

SB 6453 - S AMD 757

By Senators Carlson, Hargrove

ADOPTED 03/02/2004

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

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

5 (1) This act may be known and cited as the Qualifying Primary Act.

6 (2) The purpose of any primary held in this state is to qualify
7 candidates to appear on the general election ballot. Primary elections
8 do not function as a procedure to determine the nominees of political
9 parties. The sole purpose of allowing candidates to identify a
10 political party preference is to provide to voters a brief description
11 of each candidate's political philosophy, which the voters may consider
12 when casting their votes at a primary or general election. In a
13 primary election, each voter, regardless of party affiliation, may vote
14 for any candidate listed on the ballot, and the two candidates who
15 receive the most votes, also known as the top two vote getters, and who
16 receive at least one percent of the total votes cast for that office,
17 advance to the general election. Primary election voters are not
18 choosing a party's nominee. A qualifying primary ensures more choice,
19 greater participation, increased privacy, and a sense of fairness for
20 the voters.

21 (3) The provisions of this title relating to primaries must be
22 liberally construed to further the following interests:

23 (a) The legislature finds that the process of determining which
24 candidates will appear on the general election ballot or be elected to
25 office is a public process, in which all voters must be permitted to
26 participate. The legislature further finds that it is not in the
27 public interest to expend public funds on an election procedure that
28 limits the rights of voters by restricting their ability to participate
29 based on the party affiliation, if any, of the voters or the
30 candidates, or that requires voters to publicly declare an affiliation
31 with a political party;

1 (b) All qualified registered voters of the state of Washington
2 should be permitted to participate in all meaningful stages of the
3 process for qualifying candidates to appear on the general election
4 ballot by voting for the candidates of their choice in the districts
5 and jurisdictions where they are eligible to vote; and

6 (c) No registered voter of the state of Washington should be
7 required to divulge to any public or private entity his or her party
8 affiliation, if any, as a prerequisite to voting.

9 NEW SECTION. **Sec. 2.** The rights of Washington voters are
10 protected by its Constitution and laws and include the following
11 fundamental rights:

12 (1) The right of qualified voters to vote at all elections;

13 (2) The right of absolute secrecy of the vote. No voter may be
14 required to disclose political faith or adherence in order to vote;

15 (3) The right to cast a vote for any candidate for each office
16 without any limitation based on party preference or affiliation, of
17 either the voter or the candidate.

18 **Sec. 3.** RCW 29A.04.085 and 2003 c 111 s 115 are each amended to
19 read as follows:

20 "Major political party" means a political party (~~of which at least~~
21 ~~one nominee for president, vice president, United States senator, or a~~
22 ~~statewide office received at least five percent of the total vote cast~~
23 ~~at the last preceding state general election in an even numbered year.~~
24 ~~A political party qualifying as a major political party under this~~
25 ~~section retains such status until the next even year election at which~~
26 ~~a candidate of that party does not achieve at least five percent of the~~
27 ~~vote for one of the previously specified offices. If none of these~~
28 ~~offices appear on the ballot in an even year general election, the~~
29 ~~major party retains its status as a major party through that election))
30 identified on the declaration of candidacy of at least one candidate
31 for statewide office who received at least five percent of the total
32 votes cast for that office at the last primary or general election in
33 a year that the office of governor appeared on the ballot. Once
34 qualified, a major political party retains such status until the next
35 primary or general election in a year that the office of governor
36 appears on the ballot.~~

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04 RCW
2 to read as follows:

3 "Partisan office" means an office for which a candidate may
4 identify a political philosophy under RCW 29A.24.030(3) or section 16
5 of this act, and is limited to the following offices:

6 (1) United States senator and representative;

7 (2) All state offices except (a) judicial offices and (b) the
8 office of superintendent of public instruction;

9 (3) All county offices except (a) judicial offices and (b) those
10 offices where a county home rule charter provides otherwise.

11 **Sec. 5.** RCW 29A.04.127 and 2003 c 111 s 122 are each amended to
12 read as follows:

13 "Primary" (~~(or "primary election")~~) means a statutory qualifying
14 procedure ((for nominating candidates to public office at the polls))
15 in which each registered voter eligible to vote in the district or
16 jurisdiction is permitted to cast a vote for his or her preferred
17 candidate for each office appearing on the ballot, without any
18 limitation based on party preference or affiliation on the part of the
19 voter or the candidate, with the result that not more than two
20 candidates for each office qualify to appear on the general election
21 ballot.

22 **Sec. 6.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
23 read as follows:

24 (~~Nominating~~) Qualifying primaries for general elections to be
25 held in November must be held on the third Tuesday of the preceding
26 September or on the seventh Tuesday immediately preceding such general
27 election, whichever occurs first.

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

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

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

1 (3) The name of a candidate for an office shall not appear on a
2 ballot for that office unless, except as provided in RCW 3.46.067 and
3 3.50.057, the candidate is, at the time the candidate's declaration of
4 candidacy is filed, properly registered to vote in the geographic area
5 represented by the office. For the purposes of this section, each
6 geographic area in which registered voters may cast ballots for an
7 office is represented by that office. If a person elected to an office
8 must be ~~((nominated))~~ qualified from a district or similar division of
9 the geographic area represented by the office, the name of a candidate
10 for the office shall not appear on a primary ballot for that office
11 unless the candidate is, at the time the candidate's declaration of
12 candidacy is filed, properly registered to vote in that district or
13 division. The officer with whom declarations of candidacy must be
14 filed under this title shall review each such declaration filed
15 regarding compliance with this subsection.

16 (4) ~~((This section does not apply to the office of a member of the
17 United States Congress.))~~ The requirements of voter registration and
18 residence within the geographic area of a district do not apply to
19 candidates for congressional office. Qualifications for United States
20 Congress are specified in the United States Constitution.

