writing and signed by the
7 complainant under oath.

8 (f) Test questions, scoring keys, and other examination data used
9 to administer a license, employment, or academic examination.

10 (g) Except as provided by chapter 8.26 RCW, the contents of real
11 estate appraisals, made for or by any agency relative to the
12 acquisition or sale of property, until the project or prospective sale
13 is abandoned or until such time as all of the property has been
14 acquired or the property to which the sale appraisal relates is sold,
15 but in no event shall disclosure be denied for more than three years
16 after the appraisal.

17 (h) Valuable formulae, designs, drawings, computer source code or
18 object code, and research data obtained by any agency within five years
19 of the request for disclosure when disclosure would produce private
20 gain and public loss.

21 (i) Preliminary drafts, notes, recommendations, and intra-agency
22 memorandums in which opinions are expressed or policies formulated or
23 recommended except that a specific record shall not be exempt when
24 publicly cited by an agency in connection with any agency action.

25 (j) Records which are relevant to a controversy to which an agency
26 is a party but which records would not be available to another party
27 under the rules of pretrial discovery for causes pending in the
28 superior courts.

29 (k) Records, maps, or other information identifying the location of
30 archaeological sites in order to avoid the looting or depredation of
31 such sites.

32 (l) Any library record, the primary purpose of which is to maintain
33 control of library materials, or to gain access to information, which
34 discloses or could be used to disclose the identity of a library user.

35 (m) Financial information supplied by or on behalf of a person,
36 firm, or corporation for the purpose of qualifying to submit a bid or
37 proposal for (i) a ferry system construction or repair contract as
38 required by RCW 47.60.680 through 47.60.750 or (ii) highway
39 construction or improvement as required by RCW 47.28.070.

1 (n) Railroad company contracts filed prior to July 28, 1991, with
2 the utilities and transportation commission under RCW 81.34.070, except
3 that the summaries of the contracts are open to public inspection and
4 copying as otherwise provided by this chapter.

5 (o) Financial and commercial information and records supplied by
6 private persons pertaining to export services provided pursuant to
7 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
8 export projects pursuant to RCW 43.23.035.

9 (p) Financial disclosures filed by private vocational schools under
10 chapters 28B.85 and 28C.10 RCW.

11 (q) Records filed with the utilities and transportation commission
12 or attorney general under RCW 80.04.095 that a court has determined are
13 confidential under RCW 80.04.095.

14 (r) Financial and commercial information and records supplied by
15 businesses or individuals during application for loans or program
16 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
17 or during application for economic development loans or program
18 services provided by any local agency.

19 (s) Membership lists or lists of members or owners of interests of
20 units in timeshare projects, subdivisions, camping resorts,
21 condominiums, land developments, or common-interest communities
22 affiliated with such projects, regulated by the department of
23 licensing, in the files or possession of the department.

24 (t) All applications for public employment, including the names of
25 applicants, resumes, and other related materials submitted with respect
26 to an applicant.

27 (u) The residential addresses or residential telephone numbers of
28 employees or volunteers of a public agency which are held by any public
29 agency in personnel records, public employment related records, or
30 volunteer rosters, or are included in any mailing list of employees or
31 volunteers of any public agency.

32 (v) The residential addresses and residential telephone numbers of
33 the customers of a public utility contained in the records or lists
34 held by the public utility of which they are customers, except that
35 this information may be released to the division of child support or
36 the agency or firm providing child support enforcement for another
37 state under Title IV-D of the federal social security act, for the
38 establishment, enforcement, or modification of a support order.

1 (w)(i) The federal social security number of individuals governed
2 under chapter 18.130 RCW maintained in the files of the department of
3 health, except this exemption does not apply to requests made directly
4 to the department from federal, state, and local agencies of
5 government, and national and state licensing, credentialing,
6 investigatory, disciplinary, and examination organizations; (ii) the
7 current residential address and current residential telephone number of
8 a health care provider governed under chapter 18.130 RCW maintained in
9 the files of the department, if the provider requests that this
10 information be withheld from public inspection and copying, and
11 provides to the department an accurate alternate or business address
12 and business telephone number. On or after January 1, 1995, the
13 current residential address and residential telephone number of a
14 health care provider governed under RCW 18.130.040 maintained in the
15 files of the department shall automatically be withheld from public
16 inspection and copying unless the provider specifically requests the
17 information be released, and except as provided for under RCW
18 42.17.260(9).

19 (x) Information obtained by the board of pharmacy as provided in
20 RCW 69.45.090.

21 (y) Information obtained by the board of pharmacy or the department
22 of health and its representatives as provided in RCW 69.41.044,
23 69.41.280, and 18.64.420.

24 (z) Financial information, business plans, examination reports, and
25 any information produced or obtained in evaluating or examining a
26 business and industrial development corporation organized or seeking
27 certification under chapter 31.24 RCW.

28 (aa) Financial and commercial information supplied to the state
29 investment board by any person when the information relates to the
30 investment of public trust or retirement funds and when disclosure
31 would result in loss to such funds or in private loss to the providers
32 of this information.

33 (bb) Financial and valuable trade information under RCW 51.36.120.

34 (cc) Client records maintained by an agency that is a domestic
35 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
36 crisis center as defined in RCW 70.125.030.

37 (dd) Information that identifies a person who, while an agency
38 employee: (i) Seeks advice, under an informal process established by
39 the employing agency, in order to ascertain his or her rights in

1 connection with a possible unfair practice under chapter 49.60 RCW
2 against the person; and (ii) requests his or her identity or any
3 identifying information not be disclosed.

4 (ee) Investigative records compiled by an employing agency
5 conducting a current investigation of a possible unfair practice under
6 chapter 49.60 RCW or of a possible violation of other federal, state,
7 or local laws prohibiting discrimination in employment.

8 (ff) Business related information protected from public inspection
9 and copying under RCW 15.86.110.

10 (gg) Financial, commercial, operations, and technical and research
11 information and data submitted to or obtained by the clean Washington
12 center in applications for, or delivery of, program services under
13 chapter 70.95H RCW.

14 (hh) Information and documents created specifically for, and
15 collected and maintained by a quality improvement committee pursuant to
16 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
17 4.24.250, regardless of which agency is in possession of the
18 information and documents.

19 (ii) Personal information in files maintained in a data base
20 created under RCW 43.07.360.

21 (jj) Financial and commercial information requested by the public
22 stadium authority from any person or organization that leases or uses
23 the stadium and exhibition center as defined in RCW 36.102.010.

24 (kk) Names of individuals residing in emergency or transitional
25 housing that are furnished to the department of revenue or a county
26 assessor in order to substantiate a claim for property tax exemption
27 under RCW 84.36.043.

28 (ll) The names, residential addresses, residential telephone
29 numbers, and other individually identifiable records held by an agency
30 in relation to a vanpool, carpool, or other ride-sharing program or
31 service. However, these records may be disclosed to other persons who
32 apply for ride-matching services and who need that information in order
33 to identify potential riders or drivers with whom to share rides.

34 (mm) The personally identifying information of current or former
35 participants or applicants in a paratransit or other transit service
36 operated for the benefit of persons with disabilities or elderly
37 persons.

