

SB 6453 - S AMD TO S AMD (S-4961.3/04) 762
By Senators Kastama, Swecker

NOT ADOPTED 03/02/2004

1 Beginning on page 1, line 3 of the amendment, strike all of section
2 1

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

5 On page 2, beginning on line 14 of the amendment, after "vote"
6 strike all material through "candidate" on line 17 of the amendment

7 Beginning on page 2, line 18 of the amendment, strike all material
8 through "immediately." on page 41, line 10 of the amendment and insert
9 the following:

10 **"PART 1 - PRIMARY**

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

13 As used in this title:

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

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

18 (b) A facsimile of the contents of a particular ballot whether
19 printed on a paper ballot or ballot card or as part of a voting machine
20 or voting device;

21 (c) A physical or electronic record of the choices of an individual
22 voter in a particular primary, general election, or special election;
23 or

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

26 (2) "Paper ballot" means a piece of paper on which the ballot for

1 a particular election or primary has been printed, on which a voter may
2 record his or her choices for any candidate or for or against any
3 measure, and that is to be tabulated manually;

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

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

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

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

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

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

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

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

29 (7) "Nonpartisan ballot" means a primary election ballot listing
30 only nonpartisan races and ballot measures to be voted on at that
31 primary election.

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

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

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

3 "Registered party member" means a registered voter who chooses to
4 affiliate with a political party as part of his or her voter
5 registration. Party affiliation as part of voter registration includes
6 major and minor political parties. A registered voter is not required
7 to affiliate with a political party to be eligible to vote in a primary
8 or election.

9 NEW SECTION. **Sec. 103.** A new section is added to chapter 29A.04
10 RCW to read as follows:

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

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

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

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

36 Nominating primaries for general elections to be held in November,

1 and the election of precinct committee officers, must be held on the
2 third Tuesday of the preceding September or on the seventh Tuesday
3 immediately preceding such general election, whichever occurs first.

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

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

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

- 37 (a) The first Tuesday after the first Monday in February;
38 (b) The second Tuesday in March;

- 1 (c) The fourth Tuesday in April;
2 (d) The third Tuesday in May;
3 (e) The day of the primary as specified by RCW 29A.04.310; or
4 (f) The first Tuesday after the first Monday in November.

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

10 (4) In a presidential election year, if a presidential preference
11 primary is conducted in February, March, April, or May under chapter
12 29A.56 RCW, the date on which a special election may be called by the
13 county legislative authority under subsection (2) of this section
14 during the month of that primary is the date of the presidential
15 primary.

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

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

26 (1) On receipt of an application for voter registration under this
27 chapter, the county auditor shall review the application to determine
28 whether the information supplied is complete. An application that
29 contains the applicant's name, complete valid residence address, date
30 of birth, and signature attesting to the truth of the information
31 provided on the application is complete. If it is not complete, the
32 auditor shall promptly mail a verification notice of the deficiency to
33 the applicant. This verification notice shall require the applicant to
34 provide the missing information. If the verification notice is not
35 returned by the applicant or is returned as undeliverable the auditor
36 shall not place the name of the applicant on the county voter list. If
37 the applicant provides the required information, the applicant shall be

1 registered to vote as of the date of mailing of the original voter
2 registration application. Party affiliation information is not
3 required for a complete voter registration.

4 (2) If the information is complete, the applicant is considered to
5 be registered to vote as of the date of mailing. The auditor shall
6 record the appropriate precinct identification, taxing district
7 identification, ~~((and))~~ date of registration, and party affiliation, if
8 any, on the voter's record. Within forty-five days after the receipt
9 of an application but no later than seven days before the next primary,
10 special election, or general election, the auditor shall send to the
11 applicant, by first class mail, an acknowledgement notice identifying
12 the registrant's precinct and party affiliation, if any, and containing
13 such other information as may be required by the secretary of state.
14 The postal service shall be instructed not to forward a voter
15 registration card to any other address and to return to the auditor any
16 card which is not deliverable. If the applicant has indicated that he
17 or she is registered to vote in another county in Washington but has
18 also provided an address within the auditor's county that is for voter
19 registration purposes, the auditor shall send, on behalf of the
20 registrant, a registration cancellation notice to the auditor of that
21 other county and the auditor receiving the notice shall cancel the
22 registrant's voter registration in that other county. If the
23 registrant has indicated on the form that he or she is registered to
24 vote within the county but has provided a new address within the county
25 that is for voter registration purposes, the auditor shall transfer the
26 voter's registration.