21 **Sec. 8.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
22 read as follows:

23 ~~((1) Any nomination of a candidate for partisan public office by
24 other than a major political party may be made only: (a) In a
25 convention held not earlier than the last Saturday in June and not
26 later than the first Saturday in July or during any of the seven days
27 immediately preceding the first day for filing declarations of
28 candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided
29 by RCW 29A.60.020; or (c) as otherwise provided in this section.~~

30 ~~(2))~~ Nominations of candidates for president and vice president of
31 the United States other than by a major political party ~~((may))~~ must be
32 made ~~((either at a convention conducted under subsection (1) of this
33 section, or))~~ at a ~~((similar))~~ convention ~~((taking place))~~ to be held
34 not earlier than the first Sunday in July and not later than seventy
35 days before the general election. ~~((Conventions held during this time
36 period may not nominate candidates for any public office other than
37 president and vice president of the United States, except as provided
38 in subsection (3) of this section.~~

1 ~~(3) If a special filing period for a partisan office is opened~~
2 ~~under RCW 29A.24.210, candidates of minor political parties and~~
3 ~~independent candidates may file for office during that special filing~~
4 ~~period. The names of those candidates may not appear on the ballot~~
5 ~~unless they are nominated by convention held no later than five days~~
6 ~~after the close of the special filing period and a certificate of~~
7 ~~nomination is filed with the filing officer no later than three days~~
8 ~~after the convention. The requirements of RCW 29A.20.130 do not apply~~
9 ~~to such a convention. If primary ballots or a voters' pamphlet are~~
10 ~~ordered to be printed before the deadline for submitting the~~
11 ~~certificate of nomination and the certificate has not been filed, then~~
12 ~~the candidate's name will be included but may not appear on the general~~
13 ~~election ballot unless the certificate is timely filed and the~~
14 ~~candidate otherwise qualifies to appear on that ballot.~~

15 ~~(4) A minor political party may hold more than one convention but~~
16 ~~in no case shall any such party nominate more than one candidate for~~
17 ~~any one partisan public office or position. For the purpose of~~
18 ~~nominating candidates for the offices of president and vice president,~~
19 ~~United States senator, or a statewide office, a minor party or~~
20 ~~independent candidate holding multiple conventions may add together the~~
21 ~~number of signatures of different individuals from each convention~~
22 ~~obtained in support of the candidate or candidates in order to obtain~~
23 ~~the number required by RCW 29A.20.140. For all other offices for which~~
24 ~~nominations are made, signatures of the requisite number of registered~~
25 ~~voters must be obtained at a single convention.))~~

26 **Sec. 9.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
27 read as follows:

28 ~~((1) To be valid, a convention must be attended by at least~~
29 ~~twenty five registered voters.~~

30 ~~(2)) In order to nominate candidates for the offices of president~~
31 ~~and vice president of the United States, ((United States senator, or~~
32 ~~any statewide office,)) a nominating convention shall obtain and submit~~
33 ~~to the filing officer the signatures of at least two hundred registered~~
34 ~~voters of the state of Washington. ((In order to nominate candidates~~
35 ~~for any other office, a nominating convention shall obtain and submit~~
36 ~~to the filing officer the signatures of twenty five persons who are~~
37 ~~registered to vote in the jurisdiction of the office for which the~~
38 ~~nominations are made.))~~

1 **Sec. 10.** 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 or independent candidate
5 (~~convention as it appears on the certificate of nomination as required~~
6 ~~by RCW 29A.20.160(3)~~). The petition shall also contain a statement
7 that the person signing the petition is a registered voter of the state
8 of Washington and shall have a space for the voter to sign his or her
9 name and to print his or her name and address. (~~No person may sign~~
10 ~~more than one nominating petition under this chapter for an office for~~
11 ~~a primary or election.~~) The nominating petition must be submitted to
12 the secretary of state not later than ten days after adjournment of the
13 convention.

14 **Sec. 11.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
15 read as follows:

16 A certificate evidencing nominations of candidates for the offices
17 of president and vice president made at a convention must:

18 (1) Be in writing;

19 (2) Contain the name of each person nominated (~~(, his or her~~
20 ~~residence, and the office for which he or she is named, and if the~~
21 ~~nomination is)~~) for the offices of president and vice president of the
22 United States, their addresses, and a sworn statement from both
23 nominees giving their consent to the nomination;

24 (3) Identify the minor political party or the independent candidate
25 on whose behalf the convention was held;

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

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

30 (6) Contain proof of publication of the notice of calling the
31 convention; and

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

1 ~~nominates any candidates for offices whose jurisdiction encompasses~~
2 ~~more than one county, all nominating petitions and the convention~~
3 ~~certificates must be filed with the secretary of state.))~~

4 **Sec. 12.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
5 read as follows:

6 (1) If two or more valid certificates of nomination are filed
7 purporting to nominate different candidates for ~~((the same position))~~
8 president and vice president using the same party name, the filing
9 officer must give effect to both certificates. If conflicting claims
10 to the party name are not resolved either by mutual agreement or by a
11 judicial determination of the right to the name, the candidates must be
12 treated as independent candidates. Disputes over the right to the name
13 must not be permitted to delay the printing of either ballots or a
14 voters' pamphlet. ~~((Other candidates nominated by the same conventions~~
15 ~~may continue to use the partisan affiliation unless a court of~~
16 ~~competent jurisdiction directs otherwise.))~~

17 (2) A person affected may petition the superior court of the county
18 in which the filing officer is located for a judicial determination of
19 the right to the name of a minor political party, either before or
20 after documents are filed with the filing officer. The court shall
21 resolve the conflict between competing claims to the use of the same
22 party name according to the following principles: (a) The prior
23 established public use of the name during previous elections by a party
24 composed of or led by the same individuals or individuals in documented
25 succession; (b) prior established public use of the name earlier in the
26 same election cycle; (c) ~~((the nomination of a more complete slate of~~
27 ~~candidates for a number of offices or in a number of different regions~~
28 ~~of the state; (d))~~ documented affiliation with a national or statewide
29 party organization with an established use of the name; ~~((+e))~~ (d) the
30 first date of filing of a certificate of nomination; and ~~((+f))~~ (e)
31 such other indicia of an established right to use of the name as the
32 court may deem relevant. ~~((If more than one filing officer is~~
33 ~~involved, and one of them is the secretary of state, the petition must~~
34 ~~be filed in the superior court for Thurston county.))~~ Upon resolving
35 the conflict between competing claims, the court may also address any
36 ballot designation for the candidate who does not prevail.