38 (nn) The personally identifying information of persons who acquire
39 and use transit passes and other fare payment media including, but not

1 limited to, stored value smart cards and magnetic strip cards, except
2 that an agency may disclose this information to a person, employer,
3 educational institution, or other entity that is responsible, in whole
4 or in part, for payment of the cost of acquiring or using a transit
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7 be disclosed at the agency's discretion to governmental agencies or
8 groups concerned with public transportation or public safety.

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10 submitting entity, with review by the department of health,
11 specifically identifies at the time it is submitted and that is
12 provided to or obtained by the department of health in connection with
13 an application for, or the supervision of, an antitrust exemption
14 sought by the submitting entity under RCW 43.72.310. If a request for
15 such information is received, the submitting entity must be notified of
16 the request. Within ten business days of receipt of the notice, the
17 submitting entity shall provide a written statement of the continuing
18 need for confidentiality, which shall be provided to the requester.
19 Upon receipt of such notice, the department of health shall continue to
20 treat information designated under this section as exempt from
21 disclosure. If the requester initiates an action to compel disclosure
22 under this chapter, the submitting entity must be joined as a party to
23 demonstrate the continuing need for confidentiality.

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25 appeals that are related to appeals of crime victims' compensation
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16 acts that significantly disrupt the conduct of government or of the
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7 telemetry studies; or

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9 specific fish or wildlife population, and where at least one of the
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11 (A) The species has a known commercial or black market value;

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5 personal representative or executor, a person holding the veteran's
6 general power of attorney, or anyone else designated in writing by the
7 veteran to receive the records.

8 (iii) Discharge papers of a veteran filed at the office of the
9 county auditor after June 30, 2002, are not public records, but will be
10 available only to the veteran, the veteran's next of kin, a deceased
11 veteran's properly appointed personal representative or executor, a
12 person holding the veteran's general power of attorney, or anyone else
13 designated in writing by the veteran to receive the records.

14 (iv) For the purposes of this subsection (1)(aaa), next of kin of
15 deceased veterans have the same rights to full access to the record.
16 Next of kin are the veteran's widow or widower who has not remarried,
17 son, daughter, father, mother, brother, and sister.

18 (bbb) Those portions of records containing specific and unique
19 vulnerability assessments or specific and unique emergency and escape
20 response plans at a city, county, or state adult or juvenile
21 correctional facility, the public disclosure of which would have a
22 substantial likelihood of threatening the security of a city, county,
23 or state adult or juvenile correctional facility or any individual's
24 safety.

25 (ccc) Information compiled by school districts or schools in the
26 development of their comprehensive safe school plans pursuant to RCW
27 28A.320.125, to the extent that they identify specific vulnerabilities
28 of school districts and each individual school.

29 (ddd) Information regarding the infrastructure and security of
30 computer and telecommunications networks, consisting of security
31 passwords, security access codes and programs, access codes for secure
32 software applications, security and service recovery plans, security
33 risk assessments, and security test results to the extent that they
34 identify specific system vulnerabilities.

35 (eee) Information obtained and exempted or withheld from public
36 inspection by the health care authority under RCW 41.05.026, whether
37 retained by the authority, transferred to another state purchased
38 health care program by the authority, or transferred by the authority

1 to a technical review committee created to facilitate the development,
2 acquisition, or implementation of state purchased health care under
3 chapter 41.05 RCW.

4 (fff) Proprietary data, trade secrets, or other information that
5 relates to: (i) A vendor's unique methods of conducting business; (ii)
6 data unique to the product or services of the vendor; or (iii)
7 determining prices or rates to be charged for services, submitted by
8 any vendor to the department of social and health services for purposes
9 of the development, acquisition, or implementation of state purchased
10 health care as defined in RCW 41.05.011.

11 (ggg) Any records of the party ballot voted and returned by a
12 particular unaffiliated voter.

13 (2) Except for information described in subsection (1)(c)(i) of
14 this section and confidential income data exempted from public
15 inspection pursuant to RCW 84.40.020, the exemptions of this section
16 are inapplicable to the extent that information, the disclosure of
17 which would violate personal privacy or vital governmental interests,
18 can be deleted from the specific records sought. No exemption may be
19 construed to permit the nondisclosure of statistical information not
20 descriptive of any readily identifiable person or persons.

21 (3) Inspection or copying of any specific records exempt under the
22 provisions of this section may be permitted if the superior court in
23 the county in which the record is maintained finds, after a hearing
24 with notice thereof to every person in interest and the agency, that
25 the exemption of such records is clearly unnecessary to protect any
26 individual's right of privacy or any vital governmental function.

27 (4) Agency responses refusing, in whole or in part, inspection of
28 any public record shall include a statement of the specific exemption
29 authorizing the withholding of the record (or part) and a brief
30 explanation of how the exemption applies to the record withheld.

31 NEW SECTION. Sec. 174. The following acts or parts of acts are
32 each repealed:

33 (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
34 2405;

35 (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
36 2003 c 111 s 914;

37 (3) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;

1 (4) RCW 29A.52.120 (General election laws govern primaries) and
2 2003 c 111 s 1303;

3 (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
4 1304; and

5 (6) RCW 29A.56.010 (Intent) and 2003 c 111 s 1401 & 1989 c 4 s 1.

6 **PART 2 - ALTERNATIVE PRIMARY**

7 NEW SECTION. **Sec. 201.** "Major political party" means a political
8 party identified as the party best approximating his or her political
9 philosophy by at least one candidate for an office voted upon statewide
10 who also received at least five percent of the total votes cast for
11 that office at the last primary or general election in a year in which
12 the governor is elected.

13 NEW SECTION. **Sec. 202.** The rights of Washington voters are
14 protected by its Constitution and laws and include the following
15 fundamental rights:

- 16 (1) The right of qualified voters to vote at all elections;
17 (2) The right of absolute secrecy of the vote. No voter may be
18 required to disclose political faith or adherence in order to vote; and
19 (3) The right to cast a vote for any candidate for each office
20 without any limitation based on party preference or affiliation, of
21 either the voter or the candidate.

22 NEW SECTION. **Sec. 203.** "Partisan office" means an office for
23 which a candidate may identify a political philosophy under section
24 214(3) or 215 of this act, and is limited to the following offices:

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

30 NEW SECTION. **Sec. 204.** "Primary" means a statutory qualifying
31 procedure in which each registered voter eligible to vote in the
32 district or jurisdiction is permitted to cast a vote for his or her
33 preferred candidate for each office appearing on the ballot, without
34 any limitation based on party preference or affiliation on the part of

1 the voter or the candidate, with the result that not more than two
2 candidates for each office qualify to appear on the general election
3 ballot.

4 NEW SECTION. **Sec. 205.** Qualifying primaries for general elections
5 to be held in November must be held on the third Tuesday of the
6 preceding September or on the seventh Tuesday immediately preceding
7 such general election, whichever occurs first.

8 NEW SECTION. **Sec. 206.** (1) A person filing a declaration of
9 candidacy for an office shall, at the time of filing, be a registered
10 voter and possess the qualifications specified by law for persons who
11 may be elected to the office.