27 (3) If an acknowledgement notice card is properly mailed as
28 required by this section to the address listed by the voter as being
29 the voter's mailing address and the notice is subsequently returned to
30 the auditor by the postal service as being undeliverable to the voter
31 at that address, the auditor shall promptly send the voter a
32 confirmation notice. The auditor shall place the voter's registration
33 on inactive status pending a response from the voter to the
34 confirmation notice.

35 NEW SECTION. Sec. 108. A new section is added to chapter 29A.08
36 RCW to read as follows:

37 In addition to the information required by RCW 29A.08.010 for voter
38 registration, the county auditor shall provide each voter an

1 opportunity to affiliate with a major political party by checking the
2 appropriate box, or to indicate that the voter wants to affiliate with
3 a minor political party not listed, as part of his or her voter
4 registration. A voter may choose any major or minor political party,
5 or may make no party selection. Under no circumstances may an
6 individual be required to affiliate with a political party in order to
7 register to vote. Each voter who chooses to affiliate with a major
8 political party as part of his or her voter registration is considered
9 a "registered party member" of that political party so long as he or
10 she maintains that affiliation as part of his or her voter
11 registration. A voter who does not affiliate with any major party on
12 his or her voter registration form will be considered to be an
13 unaffiliated voter. A voter may not affiliate with more than one
14 political party at a time, but may change his or her party affiliation
15 information in a manner consistent with the procedures for changing a
16 voter registration address, as provided in RCW 29A.08.140, 29A.08.145,
17 and 29A.08.430: PROVIDED, HOWEVER, That a change of party affiliation
18 made less than thirty days prior to a primary shall not be effective
19 until the day after the primary.

20 No record may be created or maintained by a state or local
21 governmental agency that identifies a voter with the votes cast by the
22 voter.

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

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

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

3 The county auditor shall acknowledge each new voter registration or
4 transfer of address or party affiliation by providing or sending the
5 voter a card identifying his or her current precinct and party
6 affiliation, if any, and containing such other information as may be
7 prescribed by the secretary of state. When a person who has previously
8 registered to vote in a jurisdiction applies for voter registration in
9 a new jurisdiction, the person shall provide on the registration form,
10 all information needed to cancel any previous registration. The county
11 auditor shall forward any information pertaining to the voter's prior
12 voter registration to the county where the voter was previously
13 registered, so that registration may be canceled. If the prior voter
14 registration is in another state, the notification must be made to the
15 state elections office of that state. A county auditor receiving
16 official information that a voter has registered to vote in another
17 jurisdiction shall immediately cancel that voter's registration.

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

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

24 The county auditor shall give notice of the closing of the precinct
25 files for original registration and transfer and notice of the special
26 registration and voting procedure provided by RCW 29A.08.145 by one
27 publication in a newspaper of general circulation in the county at
28 least five days before the closing of the precinct files.

29 No person may vote at any primary, special election, or general
30 election in a precinct polling place unless he or she has registered to
31 vote at least thirty days before that primary or election. If a
32 person, otherwise qualified to vote in the state, county, and precinct
33 in which he or she applies for registration, does not register at least
34 thirty days before any primary, special election, or general election,
35 he or she may register and vote (~~by absentee ballot~~) for that primary
36 or election under RCW 29A.08.145.

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

3 This section establishes a special procedure which an elector may
4 use to register to vote or change his or her voter registration address
5 during the period beginning after the closing of registration for
6 voting at the polls under RCW 29A.08.140 and ending on the fifteenth
7 day before a primary, special election, or general election. A
8 qualified elector in the ((~~county~~)) state may register to vote or
9 change his or her registration address in person in the office of the
10 county auditor or at a voter registration location specifically
11 designated for this purpose by the county auditor of the county in
12 which the applicant resides, and apply for an absentee ballot for that
13 primary or election. The auditor or registration assistant shall
14 register that individual in the manner provided in this chapter and
15 provide an absentee ballot. If the elector is not registered to vote
16 in Washington, and registers less than thirty days before a primary
17 election, the absentee ballot or ballots must comply with RCW
18 29A.40.090, and the elector's party affiliation, if any. The
19 application for an absentee ballot executed by the newly registered
20 voter for the primary or election that follows the execution of the
21 registration shall be promptly transmitted to the auditor with the
22 completed voter registration form.