1 **Sec. 13.** RCW 29A.20.180 and 2003 c 111 s 512 are each amended to
2 read as follows:

3 A minor political party or independent candidate convention
4 nominating candidates for the offices of president and vice president
5 of the United States shall, not later than ten days after the
6 adjournment of the convention, submit a list of presidential electors
7 to the office of the secretary of state. The list shall contain the
8 names and the mailing addresses of the persons selected and shall be
9 verified by the (~~presiding officer of the convention~~) candidates
10 named on the nominating petition.

11 **Sec. 14.** RCW 29A.20.190 and 2003 c 111 s 513 are each amended to
12 read as follows:

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

28 **Sec. 15.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
29 read as follows:

30 A candidate who desires to have his or her name printed on the
31 ballot for election to an office other than president of the United
32 States, vice president of the United States, or an office for which
33 ownership of property is a prerequisite to voting shall complete and
34 file a declaration of candidacy. The secretary of state shall adopt,
35 by rule, a declaration of candidacy form for the office of precinct
36 committee officer and a separate standard form for candidates for all

1 other offices filing under this chapter. Included on the standard form
2 shall be:

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

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

8 (3) For those offices defined in section 4 of this act only, a
9 place for the candidate to ((~~indicate a party designation, if~~
10 ~~applicable~~)) identify a major or minor political party, if any, the
11 candidate regards as best approximating his or her own political
12 philosophy. No candidate may list more than one political party.
13 Nothing in this indication of political philosophy may be construed as
14 denoting an endorsement or nomination by that party. The sole purpose
15 of allowing candidates to identify a political party preference is to
16 provide to voters a brief description of each candidate's political
17 philosophy, which the voters may consider when casting their votes at
18 a primary or general election. If a court of competent jurisdiction
19 holds that a political party has a right to control the use of the name
20 in a manner inconsistent with this subsection, this subsection is
21 inoperative and section 16 of this act applies;

22 (4) A place for the candidate to indicate the amount of the filing
23 fee accompanying the declaration of candidacy or for the candidate to
24 indicate that he or she is filing a ((~~nominating~~)) petition in lieu of
25 the filing fee under RCW 29A.24.090;

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

31 In the case of a declaration of candidacy filed electronically,
32 submission of the form constitutes agreement that the information
33 provided with the filing is true, that he or she will support the
34 Constitutions and laws of the United States and the state of
35 Washington, and that he or she agrees to electronic payment of the
36 filing fee established in RCW 29A.24.090.

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

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.24
2 RCW to read as follows:

3 If, as provided in RCW 29A.24.030(3), a court of competent
4 jurisdiction holds that a political party has the right to control the
5 use of its name in a manner inconsistent with the provisions of that
6 subsection, then the following process applies:

7 For those offices defined in section 4 of this act, a place for the
8 candidate to submit a description of up to three words that the
9 candidate regards as best approximating his or her own political
10 philosophy. The sole purpose of allowing a candidate to submit a
11 three-word description is to provide to voters information about each
12 candidate's political philosophy, which the voters may consider when
13 casting their votes at a primary or general election. The secretary of
14 state shall adopt rules as necessary for the implementation of this
15 section.

16 **Sec. 17.** RCW 29A.24.080 and 2003 c 111 s 608 are each amended to
17 read as follows:

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

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

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

36 (3) Any declaration of candidacy received by the filing officer
37 after the close of business on the last day for candidates to file for

1 office shall be rejected and returned to the candidate attempting to
2 file it.

3 **Sec. 18.** RCW 29A.24.090 and 2003 c 111 s 609 are each amended to
4 read as follows:

5 A filing fee of one dollar shall accompany each declaration of
6 candidacy for precinct committee officer; a filing fee of ten dollars
7 shall accompany the declaration of candidacy for any office with a
8 fixed annual salary of one thousand dollars or less; a filing fee equal
9 to one percent of the annual salary of the office at the time of filing
10 shall accompany the declaration of candidacy for any office with a
11 fixed annual salary of more than one thousand dollars per annum. No
12 filing fee need accompany a declaration of candidacy for any office for
13 which compensation is on a per diem or per meeting attended basis.

14 A candidate who lacks sufficient assets or income at the time of
15 filing to pay the filing fee required by this section shall submit with
16 his or her declaration of candidacy a (~~nominating~~) filing petition.
17 The petition shall contain not less than a number of signatures of
18 registered voters equal to the number of dollars of the filing fee.
19 The signatures shall be of voters registered to vote within the
20 jurisdiction of the office for which the candidate is filing.

21 When the candidacy is for:

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

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

29 **Sec. 19.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
30 read as follows:

31 The (~~nominating~~) filing petition authorized by RCW 29A.24.090
32 shall be printed on sheets of uniform color and size, shall contain no
33 more than twenty numbered lines, and must be in substantially the
34 following form:

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

36 We, the undersigned registered voters of . . . (the state of
37 Washington or the political subdivision for which the (~~nomination~~))

1 filing is made). . . , hereby petition that the name of
2 . . . (candidate's name). . . be printed on the official primary ballot
3 for the office of . . . (insert name of office). . .

4 If the candidate listed a political party on the declaration of
5 candidacy, then the name of that party must appear on the filing
6 petition.

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

10 **Sec. 20.** RCW 29A.24.110 and 2003 c 111 s 611 are each amended to
11 read as follows:

12 ((~~Nominating~~)) Petitions may be rejected for the following reasons:

- 13 (1) The petition is not in the proper form;
14 (2) The petition clearly bears insufficient signatures;
15 (3) The petition is not accompanied by a declaration of candidacy;
16 (4) The time within which the petition and the declaration of
17 candidacy could have been filed has expired.