12 (2) Excluding the office of precinct committee officer or a
13 temporary elected position such as a charter review board member or
14 freeholder, no person may file for more than one office.

15 (3) The name of a candidate for an office shall not appear on a
16 ballot for that office unless, except as provided in RCW 3.46.067 and
17 3.50.057, the candidate is, at the time the candidate's declaration of
18 candidacy is filed, properly registered to vote in the geographic area
19 represented by the office. For the purposes of this section, each
20 geographic area in which registered voters may cast ballots for an
21 office is represented by that office. If a person elected to an office
22 must be elected from a district or similar division of the geographic
23 area represented by the office, the name of a candidate for the office
24 shall not appear on a primary ballot for that office unless the
25 candidate is, at the time the candidate's declaration of candidacy is
26 filed, properly registered to vote in that district or division. The
27 officer with whom declarations of candidacy must be filed under this
28 title shall review each such declaration filed regarding compliance
29 with this subsection.

30 (4) The requirements of voter registration and residence within the
31 geographic area of a district do not apply to candidates for
32 congressional office. Qualifications for United States Congress are
33 specified in the United States Constitution.

34 NEW SECTION. **Sec. 207.** Nominations of candidates for president
35 and vice president of the United States other than by a major political

1 party must be made at a convention to be held not earlier than the
2 first Sunday in July and not later than seventy days before the general
3 election.

4 NEW SECTION. **Sec. 208.** In order to nominate candidates for the
5 offices of president and vice president of the United States, a
6 nominating convention shall obtain and submit to the filing officer the
7 signatures of at least two hundred registered voters of the state of
8 Washington.

9 NEW SECTION. **Sec. 209.** A nominating petition submitted under this
10 chapter shall clearly identify the name of the minor party or
11 independent candidate. The petition shall also contain a statement
12 that the person signing the petition is a registered voter of the state
13 of Washington and shall have a space for the voter to sign his or her
14 name and to print his or her name and address. The nominating petition
15 must be submitted to the secretary of state not later than ten days
16 after adjournment of the convention.

17 NEW SECTION. **Sec. 210.** A certificate evidencing nominations of
18 candidates for the offices of president and vice president made at a
19 convention must:

- 20 (1) Be in writing;
- 21 (2) Contain the name of each person nominated for the offices of
22 president and vice president of the United States, their addresses, and
23 a sworn statement from both nominees giving their consent to the
24 nomination;
- 25 (3) Identify the minor political party or the independent candidate
26 on whose behalf the convention was held;
- 27 (4) Be verified by the oath of the presiding officer and secretary;
- 28 (5) Be accompanied by a nominating petition or petitions bearing
29 the signatures and addresses of registered voters equal in number to
30 that required by section 208 of this act;
- 31 (6) Contain proof of publication of the notice of calling the
32 convention; and
- 33 (7) Be submitted to the secretary of state not later than one week
34 following the adjournment of the convention at which the nominations
35 were made.

1 NEW SECTION. **Sec. 211.** (1) If two or more valid certificates of
2 nomination are filed purporting to nominate different candidates for
3 president and vice president using the same party name, the filing
4 officer must give effect to both certificates. If conflicting claims
5 to the party name are not resolved either by mutual agreement or by a
6 judicial determination of the right to the name, the candidates must be
7 treated as independent candidates. Disputes over the right to the name
8 must not be permitted to delay the printing of either ballots or a
9 voters' pamphlet.

10 (2) A person affected may petition the superior court of Thurston
11 county for a judicial determination of the right to the name of a minor
12 political party, either before or after documents are filed with the
13 secretary of state. The court shall resolve the conflict between
14 competing claims to the use of the same party name according to the
15 following principles: (a) The prior established public use of the name
16 during previous elections by a party composed of or led by the same
17 individuals or individuals in documented succession; (b) prior
18 established public use of the name earlier in the same election cycle;
19 (c) documented affiliation with a national or statewide party
20 organization with an established use of the name; (d) the first date of
21 filing of a certificate of nomination; and (e) such other indicia of an
22 established right to use of the name as the court may deem relevant.
23 Upon resolving the conflict between competing claims, the court may
24 also address any ballot designation for the candidate who does not
25 prevail.

26 NEW SECTION. **Sec. 212.** A minor political party or independent
27 candidate convention nominating candidates for the offices of president
28 and vice president of the United States shall, not later than ten days
29 after the adjournment of the convention, submit a list of presidential
30 electors to the office of the secretary of state. The list shall
31 contain the names and the mailing addresses of the persons selected and
32 shall be verified by the candidates named on the nominating petition.

33 NEW SECTION. **Sec. 213.** Upon the receipt of the nominating
34 petition, the secretary of state shall canvass the signatures. Once
35 the determination of the sufficiency of the petitions has been made,
36 the filing officer shall notify the candidates and any other persons
37 requesting the notification. Any appeal regarding the filing officer's

1 determination must be filed with the superior court of Thurston county
2 not later than five days from the date the determination is made, and
3 shall be heard and finally disposed of by the court within five days of
4 the filing. Nominating petitions shall not be available for public
5 inspection or copying.

6 NEW SECTION. **Sec. 214.** A candidate who desires to have his or her
7 name printed on the ballot for election to an office other than
8 president of the United States, vice president of the United States, or
9 an office for which ownership of property is a prerequisite to voting
10 shall complete and file a declaration of candidacy. The secretary of
11 state shall adopt, by rule, a declaration of candidacy form for the
12 office of precinct committee officer and a separate standard form for
13 candidates for all other offices filing under this chapter. Included
14 on the standard form shall be:

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

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

20 (3) For those offices defined in section 203 of this act only, a
21 place for the candidate to identify a major or minor political party,
22 if any, the candidate regards as best approximating his or her own
23 political philosophy. No candidate may list more than one political
24 party. Nothing in this indication of political philosophy may be
25 construed as denoting an endorsement or nomination by that party. The
26 sole purpose of allowing candidates to identify a political party
27 preference is to provide to voters a brief description of each
28 candidate's political philosophy, which the voters may consider when
29 casting their votes at a primary or general election. If a court of
30 competent jurisdiction holds that a political party has a right to
31 control the use of the name in a manner inconsistent with this
32 subsection, this subsection is inoperative and section 215 of this act
33 applies;

34 (4) A place for the candidate to indicate the amount of the filing
35 fee accompanying the declaration of candidacy or for the candidate to
36 indicate that he or she is filing a petition in lieu of the filing fee
37 under section 217 of this act;

1 (5) A place for the candidate to sign the declaration of candidacy,
2 stating that the information provided on the form is true and swearing
3 or affirming that he or she will support the Constitution and laws of
4 the United States and the Constitution and laws of the state of
5 Washington.

6 In the case of a declaration of candidacy filed electronically,
7 submission of the form constitutes agreement that the information
8 provided with the filing is true, that he or she will support the
9 Constitutions and laws of the United States and the state of
10 Washington, and that he or she agrees to electronic payment of the
11 filing fee established in section 217 of this act.

12 The secretary of state may require any other information on the
13 form he or she deems appropriate to facilitate the filing process.