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

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

- 28 (1) The address of the last former registration of the applicant as
29 a voter in the state;
- 30 (2) The applicant's full name;
- 31 (3) The applicant's date of birth;
- 32 (4) The address of the applicant's residence for voting purposes;
- 33 (5) The mailing address of the applicant if that address is not the
34 same as the address in subsection (4) of this section;
- 35 (6) The sex of the applicant;
- 36 (7) A declaration that the applicant is a citizen of the United
37 States;
- 38 (8) The applicant's signature; and

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

4 The application must also include a box for the applicant to check
5 in order to affiliate with a major political party or indicate
6 affiliation with a minor political party not listed. Affiliation with
7 a political party is not required for registration, and lack of party
8 affiliation may not be used as grounds for not registering an applicant
9 to vote.

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

12 If the applicant fails to provide the information required for
13 voter registration, the auditor shall send the applicant a verification
14 notice. The auditor shall not register the applicant until the
15 required information is provided. If a verification notice is returned
16 as undeliverable or the applicant fails to respond to the notice within
17 forty-five days, the auditor shall not register the applicant to vote.

18 The following warning shall appear in a conspicuous place on the
19 voter registration form:

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

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

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

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

35 (2) To register to vote(~~(, transfer his or her voter~~
36 ~~registration,)~~) or change his or her voter registration name (~~(for~~
37 ~~voter registration purposes)~~), address, or party affiliation under this

1 section, the applicant shall provide the information required by RCW
2 29A.08.210.

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

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

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

11 (2) The department of licensing shall produce and transmit to the
12 secretary of state a machine-readable file containing the following
13 information from the records of each individual who requested a voter
14 registration or transfer at a driver's license facility during each
15 period for which forms are transmitted under subsection (1) of this
16 section: The name, address, date of birth, gender, and driver's
17 license number of the applicant, the (~~(driver's license number))~~
18 applicant's party affiliation, if any, the date on which the
19 application for voter registration or transfer was submitted, and the
20 location of the office at which the application was submitted.

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

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

30 (5) The secretary of state shall sort the records in the machine-
31 readable file according to the county in which the applicant registered
32 to vote and produce a file of voter registration transactions for each
33 county. The records of each county may be transmitted on or through
34 whatever medium the county auditor determines will best facilitate the
35 incorporation of these records into the existing voter registration
36 files of that county.

37 (6) The secretary of state shall produce a list of voter
38 registration transactions for each county and transmit a copy of this

1 list to that county with each file of voter registration transactions
2 no later than ten days after the date on which that information was to
3 be transmitted under subsection (1) of this section.

4 (7) If a registrant has indicated on the voter registration
5 application form that he or she is registered to vote in another county
6 in Washington but has also provided an address within the auditor's
7 county that is for voter registration purposes, the auditor shall send,
8 on behalf of the registrant, a registration cancellation notice to the
9 auditor of that other county and the auditor receiving the notice shall
10 cancel the registrant's voter registration in that other county. If
11 the registrant has indicated on the form that he or she is registered
12 to vote within the county but has provided a new address within the
13 county that is for voter registration purposes, the auditor shall
14 transfer the voter's registration.

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

17 (1) The department of licensing shall provide information on all
18 persons changing their address on change of address forms submitted to
19 the department unless the voter has indicated that the address change
20 is not for voting purposes. This information will be transmitted to
21 the secretary of state each week in a machine-readable file containing
22 the following information on persons changing their address: The name,
23 address, date of birth, gender, and driver's license number of the
24 applicant, the applicant's ((~~driver's license number~~)) party
25 affiliation, if any, the applicant's former address, the county code
26 for the applicant's former address, and the date that the request for
27 address change was received.

28 (2) The secretary of state shall forward this information to the
29 appropriate county each week. When the information indicates that the
30 voter has moved within the county, the county auditor shall use the
31 change of address information to transfer the voter's registration and
32 send the voter an acknowledgement notice of the transfer. If the
33 information indicates that the new address is outside the voter's
34 original county, the county auditor shall send the voter a registration
35 by mail form at the voter's new address and advise the voter of the
36 need to reregister in the new county. The auditor shall then place the
37 voter on inactive status.