18 If the petition is accepted, the officer with whom it is filed
19 shall canvass the signatures contained on it and shall reject the
20 signatures of those persons who are not registered voters and the
21 signatures of those persons who are not registered to vote within the
22 jurisdiction of the office for which the ((~~nominating~~)) petition is
23 filed. He or she shall additionally reject any signature that appears
24 on the ((~~nominating~~)) petitions of two or more candidates for the same
25 office and shall also reject, each time it appears, the name of any
26 person who signs the same petition more than once.

27 If the officer with whom the petition is filed refuses to accept
28 the petition or refuses to certify the petition as bearing sufficient
29 valid signatures, the person filing the petition may appeal that action
30 to the superior court. The application for judicial review shall take
31 precedence over other cases and matters and shall be speedily heard and
32 determined.

33 **Sec. 21.** RCW 29A.24.140 and 2003 c 111 s 614 are each amended to
34 read as follows:

35 A void in candidacy for ((~~a nonpartisan~~)) an office occurs when an
36 election for such office, except for the short term, has been scheduled

1 and no valid declaration of candidacy has been filed for the position
2 or all persons filing such valid declarations of candidacy have died or
3 been disqualified.

4 **Sec. 22.** RCW 29A.24.150 and 2003 c 111 s 615 are each amended to
5 read as follows:

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

12 **Sec. 23.** RCW 29A.24.160 and 2003 c 111 s 616 are each amended to
13 read as follows:

14 Filings to fill a void in candidacy for (~~(nonpartisan)~~) an office
15 must be made in the same manner and with the same official as required
16 during the regular filing period for such office(~~(7, except that~~
17 ~~nominating signature petitions that may be required of candidates~~
18 ~~filing for certain district offices during the normal filing period may~~
19 ~~not be required of candidates filing during the special three day~~
20 ~~filing period)~~).

21 **Sec. 24.** RCW 29A.24.170 and 2003 c 111 s 617 are each amended to
22 read as follows:

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

- 30 (1) A void in candidacy occurs;
- 31 (2) A vacancy occurs in (~~(any nonpartisan)~~) an office leaving an
32 unexpired term to be filled by an election for which filings have not
33 been held; or
- 34 (3) A (~~(nominee)~~) candidate for judge of the superior court
35 entitled to a certificate of election pursuant to Article 4, section
36 29, Amendment 41 of the state Constitution, dies or is disqualified.

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

3 **Sec. 25.** RCW 29A.24.180 and 2003 c 111 s 618 are each amended to
4 read as follows:

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

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

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

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

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

26 **Sec. 26.** RCW 29A.24.190 and 2003 c 111 s 619 are each amended to
27 read as follows:

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

31 (1) In an election for judge of the supreme court ((~~or~~)),
32 superintendent of public instruction, or a partisan office, a void in
33 candidacy occurs on or after the sixth Tuesday prior to a primary,
34 public filings and the primary being an indispensable phase of the
35 election process for such offices;

36 (2) Except as otherwise specified in RCW 29A.24.180, a ((~~nominee~~))
37 candidate for judge of the superior court entitled to a certificate of

1 election pursuant to Article 4, section 29, Amendment 41 of the state
2 Constitution dies or is disqualified on or after the sixth Tuesday
3 prior to a primary;

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

7 **Sec. 27.** 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 political~~
18 ~~parties pursuant to RCW 29A.28.020))~~) need only specify the name of the
19 candidate in the appropriate location on the ballot in order to be
20 counted. Write-in votes cast for any other candidate, in order to be
21 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) At a general election, the person attempting to file either
29 filed as a write-in candidate for the same office at the preceding
30 primary or the person's name appeared on the ballot for the same office
31 at the preceding primary;

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

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

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

9 NEW SECTION. **Sec. 28.** A new section is added to chapter 29A.28
10 RCW to read as follows:

11 If the death or disqualification of a candidate for a partisan or
12 nonpartisan office does not give rise to the opening of a new filing
13 period under RCW 29A.24.170, then the following will occur:

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

18 (2) If the candidate dies or becomes disqualified after the close
19 of the filing period but before the day of the primary, then his or her
20 name will appear on the primary ballot and all otherwise valid votes
21 for that candidate will be tabulated. The candidate's name will not
22 appear on the general election ballot even if he or she otherwise would
23 have qualified to do so, but no other candidate will advance, or be
24 substituted, in the place of that candidate. If the candidate was the
25 only candidate to qualify to advance to the general election, then the
26 general election for that office lapses, and the office will be
27 regarded as vacant as of the time the newly elected official would have
28 otherwise taken office;

29 (3) If the candidate dies or becomes disqualified on or after the
30 day of the primary, and he or she would have otherwise qualified to
31 appear on the general election ballot, then his or her name will appear
32 on the general election ballot and all otherwise valid votes for that
33 candidate will be tabulated. If the candidate received a number of
34 votes sufficient to be elected to office, but for his or her death or
35 disqualification, then the office will be regarded as vacant as of the
36 time the newly elected official would have otherwise taken office.

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

3 (1) Whenever a vacancy occurs in the United States house of
4 representatives or the United States senate from this state, the
5 governor shall order a special election to fill the vacancy.

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

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

21 (4) If the vacancy occurs on or after the first day for filing
22 under RCW 29A.24.050 and on or before the second Friday following the
23 close of the filing period, a special filing period of three normal
24 business days shall be fixed by the governor and notice thereof given
25 to all media, including press, radio, and television within the area in
26 which the vacancy election is to be held, to the end that, insofar as
27 possible, all interested persons will be aware of such filing period.
28 The last day of the filing period shall not be later than the third
29 Tuesday before the primary ~~((at which candidates are to be nominated))~~.
30 The names of candidates who have filed valid declarations of candidacy
31 during this three-day period shall appear on the approaching primary
32 ballot.

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

1 **Sec. 30.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
2 read as follows:

3 The general election laws and laws relating to (~~(partisan)~~)
4 primaries (~~(shall)~~) for partisan offices apply to the special primaries
5 and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050
6 to the extent that they are not inconsistent with the provisions of
7 these sections. Statutory time deadlines relating to availability of
8 absentee ballots, certification, canvassing, and related procedures
9 that cannot be met in a timely fashion may be modified for the purposes
10 of a specific primary or vacancy election under this chapter by the
11 secretary of state through emergency rules adopted under RCW
12 29A.04.610.