14 NEW SECTION. **Sec. 215.** If, as provided in section 214(3) of this
15 act, a court of competent jurisdiction holds that a political party has
16 the right to control the use of its name in a manner inconsistent with
17 the provisions of that subsection, then the following process applies:

18 For those offices defined in section 203 of this act, a place for
19 the candidate to submit a description of up to three words that the
20 candidate regards as best approximating his or her own political
21 philosophy. The sole purpose of allowing a candidate to submit a
22 three-word description is to provide to voters information about each
23 candidate's political philosophy, which the voters may consider when
24 casting their votes at a primary or general election. The secretary of
25 state shall adopt rules as necessary for the implementation of this
26 section.

27 NEW SECTION. **Sec. 216.** Any candidate may mail his or her
28 declaration of candidacy for an office to the filing officer. Such
29 declarations of candidacy shall be processed by the filing officer in
30 the following manner:

31 (1) Any declaration received by the filing officer by mail before
32 the tenth business day immediately preceding the first day for
33 candidates to file for office shall be returned to the candidate
34 submitting it, together with a notification that the declaration of
35 candidacy was received too early to be processed. The candidate shall
36 then be permitted to resubmit his or her declaration of candidacy
37 during the filing period.

1 (2) Any properly executed declaration of candidacy received by mail
2 on or after the tenth business day immediately preceding the first day
3 for candidates to file for office and before the close of business on
4 the last day of the filing period shall be included with filings made
5 in person during the filing period. In primaries for partisan office
6 and judicial offices the filing officer shall determine by lot the
7 order in which the names of those candidates shall appear upon sample
8 and absentee primary ballots.

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

13 NEW SECTION. **Sec. 217.** A filing fee of one dollar shall accompany
14 each declaration of candidacy for precinct committee officer; a filing
15 fee of ten dollars shall accompany the declaration of candidacy for any
16 office with a fixed annual salary of one thousand dollars or less; a
17 filing fee equal to one percent of the annual salary of the office at
18 the time of filing shall accompany the declaration of candidacy for any
19 office with a fixed annual salary of more than one thousand dollars per
20 annum. No filing fee need accompany a declaration of candidacy for any
21 office for which compensation is on a per diem or per meeting attended
22 basis.

23 A candidate who lacks sufficient assets or income at the time of
24 filing to pay the filing fee required by this section shall submit with
25 his or her declaration of candidacy a filing petition. The petition
26 shall contain not less than a number of signatures of registered voters
27 equal to the number of dollars of the filing fee. The signatures shall
28 be of voters registered to vote within the jurisdiction of the office
29 for which the candidate is filing.

30 When the candidacy is for:

31 (1) A legislative or judicial office that includes territory from
32 more than one county, the fee shall be paid to the secretary of state
33 for equal division between the treasuries of the counties comprising
34 the district.

35 (2) A city or town office, the fee shall be paid to the county
36 auditor who shall transmit it to the city or town clerk for deposit in
37 the city or town treasury.

1 NEW SECTION. **Sec. 218.** The filing petition authorized by section
2 217 of this act shall be printed on sheets of uniform color and size,
3 shall contain no more than twenty numbered lines, and must be in
4 substantially the following form:

5 The warning prescribed by RCW 29A.72.140; followed by:

6 We, the undersigned registered voters of . . .(the state of
7 Washington or the political subdivision for which the filing is
8 made). . ., hereby petition that the name of . . .(candidate's
9 name). . . be printed on the official primary ballot for the office of
10 . . .(insert name of office). . .

11 If the candidate listed a political party on the declaration of
12 candidacy, then the name of that party must appear on the filing
13 petition.

14 The petition must include a place for each individual to sign and
15 print his or her name, and the address, city, and county at which he or
16 she is registered to vote.

17 NEW SECTION. **Sec. 219.** Petitions may be rejected for the
18 following reasons:

- 19 (1) The petition is not in the proper form;
20 (2) The petition clearly bears insufficient signatures;
21 (3) The petition is not accompanied by a declaration of candidacy;
22 (4) The time within which the petition and the declaration of
23 candidacy could have been filed has expired.

24 If the petition is accepted, the officer with whom it is filed
25 shall canvass the signatures contained on it and shall reject the
26 signatures of those persons who are not registered voters and the
27 signatures of those persons who are not registered to vote within the
28 jurisdiction of the office for which the petition is filed. He or she
29 shall additionally reject any signature that appears on the petitions
30 of two or more candidates for the same office and shall also reject,
31 each time it appears, the name of any person who signs the same
32 petition more than once.

33 If the officer with whom the petition is filed refuses to accept
34 the petition or refuses to certify the petition as bearing sufficient
35 valid signatures, the person filing the petition may appeal that action
36 to the superior court. The application for judicial review shall take

1 precedence over other cases and matters and shall be speedily heard and
2 determined.

3 NEW SECTION. **Sec. 220.** A void in candidacy for an office occurs
4 when an election for such office, except for the short term, has been
5 scheduled and no valid declaration of candidacy has been filed for the
6 position or all persons filing such valid declarations of candidacy
7 have died or been disqualified.

8 NEW SECTION. **Sec. 221.** The election officer with whom
9 declarations of candidacy are filed shall give notice of a void in
10 candidacy for an office by notifying press, radio, and television in
11 the county or counties involved and by such other means as may now or
12 hereafter be provided by law. The notice shall state the office, and
13 the time and place for filing declarations of candidacy.

14 NEW SECTION. **Sec. 222.** Filings to fill a void in candidacy for an
15 office must be made in the same manner and with the same official as
16 required during the regular filing period for such office.

17 NEW SECTION. **Sec. 223.** Filings for an office shall be reopened
18 for a period of three normal business days, such three day period to be
19 fixed by the election officer with whom such declarations of candidacy
20 are filed and notice thereof given by notifying press, radio, and
21 television in the county or counties and by such other means as may now
22 or hereafter be provided by law whenever before the sixth Tuesday prior
23 to a primary:

- 24 (1) A void in candidacy occurs;
- 25 (2) A vacancy occurs in an office leaving an unexpired term to be
26 filled by an election for which filings have not been held; or
- 27 (3) A candidate for judge of the superior court entitled to a
28 certificate of election pursuant to Article 4, section 29, Amendment 41
29 of the state Constitution, dies or is disqualified.

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

32 NEW SECTION. **Sec. 224.** Filings for a nonpartisan office (other
33 than judge of the supreme court or superintendent of public
34 instruction) shall be reopened for a period of three normal business

1 days, such three day period to be fixed by the election officer with
2 whom such declarations of candidacy are filed and notice thereof given
3 by notifying press, radio, and television in the county and by such
4 other means as may now or hereafter be provided by law, when:

5 (1) A void in candidacy for such nonpartisan office occurs on or
6 after the sixth Tuesday prior to a primary but prior to the sixth
7 Tuesday before an election; or

8 (2) A candidate for judge of the superior court eligible after a
9 contested primary for a certificate of election by Article 4, section
10 29, Amendment 41 of the state Constitution, dies or is disqualified
11 within the ten day period immediately following the last day allotted
12 for a candidate to withdraw; or

13 (3) A vacancy occurs in any nonpartisan office on or after the
14 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
15 an election leaving an unexpired term to be filled by an election for
16 which filings have not been held.