13 **Sec. 31.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
14 read as follows:

15 The voters' pamphlet must contain:

16 (1) Information about each ballot measure initiated by or referred
17 to the voters for their approval or rejection as required by RCW
18 29A.32.070;

19 (2) In even-numbered years, statements, if submitted, advocating
20 the candidacies of (~~(nominees)~~) candidates qualified to appear on the
21 ballot for the office of president and vice president of the United
22 States, United States senator, United States representative, governor,
23 lieutenant governor, secretary of state, state treasurer, state
24 auditor, attorney general, commissioner of public lands, superintendent
25 of public instruction, insurance commissioner, state senator, state
26 representative, justice of the supreme court, judge of the court of
27 appeals, or judge of the superior court. Candidates may also submit a
28 campaign mailing address and telephone number and a photograph not more
29 than five years old and of a size and quality that the secretary of
30 state determines to be suitable for reproduction in the voters'
31 pamphlet;

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

36 (4) In even-numbered years, a section explaining how voters may
37 participate in the election campaign process; the address and telephone

1 number of the public disclosure commission established under RCW
2 42.17.350; and a summary of the disclosure requirements that apply when
3 contributions are made to candidates and political committees;

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

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

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

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 **Sec. 32.** RCW 29A.32.120 and 2003 c 254 s 6 and 2003 c 111 s 812
28 are each reenacted and amended to read as follows:

29 (1) The maximum number of words for statements submitted by
30 candidates is as follows: State representative, one hundred words;
31 state senator, judge of the superior court, judge of the court of
32 appeals, justice of the supreme court, and all state offices voted upon
33 throughout the state, except that of governor, two hundred words;
34 president and vice president, United States senator, United States
35 representative, and governor, three hundred words.

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

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

3 (4) The secretary of state shall allocate space in the pamphlet
4 based on the number of candidates (~~(or nominees)~~) for each office.

5 **Sec. 33.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
6 read as follows:

7 On or before the day following the last day allowed for (~~(political~~
8 ~~parties to fill vacancies in the ticket as provided by RCW 29A.28.010)~~)
9 candidates to withdraw under RCW 29A.24.130, the secretary of state
10 shall certify to each county auditor a list of the candidates who have
11 filed declarations of candidacy in his or her office for the primary.
12 For each office, the certificate shall include the name of each
13 candidate, his or her address, and his or her party (~~(designation)~~)
14 preference, if any.

15 **Sec. 34.** RCW 29A.36.070 and 2003 c 111 s 907 are each amended to
16 read as follows:

17 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
18 or 82.80.090, the ballot title of any referendum filed on an enactment
19 or portion of an enactment of a local government and any other question
20 submitted to the voters of a local government consists of three
21 elements: (a) An identification of the enacting legislative body and
22 a statement of the subject matter; (b) a concise description of the
23 measure; and (c) a question. The ballot title must conform with the
24 requirements and be displayed substantially as provided under RCW
25 29A.72.050, except that the concise description must not exceed
26 seventy-five words. If the local governmental unit is a city or a
27 town, the concise statement shall be prepared by the city or town
28 attorney. If the local governmental unit is a county, the concise
29 statement shall be prepared by the prosecuting attorney of the county.
30 If the unit is a unit of local government other than a city, town, or
31 county, the concise statement shall be prepared by the prosecuting
32 attorney of the county within which the majority area of the unit is
33 located.

34 (2) A referendum measure on the enactment of a unit of local
35 government shall be advertised in the manner provided for (~~(nominees)~~)
36 candidates for elective office.

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

4 **Sec. 35.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
5 read as follows:

6 Except for the candidates for the positions of president and vice
7 president or for a partisan or nonpartisan office for which no primary
8 is required, the names of all candidates who, under this title, filed
9 a declaration of candidacy(~~(, were certified as a candidate to fill a
10 vacancy on a major party ticket, or were nominated as an independent or
11 minor party candidate))~~) will appear on the appropriate ballot at the
12 primary throughout the jurisdiction (~~(in which they are to be
13 nominated)~~) of the office for which they are a candidate.

14 **Sec. 36.** RCW 29A.36.170 and 2003 c 111 s 917 are each amended to
15 read as follows:

16 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
17 this section, on the ballot at the general election for (~~(a
18 nonpartisan))~~ an office for which a primary was held, only the names of
19 the candidate who received the greatest number of votes and the
20 candidate who received the next greatest number of votes for that
21 office shall appear under the title of that office, and the names shall
22 appear in that order. If a primary was conducted, no candidate's name
23 may be printed on the subsequent general election ballot unless he or
24 she receives at least one percent of the total votes cast for that
25 office at the preceding primary. On the ballot at the general election
26 for (~~(any other nonpartisan))~~ an office for which no primary was held,
27 the names of the candidates shall be listed in the order determined
28 under RCW 29A.36.130.

29 (2) On the ballot at the general election for the office of justice
30 of the supreme court, judge of the court of appeals, judge of the
31 superior court, or state superintendent of public instruction, if a
32 candidate in a contested primary receives a majority of all the votes
33 cast for that office or position, only the name of that candidate may
34 be printed under the title of the office for that position.

35 **Sec. 37.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to
36 read as follows:

1 The names of the persons certified (~~(as nominees)~~) by the secretary
2 of state or the county canvassing board as having qualified to appear
3 on the general election ballot shall be printed on the ballot at the
4 ensuing election.

5 No name of any candidate (~~(whose nomination at a primary is~~
6 ~~required by law shall)~~) for an office for which a primary is conducted
7 may be placed upon the ballot at a general or special election unless
8 it appears upon the certificate of either (1) the secretary of
9 state(~~(7)~~) or (2) the county canvassing board(~~(7, or (3) a minor party~~
10 ~~convention or the state or county central committee of a major~~
11 ~~political party to fill a vacancy on its ticket under RCW 29A.28.020)~~).

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

16 **Sec. 38.** RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to
17 read as follows:

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

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

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

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

35 **Sec. 39.** RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to
36 read as follows:

1 Candidates for (~~the following offices shall be nominated at~~)
2 partisan offices will appear on the ballot at primaries held (~~pursuant~~
3 ~~to the provisions of~~) under this chapter(~~+~~

4 ~~(1) Congressional offices;~~

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

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

9 NEW SECTION. Sec. 40. A new section is added to chapter 29A.52
10 RCW to read as follows:

11 (1) Whenever candidates for partisan office are to be elected, the
12 general election must be preceded by a primary conducted under this
13 chapter, except as otherwise provided in law. Based upon votes cast at
14 the primary, two candidates must be certified as qualified to appear on
15 the general election ballot, under RCW 29A.52.320 and 29A.36.170.

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

19 (3) If a candidate indicates a political philosophy as provided by
20 RCW 29A.24.030(3) or section 16 of this act on his or her declaration
21 of candidacy, then the philosophy will be listed for the candidate on
22 the primary and general election ballots. Each candidate who does not
23 express a philosophy will be listed as an independent candidate on the
24 primary and general election ballots. Political philosophy will be
25 listed for the information of the voters only, and may not be used for
26 any purpose relating to the conduct, canvassing, or certification of
27 the primary, and may in no way limit the options available to voters in
28 deciding for whom to cast a vote.

29 **Sec. 41.** RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to
30 read as follows:

31 The offices of superintendent of public instruction, justice of the
32 supreme court, judge of the court of appeals, judge of the superior
33 court, and judge of the district court shall be nonpartisan and the
34 candidates therefor shall be (~~nominated~~) qualified and elected as
35 such.

36 All city, town, and special purpose district elective offices shall

1 be nonpartisan and the candidates therefor shall be (~~nominated~~)
2 qualified and elected as such.

3 **Sec. 42.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
4 read as follows:

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

10 **Sec. 43.** RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to
11 read as follows:

12 Except as provided in RCW 29A.32.260, notice for any state,
13 county, district, or municipal election, whether special or general,
14 must be given by at least one publication not more than ten nor less
15 than three days before the election by the county auditor or the
16 officer conducting the election as the case may be, in one or more
17 newspapers of general circulation within the county. The legal notice
18 must contain the title of each office under the proper party
19 (~~designation~~) preference, the names and addresses of all (~~officers~~)
20 candidates who have been (~~nominated~~) qualified to appear on the
21 ballot for an office to be voted upon at that election, together with
22 the ballot titles of all measures, the hours during which the polls
23 will be open, and the polling places for each precinct, giving the
24 address of each polling place. The names of all candidates for
25 nonpartisan offices must be published separately with designation of
26 the offices for which they are candidates but without party
27 designation. This is the only notice required for a state, county,
28 district, or municipal general or special election and supersedes the
29 provisions of any and all other statutes, whether general or special in
30 nature, having different requirements for the giving of notice of any
31 general or special elections.

32 **Sec. 44.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
33 read as follows:

34 (1) For any office at any election or primary, any voter may write
35 in on the ballot the name of any person for an office who has filed as
36 a write-in candidate for the office in the manner provided by RCW

1 29A.24.310 and such vote shall be counted the same as if the name had
2 been printed on the ballot and marked by the voter. No write-in vote
3 made for any person who has not filed a declaration of candidacy
4 pursuant to RCW 29A.24.310 is valid if that person filed for the same
5 office, either as a regular candidate or a write-in candidate, at the
6 preceding primary. Any abbreviation used to designate office,
7 position, or political party shall be accepted if the canvassing board
8 can determine, to their satisfaction, the voter's intent.

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

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

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

32 **Sec. 45.** RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to
33 read as follows:

34 (1) If the requisite number of any federal, state, county, city, or
35 district offices have not (~~been nominated~~) qualified to appear on the
36 general election ballot in a primary by reason of two or more persons
37 having an equal and requisite number of votes for being placed on the
38 general election ballot, the official empowered by state law to certify

1 candidates for the general election ballot shall give notice to the
2 several persons so having the equal and requisite number of votes to
3 attend at the appropriate office at the time designated by that
4 official, who shall then and there proceed publicly to decide by lot
5 which of those persons will be declared (~~nominated~~) qualified and
6 placed on the general election ballot.

7 (2) If the requisite number of any federal, state, county, city,
8 district, or precinct officers have not been elected by reason of two
9 or more persons having an equal and highest number of votes for one and
10 the same office, the official empowered by state law to issue the
11 original certificate of election shall give notice to the several
12 persons so having the highest and equal number of votes to attend at
13 the appropriate office at the time to be appointed by that official,
14 who shall then and there proceed publicly to decide by lot which of
15 those persons will be declared duly elected, and the official shall
16 make out and deliver to the person thus duly declared elected a
17 certificate of election.

18 **Sec. 46.** RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to
19 read as follows:

20 An officer of a political party or any person for whom votes were
21 cast in a primary who was not declared (~~nominated~~) qualified to
22 appear on the general election ballot may file a written application
23 for a recount of the votes or a portion of the votes cast at that
24 primary for all persons for whom votes were cast for (~~nomination to~~)
25 that office.

26 An officer of a political party or any person for whom votes were
27 cast at any election may file a written application for a recount of
28 the votes or a portion of the votes cast at that election for all
29 candidates for election to that office.

30 Any group of five or more registered voters may file a written
31 application for a recount of the votes or a portion of the votes cast
32 upon any question or issue. They shall designate one of the members of
33 the group as chair and shall indicate the voting residence of each
34 member of the group.

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

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

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

10 This chapter applies to the recounting of votes cast by paper
11 ballots and to the recounting of votes recorded on ballots counted by
12 a vote tally system.