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

19 NEW SECTION. **Sec. 225.** A scheduled election lapses, the office is
20 deemed stricken from the ballot, no purported write-in votes may be
21 counted, and no candidate may be certified as elected, when:

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

27 (2) Except as otherwise specified in section 224 of this act, a
28 candidate for judge of the superior court entitled to a certificate of
29 election pursuant to Article 4, section 29, Amendment 41 of the state
30 Constitution dies or is disqualified on or after the sixth Tuesday
31 prior to a primary;

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

35 NEW SECTION. **Sec. 226.** Any person who desires to be a write-in
36 candidate and have such votes counted at a primary or election may file
37 a declaration of candidacy with the officer designated in RCW

1 29A.24.070 not later than the day before the primary or election.
2 Declarations of candidacy for write-in candidates must be accompanied
3 by a filing fee in the same manner as required of other candidates
4 filing for the office as provided in section 217 of this act.

5 Votes cast for write-in candidates who have filed such declarations
6 of candidacy need only specify the name of the candidate in the
7 appropriate location on the ballot in order to be counted. Write-in
8 votes cast for any other candidate, in order to be counted, must
9 designate the office sought and position number, if the manner in which
10 the write-in is done does not make the office or position clear. In
11 order for write-in votes to be valid in jurisdictions employing
12 optical-scan mark sense ballot systems the voter must complete the
13 proper mark next to the write-in line for that office.

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

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

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

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

26 The declaration of candidacy shall be similar to that required by
27 section 214 of this act. No write-in candidate filing under this
28 section may be included in any voter's pamphlet produced under chapter
29 29A.32 RCW unless that candidate qualifies to have his or her name
30 printed on the general election ballot. The legislative authority of
31 any jurisdiction producing a local voter's pamphlet under chapter
32 29A.32 RCW may provide, by ordinance, for the inclusion of write-in
33 candidates in such pamphlets.

34 NEW SECTION. **Sec. 227.** If the death or disqualification of a
35 candidate for a partisan or nonpartisan office does not give rise to
36 the opening of a new filing period under section 223 of this act, then
37 the following will occur:

1 (1) If the candidate dies or becomes disqualified after filing a
2 declaration of candidacy but before the close of the filing period,
3 then the declaration of candidacy is void and his or her name will not
4 appear on the ballot;

5 (2) If the candidate dies or becomes disqualified after the close
6 of the filing period but before the day of the primary, then his or her
7 name will appear on the primary ballot and all otherwise valid votes
8 for that candidate will be tabulated. The candidate's name will not
9 appear on the general election ballot even if he or she otherwise would
10 have qualified to do so, but no other candidate will advance, or be
11 substituted, in the place of that candidate. If the candidate was the
12 only candidate to qualify to advance to the general election, then the
13 general election for that office lapses, and the office will be
14 regarded as vacant as of the time the newly elected official would have
15 otherwise taken office;

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

24 NEW SECTION. **Sec. 228.** (1) Whenever a vacancy occurs in the
25 United States house of representatives or the United States senate from
26 this state, the governor shall order a special election to fill the
27 vacancy.

28 (2) Within ten days of such vacancy occurring, he or she shall
29 issue a writ of election fixing a date for the special vacancy election
30 not less than ninety days after the issuance of the writ, fixing a date
31 for the primary for qualifying candidates for the special vacancy
32 election not less than thirty days before the day fixed for holding the
33 special vacancy election, fixing the dates for the special filing
34 period, and designating the term or part of the term for which the
35 vacancy exists. If the vacancy is in the office of United States
36 representative, the writ of election shall specify the congressional
37 district that is vacant.

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

6 (4) If the vacancy occurs on or after the first day for filing
7 under RCW 29A.24.050 and on or before the second Friday following the
8 close of the filing period, a special filing period of three normal
9 business days shall be fixed by the governor and notice thereof given
10 to all media, including press, radio, and television within the area in
11 which the vacancy election is to be held, to the end that, insofar as
12 possible, all interested persons will be aware of such filing period.
13 The last day of the filing period shall not be later than the third
14 Tuesday before the primary. The names of candidates who have filed
15 valid declarations of candidacy during this three-day period shall
16 appear on the approaching primary ballot.

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

22 NEW SECTION. **Sec. 229.** After calling a special primary and
23 special vacancy election to fill a vacancy in the United States house
24 of representatives or the United States senate from this state, the
25 governor shall immediately notify the secretary of state who shall, in
26 turn, immediately notify the county auditor of each county wholly or
27 partly within which the vacancy exists.

28 Each county auditor shall publish notices of the special primary
29 and the special vacancy election at least once in any legal newspaper
30 published in the county, as provided by RCW 29A.52.310 and 29A.52.350
31 respectively.

32 NEW SECTION. **Sec. 230.** The general election laws and laws
33 relating to primaries for partisan offices apply to the special
34 primaries and vacancy elections provided for in sections 228 and 229 of
35 this act to the extent that they are not inconsistent with the
36 provisions of these sections. Statutory time deadlines relating to
37 availability of absentee ballots, certification, canvassing, and

1 related procedures that cannot be met in a timely fashion may be
2 modified for the purposes of a specific primary or vacancy election
3 under this chapter by the secretary of state through emergency rules
4 adopted under RCW 29A.04.610.

5 NEW SECTION. **Sec. 231.** The voters' pamphlet must contain:

6 (1) Information about each ballot measure initiated by or referred
7 to the voters for their approval or rejection as required by RCW
8 29A.32.070;

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

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

26 (4) In even-numbered years, a section explaining how voters may
27 participate in the election campaign process; the address and telephone
28 number of the public disclosure commission established under RCW
29 42.17.350; and a summary of the disclosure requirements that apply when
30 contributions are made to candidates and political committees;

31 (5) In even-numbered years the name, address, and telephone number
32 of each political party for which a candidate appearing on the ballot
33 has expressed a preference on his or her declaration of candidacy, if
34 the party has provided that information to the secretary of state;

35 (6) In each odd-numbered year immediately before a year in which a
36 president of the United States is to be nominated and elected,
37 information explaining the precinct caucus and convention process used
38 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 29A.32.080;

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 NEW SECTION. **Sec. 232.** (1) The maximum number of words for
14 statements submitted by candidates is as follows: State
15 representative, one hundred words; state senator, judge of the superior
16 court, judge of the court of appeals, justice of the supreme court, and
17 all state offices voted upon throughout the state, except that of
18 governor, two hundred words; president and vice president, United
19 States senator, United States representative, and governor, three
20 hundred words.

21 (2) Arguments written by committees under RCW 29A.32.060 may not
22 exceed two hundred fifty words in length.

23 (3) Rebuttal arguments written by committees may not exceed
24 seventy-five words in length.

25 (4) The secretary of state shall allocate space in the pamphlet
26 based on the number of candidates for each office.

27 NEW SECTION. **Sec. 233.** On or before the day following the last
28 day allowed for candidates to withdraw under RCW 29A.24.130, the
29 secretary of state shall certify to each county auditor a list of the
30 candidates who have filed declarations of candidacy in his or her
31 office for the primary. For each office, the certificate shall include
32 the name of each candidate, his or her address, and his or her party
33 preference, if any.