13 **Sec. 47.** RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to
14 read as follows:

15 (1) If the official canvass of all of the returns for any office at
16 any primary or election reveals that the difference in the number of
17 votes cast for a candidate apparently (~~nominated~~) qualified to appear
18 on the general election ballot or elected to any office and the number
19 of votes cast for the closest apparently defeated opponent is less than
20 two thousand votes and also less than one-half of one percent of the
21 total number of votes cast for both candidates, the county canvassing
22 board shall conduct a recount of all votes cast on that position.

23 (a) Whenever such a difference occurs in the number of votes cast
24 for candidates for a position the declaration of candidacy for which
25 was filed with the secretary of state, the secretary of state shall,
26 within three business days of the day that the returns of the primary
27 or election are first certified by the canvassing boards of those
28 counties, direct those boards to recount all votes cast on the
29 position.

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

35 (2) A mandatory recount shall be conducted in the manner provided
36 by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory
37 recount may be charged to any candidate.

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

14 **Sec. 48.** RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to
15 read as follows:

16 (1) At the time and place established for a recount, the canvassing
17 board or its duly authorized representatives, in the presence of all
18 witnesses who may be in attendance, shall open the sealed containers
19 containing the ballots to be recounted, and shall recount the votes for
20 the offices or issues for which the recount has been ordered. Ballots
21 shall be handled only by the members of the canvassing board or their
22 duly authorized representatives.

23 Witnesses shall be permitted to observe the ballots and the process
24 of tabulating the votes, but they shall not be permitted to handle the
25 ballots. The canvassing board shall not permit the tabulation of votes
26 for any (~~(nomination, election,)~~) office or issue other than the ones
27 for which a recount was applied for or required.

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

31 (3) The recount may be observed by persons representing the
32 candidates affected by the recount or the persons representing both
33 sides of an issue that is being recounted. The observers may not make
34 a record of the names, addresses, or other information on the ballots,
35 poll books, or applications for absentee ballots unless authorized by
36 the superior court. The secretary of state or county auditor may limit
37 the number of observers to not less than two on each side if, in his or

1 her opinion, a greater number would cause undue delay or disruption of
2 the recount process.

3 **Sec. 49.** RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to
4 read as follows:

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

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

14 If the ((~~nomination, election,~~)) office or issue for which a
15 recount was conducted was submitted to the voters of more than one
16 county, the secretary of state shall canvass the amended abstracts and
17 shall file an amended abstract with the original results of that
18 election. An amended abstract certified under this section supersedes
19 any prior abstract of the results for the same offices or issues at the
20 same primary or election.

21 **Sec. 50.** RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to
22 read as follows:

23 The canvassing board shall determine the expenses for conducting a
24 recount of votes.

25 The cost of the recount shall be deducted from the amount deposited
26 by the applicant for the recount at the time of filing the request for
27 the recount, and the balance shall be returned to the applicant. If
28 the costs of the recount exceed the deposit, the applicant shall pay
29 the difference. No charges may be deducted by the canvassing board
30 from the deposit for a recount if the recount changes the result of the
31 ((~~nomination~~)) primary or election for which the recount was ordered.

32 **Sec. 51.** RCW 29A.68.010 and 2003 c 111 s 1701 are each amended to
33 read as follows:

34 Any justice of the supreme court, judge of the court of appeals, or
35 judge of the superior court in the proper county shall, by order,
36 require any person charged with error, wrongful act, or neglect to

1 forthwith correct the error, desist from the wrongful act, or perform
2 the duty and to do as the court orders or to show cause forthwith why
3 the error should not be corrected, the wrongful act desisted from, or
4 the duty or order not performed, whenever it is made to appear to such
5 justice or judge by affidavit of an elector that:

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

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

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

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

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

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

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

34 **Sec. 52.** RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to
35 read as follows:

36 (~~((1))~~) Each political party organization may(~~(+~~
37 ~~(a) Make its own~~) adopt rules (~~(and regulations; and~~
38 ~~(b) Perform all functions inherent in such an organization.~~

1 ~~(2) Only major political parties may designate candidates to appear~~
2 ~~on the state primary ballot as provided in RCW 29A.28.010))~~ governing
3 its own organization and the nonstatutory functions of that
4 organization.

5 **Sec. 53.** RCW 29A.84.260 and 2003 c 111 s 2114 are each amended to
6 read as follows:

7 The following apply to persons signing (~~nominating~~) petitions
8 prescribed by RCW 29A.20.150 and 29A.24.100:

9 (1) A person who signs a petition with any other than his or her
10 name shall be guilty of a misdemeanor.

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

15 **Sec. 54.** RCW 29A.84.310 and 2003 c 111 s 2117 are each amended to
16 read as follows:

17 Every person who:

18 (1) Knowingly provides false information on his or her declaration
19 of candidacy (~~of~~), filing petition (~~of nomination~~), or nominating
20 petition; or

21 (2) Conceals or fraudulently defaces or destroys a certificate that
22 has been filed with an elections officer under RCW (~~29A.20.110 through~~
23 ~~29A.20.200~~) 29A.20.120 through 29A.20.180 or a declaration of
24 candidacy or petition of nomination that has been filed with an
25 elections officer, or any part of such a certificate, declaration, or
26 petition, is guilty of a class C felony punishable under RCW 9A.20.021.

27 **Sec. 55.** RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to
28 read as follows:

29 Every person who:

30 (1) Knowingly and falsely issues a certificate of (~~nomination~~)
31 qualification or election; or

32 (2) Knowingly provides false information on a certificate which
33 must be filed with an elections officer under RCW (~~29A.20.110 through~~
34 ~~29A.20.200~~) 29A.20.120 through 29A.20.180, is guilty of a class C
35 felony punishable under RCW 9A.20.021.

1 **Sec. 56.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
2 as follows:

3 (1) "Agency" includes all state agencies and all local agencies.
4 "State agency" includes every state office, department, division,
5 bureau, board, commission, or other state agency. "Local agency"
6 includes every county, city, town, municipal corporation, quasi-
7 municipal corporation, or special purpose district, or any office,
8 department, division, bureau, board, commission, or agency thereof, or
9 other local public agency.

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

14 (3) "Ballot proposition" means any "measure" as defined by RCW
15 (~~((29.01.110))~~) 29A.04.091, or any initiative, recall, or referendum
16 proposition proposed to be submitted to the voters of the state or any
17 municipal corporation, political subdivision, or other voting
18 constituency from and after the time when the proposition has been
19 initially filed with the appropriate election officer of that
20 constituency prior to its circulation for signatures.

21 (4) "Benefit" means a commercial, proprietary, financial, economic,
22 or monetary advantage, or the avoidance of a commercial, proprietary,
23 financial, economic, or monetary disadvantage.

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

25 (a) An organization that has filed a valid certificate of
26 nomination with the secretary of state under chapter (~~((29.24))~~) 29A.20
27 RCW;

28 (b) The governing body of the state organization of a major
29 political party, as defined in RCW (~~((29.01.090))~~) 29A.04.085, that is
30 the body authorized by the charter or bylaws of the party to exercise
31 authority on behalf of the state party; or

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

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

37 (7) "Treasurer" and "deputy treasurer" mean the individuals
38 appointed by a candidate or political committee, pursuant to RCW
39 42.17.050, to perform the duties specified in that section.

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

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

6 (b) Announces publicly or files for office;

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

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

11 (9) "Caucus political committee" means a political committee
12 organized and maintained by the members of (~~a major political party~~
13 ~~in~~) the majority caucus in the state senate or state house of
14 representatives, or by the members of the minority caucus in the state
15 senate or state house of representatives.

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

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

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

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

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

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

38 (ii) An expenditure made by a person in cooperation, consultation,

1 or concert with, or at the request or suggestion of, a candidate, a
2 political committee, or their agents;

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

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

10 (b) "Contribution" does not include:

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

13 (ii) Ordinary home hospitality;

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

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

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

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

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

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

1 (A) A political party or caucus political committee if the person
2 paying for the services is the regular employer of the person rendering
3 such services; or

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

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

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

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

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

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

35 (19) "Expenditure" includes a payment, contribution, subscription,
36 distribution, loan, advance, deposit, or gift of money or anything of
37 value, and includes a contract, promise, or agreement, whether or not
38 legally enforceable, to make an expenditure. The term "expenditure"
39 also includes a promise to pay, a payment, or a transfer of anything of

1 value in exchange for goods, services, property, facilities, or
2 anything of value for the purpose of assisting, benefiting, or honoring
3 any public official or candidate, or assisting in furthering or
4 opposing any election campaign. For the purposes of this chapter,
5 agreements to make expenditures, contracts, and promises to pay may be
6 reported as estimated obligations until actual payment is made. The
7 term "expenditure" shall not include the partial or complete repayment
8 by a candidate or political committee of the principal of a loan, the
9 receipt of which loan has been properly reported.

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

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

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

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

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

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

38 (b) The expenditure pays in whole or in part for political

1 advertising that either specifically names the candidate supported or
2 opposed, or clearly and beyond any doubt identifies the candidate
3 without using the candidate's name; and

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (34) "Primary" for the purposes of RCW 42.17.640 means the
22 procedure for ~~((nominating))~~ qualifying a candidate to state office
23 under chapter ~~((29.18 or 29.21 RCW or any other primary for an election
24 that uses, in large measure, the procedures established in chapter
25 29.18 or 29.21))~~ 29A.52 RCW.

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

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

1 a public record by any official action of the senate or the house of
2 representatives.

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

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

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

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

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

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

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

35 NEW SECTION. **Sec. 57.** (1) The subheadings in chapter 29A.52 RCW
36 "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under
37 one subheading "PRIMARIES."

1 (2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND
2 INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND
3 INDEPENDENT PRESIDENTIAL CANDIDATES."

4 (3) The code reviser shall recaption RCW 29A.24.100 as "Filing
5 petition--Form."

6 (4) The code reviser shall recaption RCW 29A.36.170 as "Candidates
7 qualified for the general election."

8 (5) The code reviser shall recaption RCW 29A.52.320 as
9 "Certification of candidates qualified to appear on the general
10 election ballot."

11 (6) The code reviser shall recaption RCW 29A.84.310 as "Candidacy
12 declarations, filing petitions, nominating petitions."

13 (7) The code reviser shall recaption RCW 29A.84.710 as "Documents
14 regarding qualification, election, candidacy--Frauds and falsehoods."

15 NEW SECTION. **Sec. 58.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

18 (2) RCW 29A.20.110 (Definitions--"Convention" and "election
19 jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9
20 s 29.24.010;

21 (3) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;

22 (4) RCW 29A.20.200 (Declarations of candidacy required,
23 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,
24 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;

25 (5) RCW 29A.24.200 (Lapse of election when no filing for single
26 positions--Effect) and 2003 c 111 s 620;

27 (6) RCW 29A.24.210 (Vacancy in partisan elective office--Special
28 filing period) and 2003 c 111 s 621;

29 (7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990
30 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

31 (8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--
32 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &
33 1977 ex.s. c 329 s 13;

34 (9) RCW 29A.36.190 (Partisan candidates qualified for general
35 election) and 2003 c 111 s 919;

36 (10) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
37 1304; and

1 (11) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
2 2405.

3 NEW SECTION. **Sec. 59.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 60.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately."

SB 6453 - S AMD 757

By Senators Carlson, Hargrove

ADOPTED 03/02/2004

11 On page 1, line 1 of the title, after "Relating to" strike the
12 remainder of the title and insert "a qualifying primary; amending RCW
13 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140,
14 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030,
15 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150,
16 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040,
17 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170,
18 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350,
19 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060,
20 29A.64.080, 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710,
21 and 42.17.020; reenacting and amending RCW 29A.32.120; adding new
22 sections to chapter 29A.52 RCW; adding a new section to chapter 29A.04
23 RCW; adding a new section to chapter 29A.24 RCW; adding a new section
24 to chapter 29A.28 RCW; creating a new section; repealing RCW
25 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210,
26 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, and 29A.04.903; and
27 declaring an emergency."

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