34 NEW SECTION. **Sec. 234.** (1) Except as provided to the contrary in
35 RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any
36 referendum filed on an enactment or portion of an enactment of a local

1 government and any other question submitted to the voters of a local
2 government consists of three elements: (a) An identification of the
3 enacting legislative body and a statement of the subject matter; (b) a
4 concise description of the measure; and (c) a question. The ballot
5 title must conform with the requirements and be displayed substantially
6 as provided under RCW 29A.72.050, except that the concise description
7 must not exceed seventy-five words. If the local governmental unit is
8 a city or a town, the concise statement shall be prepared by the city
9 or town attorney. If the local governmental unit is a county, the
10 concise statement shall be prepared by the prosecuting attorney of the
11 county. If the unit is a unit of local government other than a city,
12 town, or county, the concise statement shall be prepared by the
13 prosecuting attorney of the county within which the majority area of
14 the unit is located.

15 (2) A referendum measure on the enactment of a unit of local
16 government shall be advertised in the manner provided for candidates
17 for elective office.

18 (3) Subsection (1) of this section does not apply if another
19 provision of law specifies the ballot title for a specific type of
20 ballot question or proposition.

21 NEW SECTION. **Sec. 235.** Except for the candidates for the
22 positions of president and vice president or for a partisan or
23 nonpartisan office for which no primary is required, the names of all
24 candidates who, under this title, filed a declaration of candidacy will
25 appear on the appropriate ballot at the primary throughout the
26 jurisdiction of the office for which they are a candidate.

27 NEW SECTION. **Sec. 236.** (1) Except as provided in RCW 29A.36.180
28 and in subsection (2) of this section, on the ballot at the general
29 election for an office for which a primary was held, only the names of
30 the candidate who received the greatest number of votes and the
31 candidate who received the next greatest number of votes for that
32 office shall appear under the title of that office, and the names shall
33 appear in that order. If a primary was conducted, no candidate's name
34 may be printed on the subsequent general election ballot unless he or
35 she receives at least one percent of the total votes cast for that
36 office at the preceding primary. On the ballot at the general election

1 for an office for which no primary was held, the names of the
2 candidates shall be listed in the order determined under RCW
3 29A.36.130.

4 (2) On the ballot at the general election for the office of justice
5 of the supreme court, judge of the court of appeals, judge of the
6 superior court, or state superintendent of public instruction, if a
7 candidate in a contested primary receives a majority of all the votes
8 cast for that office or position, only the name of that candidate may
9 be printed under the title of the office for that position.

10 NEW SECTION. **Sec. 237.** The names of the persons certified by the
11 secretary of state or the county canvassing board as having qualified
12 to appear on the general election ballot shall be printed on the ballot
13 at the ensuing election.

14 No name of any candidate for an office for which a primary is
15 conducted may be placed upon the ballot at a general or special
16 election unless it appears upon the certificate of either (1) the
17 secretary of state or (2) the county canvassing board.

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 elected at the same election.

22 NEW SECTION. **Sec. 238.** Whenever it shall be necessary to hold a
23 special election in an odd-numbered year to fill an unexpired term of
24 any office which is scheduled to be voted upon for a full term in an
25 even-numbered year, no primary election shall be held in the odd-
26 numbered year if, after the last day allowed for candidates to withdraw
27 no more than two candidates have filed a declaration of candidacy for
28 a single office to be filled.

29 In this event, the officer with whom the declarations of candidacy
30 were filed shall immediately notify all candidates concerned and the
31 names of the candidates that would have been printed upon the primary
32 ballot, but for the provisions of this section, shall be printed as
33 candidates for the positions sought upon the general election ballot.

34 NEW SECTION. **Sec. 239.** Candidates for partisan offices will
35 appear on the ballot at primaries held under this chapter.

1 NEW SECTION. **Sec. 240.** (1) Whenever candidates for partisan
2 office are to be elected, the general election must be preceded by a
3 primary conducted under this chapter, except as otherwise provided in
4 law. Based upon votes cast at the primary, two candidates must be
5 certified as qualified to appear on the general election ballot, under
6 sections 236 and 242 of this act.

7 (2) A primary may not be used to select the nominees of a political
8 party. A primary is a critical stage in the public process by which
9 voters elect candidates to public office.

10 (3) If a candidate indicates a political philosophy as provided by
11 section 214(3) or 215 of this act on his or her declaration of
12 candidacy, then the philosophy will be listed for the candidate on the
13 primary and general election ballots. Each candidate who does not
14 express a philosophy will be listed as an independent candidate on the
15 primary and general election ballots. Political philosophy will be
16 listed for the information of the voters only, and may not be used for
17 any purpose relating to the conduct, canvassing, or certification of
18 the primary, and may in no way limit the options available to voters in
19 deciding for whom to cast a vote.

20 NEW SECTION. **Sec. 241.** The offices of superintendent of public
21 instruction, justice of the supreme court, judge of the court of
22 appeals, judge of the superior court, and judge of the district court
23 shall be nonpartisan and the candidates therefor shall be qualified and
24 elected as such.

25 All city, town, and special purpose district elective offices shall
26 be nonpartisan and the candidates therefor shall be qualified and
27 elected as such.

28 NEW SECTION. **Sec. 242.** No later than the day following the
29 certification of the returns of any primary, the secretary of state
30 shall certify to the appropriate county auditors, the names of all
31 persons qualified to appear on the general election ballot as
32 candidates for offices, the returns of which have been canvassed by the
33 secretary of state.

34 NEW SECTION. **Sec. 243.** Except as provided in RCW 29A.32.260,
35 notice for any state, county, district, or municipal election, whether
36 special or general, must be given by at least one publication not more

1 than ten nor less than three days before the election by the county
2 auditor or the officer conducting the election as the case may be, in
3 one or more newspapers of general circulation within the county. The
4 legal notice must contain the title of each office under the proper
5 party preference, the names and addresses of all candidates who have
6 been qualified to appear on the ballot for an office to be voted upon
7 at that election, together with the ballot titles of all measures, the
8 hours during which the polls will be open, and the polling places for
9 each precinct, giving the address of each polling place. The names of
10 all candidates for nonpartisan offices must be published separately
11 with designation of the offices for which they are candidates but
12 without party designation. This is the only notice required for a
13 state, county, district, or municipal general or special election and
14 supersedes the provisions of any and all other statutes, whether
15 general or special in nature, having different requirements for the
16 giving of notice of any general or special elections.

17 NEW SECTION. **Sec. 244.** (1) For any office at any election or
18 primary, any voter may write in on the ballot the name of any person
19 for an office who has filed as a write-in candidate for the office in
20 the manner provided by section 226 of this act and such vote shall be
21 counted the same as if the name had been printed on the ballot and
22 marked by the voter. No write-in vote made for any person who has not
23 filed a declaration of candidacy pursuant to section 226 of this act is
24 valid if that person filed for the same office, either as a regular
25 candidate or a write-in candidate, at the preceding primary. Any
26 abbreviation used to designate office, position, or political party
27 shall be accepted if the canvassing board can determine, to their
28 satisfaction, the voter's intent.

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

31 (3) Write-in votes cast for an individual candidate for an office
32 need not be tallied if the total number of write-in votes cast for the
33 office is not greater than the number of votes cast for the candidate
34 apparently qualified to appear on the general election ballot or
35 elected, and the write-in votes could not have altered the outcome of
36 the primary or election. In the case of write-in votes for statewide
37 office or for any office whose jurisdiction encompasses more than one
38 county, write-in votes for an individual candidate must be tallied

1 whenever the county auditor is notified by either the office of the
2 secretary of state or another auditor in a multicounty jurisdiction
3 that it appears that the write-in votes could alter the outcome of the
4 primary or election.

5 (4) In the case of statewide offices or jurisdictions that
6 encompass more than one county, if the total number of write-in votes
7 cast for an office within a county is greater than the number of votes
8 cast for a candidate apparently qualified to appear on the general
9 election ballot or elected in a primary or election, the auditor shall
10 tally all write-in votes for individual candidates for that office and
11 notify the office of the secretary of state and the auditors of the
12 other counties within the jurisdiction, that the write-in votes for
13 individual candidates should be tallied.

14 NEW SECTION. **Sec. 245.** (1) If the requisite number of any
15 federal, state, county, city, or district offices have not qualified to
16 appear on the general election ballot in a primary by reason of two or
17 more persons having an equal and requisite number of votes for being
18 placed on the general election ballot, the official empowered by state
19 law to certify candidates for the general election ballot shall give
20 notice to the several persons so having the equal and requisite number
21 of votes to attend at the appropriate office at the time designated by
22 that official, who shall then and there proceed publicly to decide by
23 lot which of those persons will be declared qualified and placed on the
24 general election ballot.

25 (2) If the requisite number of any federal, state, county, city,
26 district, or precinct officers have not been elected by reason of two
27 or more persons having an equal and highest number of votes for one and
28 the same office, the official empowered by state law to issue the
29 original certificate of election shall give notice to the several
30 persons so having the highest and equal number of votes to attend at
31 the appropriate office at the time to be appointed by that official,
32 who shall then and there proceed publicly to decide by lot which of
33 those persons will be declared duly elected, and the official shall
34 make out and deliver to the person thus duly declared elected a
35 certificate of election.

36 NEW SECTION. **Sec. 246.** An officer of a political party or any
37 person for whom votes were cast in a primary who was not declared

1 qualified to appear on the general election ballot may file a written
2 application for a recount of the votes or a portion of the votes cast
3 at that primary for all persons for whom votes were cast for that
4 office.

5 An officer of a political party or any person for whom votes were
6 cast at any election may file a written application for a recount of
7 the votes or a portion of the votes cast at that election for all
8 candidates for election to that office.

9 Any group of five or more registered voters may file a written
10 application for a recount of the votes or a portion of the votes cast
11 upon any question or issue. They shall designate one of the members of
12 the group as chair and shall indicate the voting residence of each
13 member of the group.

14 An application for a recount of the votes cast for an office or on
15 a ballot measure must be filed with the officer with whom filings are
16 made for the jurisdiction.

17 An application for a recount must specify whether the recount will
18 be done manually or by the vote tally system. A recount done by the
19 vote tally system must use programming that recounts and reports only
20 the office or ballot measure in question. The county shall also
21 provide for a test of the logic and accuracy of that program.

22 An application for a recount must be filed within three business
23 days after the county canvassing board or secretary of state has
24 declared the official results of the primary or election for the office
25 or issue for which the recount is requested.

26 This chapter applies to the recounting of votes cast by paper
27 ballots and to the recounting of votes recorded on ballots counted by
28 a vote tally system.

29 NEW SECTION. **Sec. 247.** (1) If the official canvass of all of the
30 returns for any office at any primary or election reveals that the
31 difference in the number of votes cast for a candidate apparently
32 qualified to appear on the general election ballot or elected to any
33 office and the number of votes cast for the closest apparently defeated
34 opponent is less than two thousand votes and also less than one-half of
35 one percent of the total number of votes cast for both candidates, the
36 county canvassing board shall conduct a recount of all votes cast on
37 that position.

1 (a) Whenever such a difference occurs in the number of votes cast
2 for candidates for a position the declaration of candidacy for which
3 was filed with the secretary of state, the secretary of state shall,
4 within three business days of the day that the returns of the primary
5 or election are first certified by the canvassing boards of those
6 counties, direct those boards to recount all votes cast on the
7 position.

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

13 (2) A mandatory recount shall be conducted in the manner provided
14 by sections 248, 249, and 250 of this act. No cost of a mandatory
15 recount may be charged to any candidate.

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

29 NEW SECTION. **Sec. 248.** An application for a recount shall state
30 the office for which a recount is requested and whether the request is
31 for all or only a portion of the votes cast in that jurisdiction of
32 that office. The person filing an application for a manual recount
33 shall, at the same time, deposit with the county canvassing board or
34 secretary of state, in cash or by certified check, a sum equal to
35 twenty-five cents for each ballot cast in the jurisdiction or portion
36 of the jurisdiction for which the recount is requested as security for
37 the payment of any costs of conducting the recount. If the application

1 is for a machine recount, the deposit must be equal to fifteen cents
2 for each ballot. These charges shall be determined by the county
3 canvassing board or boards under RCW 29A.64.080.

4 The county canvassing board shall determine a time and a place or
5 places at which the recount will be conducted. This time shall be less
6 than three business days after the day upon which: The application was
7 filed with the board; the request for a recount or directive ordering
8 a recount was received by the board from the secretary of state; or the
9 returns are certified which indicate that a recount is required under
10 RCW 29A.64.020 for an issue or office voted upon only within the
11 county. Not less than two days before the date of the recount, the
12 county auditor shall mail a notice of the time and place of the recount
13 to the applicant or affected parties and, if the recount involves an
14 office, to any person for whom votes were cast for that office. The
15 county auditor shall also notify the affected parties by either
16 telephone, fax, e-mail, or other electronic means at the time of
17 mailing. At least three attempts must be made over a two-day period to
18 notify the affected parties or until the affected parties have received
19 the notification. Each attempt to notify affected parties must request
20 a return response indicating that the notice has been received. Each
21 person entitled to receive notice of the recount may attend, witness
22 the recount, and be accompanied by counsel.

23 Proceedings of the canvassing board are public under chapter 42.30
24 RCW. Subject to reasonable and equitable guidelines adopted by the
25 canvassing board, all interested persons may attend and witness a
26 recount.

27 NEW SECTION. **Sec. 249.** (1) At the time and place established for
28 a recount, the canvassing board or its duly authorized representatives,
29 in the presence of all witnesses who may be in attendance, shall open
30 the sealed containers containing the ballots to be recounted, and shall
31 recount the votes for the offices or issues for which the recount has
32 been ordered. Ballots shall be handled only by the members of the
33 canvassing board or their duly authorized representatives.

34 Witnesses shall be permitted to observe the ballots and the process
35 of tabulating the votes, but they shall not be permitted to handle the
36 ballots. The canvassing board shall not permit the tabulation of votes
37 for any office or issue other than the ones for which a recount was
38 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 NEW SECTION. **Sec. 250.** Upon completion of the canvass of a
14 recount, the canvassing board shall prepare and certify an amended
15 abstract showing the votes cast in each precinct for which the recount
16 was conducted. Copies of the amended abstracts must be transmitted to
17 the same officers who received the abstract on which the recount was
18 based.

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

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

29 NEW SECTION. **Sec. 251.** The canvassing board shall determine the
30 expenses for conducting a recount of votes.

31 The cost of the recount shall be deducted from the amount deposited
32 by the applicant for the recount at the time of filing the request for
33 the recount, and the balance shall be returned to the applicant. If
34 the costs of the recount exceed the deposit, the applicant shall pay
35 the difference. No charges may be deducted by the canvassing board
36 from the deposit for a recount if the recount changes the result of the
37 primary or election for which the recount was ordered.

1 NEW SECTION. **Sec. 252.** Any justice of the supreme court, judge of
2 the court of appeals, or judge of the superior court in the proper
3 county shall, by order, require any person charged with error, wrongful
4 act, or neglect to forthwith correct the error, desist from the
5 wrongful act, or perform the duty and to do as the court orders or to
6 show cause forthwith why the error should not be corrected, the
7 wrongful act desisted from, or the duty or order not performed,
8 whenever it is made to appear to such justice or judge by affidavit of
9 an elector that:

10 (1) An error or omission has occurred or is about to occur in
11 printing the name of any candidate on official ballots; or

12 (2) An error other than as provided in subsections (1) and (3) of
13 this section has been committed or is about to be committed in printing
14 the ballots; or

15 (3) The name of any person has been or is about to be wrongfully
16 placed upon the ballots; or

17 (4) A wrongful act other than as provided for in subsections (1)
18 and (3) of this section has been performed or is about to be performed
19 by any election officer; or

20 (5) Any neglect of duty on the part of an election officer other
21 than as provided for in subsections (1) and (3) of this section has
22 occurred or is about to occur; or

23 (6) An error or omission has occurred or is about to occur in the
24 issuance of a certificate of election.

25 An affidavit of an elector under subsections (1) and (3) above when
26 relating to a primary election must be filed with the appropriate court
27 no later than the second Friday following the closing of the filing
28 period for such office and shall be heard and finally disposed of by
29 the court not later than five days after the filing thereof. An
30 affidavit of an elector under subsections (1) and (3) of this section
31 when relating to a general election must be filed with the appropriate
32 court no later than three days following the official certification of
33 the primary election returns and shall be heard and finally disposed of
34 by the court not later than five days after the filing thereof. An
35 affidavit of an elector under subsection (6) of this section shall be
36 filed with the appropriate court no later than ten days following the
37 issuance of a certificate of election.

1 NEW SECTION. **Sec. 301.** A new section is added to chapter 29A.52
2 RCW to read as follows:

3 No political party or person may obtain information from any state
4 or local governmental unit that could link a particular voter to the
5 votes cast by that voter, or could reveal the choice of party ballot
6 made by any particular unaffiliated voter.

7 After June 15, 2004, if before March 1st in any election year, the
8 rules of a major political party require the disclosure of information
9 from any state or local governmental unit that could link a particular
10 voter to the votes cast by that voter, or could reveal the choice of
11 party ballot made by any particular unaffiliated voter, the party must
12 nominate its candidates according to section 302 of this act for that
13 election year and the following election year.

14 After June 15, 2004, if after March 1st in any election year, the
15 rules of a major political party require the disclosure of information
16 from any state or local governmental unit that could link a particular
17 voter to the votes cast by that voter, or could reveal the choice of
18 party ballot made by any particular unaffiliated voter, the party must
19 nominate its candidates according to section 302 of this act for the
20 following two election years.

21 For the purposes of this section, an "election year" begins on
22 November 1st and continues until October 31st of the next year.

23 NEW SECTION. **Sec. 302.** A new section is added to chapter 29A.52
24 RCW to read as follows:

25 If the state chair of a major political party has provided the
26 secretary of state with a signed statement refusing to consent to the
27 participation of unaffiliated voters in that party's primary as
28 described in section 157(2) of this act, or if section 301 of this act
29 applies, the following provisions apply to that party's nomination of
30 candidates for the general election:

31 (1) The major political party shall be deemed a party not
32 participating in the primary and must nominate its candidates for the
33 general election using the processes otherwise applicable to minor
34 political parties and independent candidates contained in RCW
35 29A.20.110 through 29A.20.200.

36 (2) The party shall submit to the secretary of state the names and
37 voter registration addresses of the registered party members of the
38 party who participated in the nomination of a party candidate to the

1 general election ballot. The secretary of state shall: (a) Segregate
2 the names and addresses by county; and (b) transmit the names and
3 addresses of the party members from each county to the county auditor
4 for that county.

5 (3) Any voter who participated in the nomination of a candidate may
6 only vote a nonpartisan ballot in the subsequent primary. The county
7 auditor for the county in which the voter is registered to vote shall
8 provide a nonpartisan ballot for the voter's use at the primary, if
9 nonpartisan races or ballot measures are on the ballot.

10 (4) The expenses incurred to nominate a candidate for inclusion on
11 the general election ballot shall be borne by that party to the same
12 extent as such expenses are borne by minor political parties and
13 independent candidates.

14 (5) This section does not apply if the secretary of state has
15 issued notice under section 303 of this act that no partisan primary
16 may be held.

17 NEW SECTION. **Sec. 303.** A new section is added to chapter 29A.52
18 RCW to read as follows:

19 (1) After June 15, 2004, if on March 15th every major political
20 party: (a) Has refused to consent to the participation of unaffiliated
21 voters under section 157 of this act; or (b) will not be participating
22 in the forthcoming partisan primary due to a violation of section 301
23 of this act, no partisan primary may be held.

24 (2) If subsection (1) of this section applies, no later than March
25 15th the secretary of state shall notify the governor, the majority and
26 minority leaders of the two largest caucuses in the senate and the
27 house of representatives, the code reviser, and each county auditor
28 that all major parties are ineligible to participate in the partisan
29 primaries described in this title. Upon issuance of the notification,
30 no partisan primary will be held in that calendar year.

31 (3) The secretary of state shall determine each year thereafter
32 whether subsection (1) of this section continues to apply, and shall
33 notify the governor, the majority and minority leaders of the two
34 largest caucuses in the senate and the house of representatives, the
35 code reviser, and each county auditor accordingly.

36 (4) All eligible electors may only vote a nonpartisan ballot in the
37 primary.

1 (5) Until such time as subsection (1) of this section no longer
2 applies, the state and counties shall conduct qualifying primaries as
3 provided in chapter 29A.-- RCW (sections 201 through 255 of this act).

4 **PART 4 - MISCELLANEOUS PROVISIONS**

5 NEW SECTION. **Sec. 401.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 402.** Part headings used in this act are not any
10 part of the law.

11 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately, except for section 173 of this act which takes effect June
15 30, 2005."

16 Correct the title.

--- END ---