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

3 (~~To maintain a valid voter registration,~~) A registered voter who
4 changes his or her party affiliation, or residence from one address to
5 another within the same county, shall transfer his or her registration
6 (~~to the new address~~) information in one of the following ways: (1)
7 Sending to the county auditor a signed request stating the voter's
8 present and previous party affiliation or registration address (~~and~~
9 ~~the address from which the voter was last registered~~), as applicable;
10 (2) appearing in person before the auditor and signing such a request;
11 or (3) transferring the registration information in the manner provided
12 by RCW 29A.08.430(~~;~~ ~~or~~ (4) ~~telephoning the county auditor to transfer~~
13 ~~the registration. The telephone call transferring a registration by~~
14 ~~telephone must be received by the auditor before the precinct~~
15 ~~registration files are closed to new registrations for the next primary~~
16 ~~or special or general election in which the voter participates~~). A
17 change in the voter's party affiliation made less than thirty days
18 prior to a primary election is not effective until the day after the
19 primary election.

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

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

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

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

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

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

37 (3) The auditor shall, within ninety days, mail to each voter who

1 has transferred a registration under this section a notice of his or
2 her current precinct and polling place.

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

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

8 The secretary of state shall create a standard electronic file
9 format (state transfer form) to be used for the transfer of voter
10 registration information between county auditors and the office of the
11 secretary of state. The format must be prescribed by rule and contain
12 at least the following information: Voter name, address, date of
13 birth, party affiliation, if any, date of registration, mailing
14 address, legislative and congressional district, and digitized
15 signature image. Each county shall program its voter registration
16 system to convert this data from the county's storage format into the
17 state transfer format.

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

20 (1) The county auditor shall have custody of the voter registration
21 records for each county. The original voter registration form must be
22 filed without regard to precinct and is considered confidential and
23 unavailable for public inspection and copying. An automated file of
24 all registered voters must be maintained pursuant to RCW 29A.08.125.
25 An auditor may maintain the automated file in lieu of filing or
26 maintaining the original voter registration forms if the automated file
27 includes all of the information from the original voter registration
28 forms including, but not limited to, a retrievable facsimile of each
29 voter's signature.

30 (2) The following information contained in voter registration
31 records or files regarding a voter or a group of voters is available
32 for public inspection and copying: The voter's name, gender, voting
33 record, party affiliation, if any, date of registration, and
34 registration number. The address and political jurisdiction of a
35 registered voter are available for public inspection and copying except
36 as provided by chapter 40.24 RCW. No other information from voter

1 registration records or files is available for public inspection or
2 copying, including an unaffiliated voter's choice of ballot under RCW
3 29A.44.230.

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

6 The secretary of state shall not approve a vote tallying system
7 unless it:

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

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

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

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

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

19 ~~((+6))~~ (5) Except for functions or capabilities unique to this
20 state, has been tested, certified, and used in at least one other state
21 or election jurisdiction.

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

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

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

33 (3) The name of a candidate for an office shall not appear on a
34 ballot for that office unless, except as provided in RCW 3.46.067 and
35 3.50.057, the candidate is, at the time the candidate's declaration of
36 candidacy is filed, properly registered to vote in the geographic area
37 represented by the office, and, if seeking a partisan office, the

1 candidate is qualified to run as a candidate of the party indicated or
2 as an independent. For the purposes of this section, each geographic
3 area in which registered voters may cast ballots for an office is
4 represented by that office. If a person elected to an office must be
5 nominated from a district or similar division of the geographic area
6 represented by the office, the name of a candidate for the office shall
7 not appear on a primary ballot for that office unless the candidate is,
8 at the time the candidate's declaration of candidacy is filed, properly
9 registered to vote in that district or division. The officer with whom
10 declarations of candidacy must be filed under this title shall review
11 each such declaration filed regarding compliance with this subsection.
12 This subsection does not apply to the office of a member of the United
13 States Congress.

14 (4) ~~((This section does not apply to the office of a member of the~~
15 ~~United States Congress))~~ For a primary conducted in 2004, if a person
16 filing a declaration of candidacy for a partisan office designates on
17 his or her declaration an affiliation with a major political party, he
18 or she must, at the time of filing, be a registered party member of
19 that major political party. Beginning January 1, 2005, if a person
20 filing a declaration of candidacy for a partisan office designates on
21 his or her declaration an affiliation with a major political party, he
22 or she must, at the time of filing: (a) Be a registered party member
23 of that major political party; and (b)(i) be qualified to run as a
24 candidate of that party according to the party's rules in effect on the
25 fifth day of March preceding the filing; (ii) submit a petition
26 substantially in the form required by RCW 29A.24.100(3) to the filing
27 officer containing the signatures of registered party members of at
28 least five percent of the registered party members of that party
29 residing within the jurisdiction of the office sought as of the March
30 1st preceding the filing; or (iii) meet any party rules in effect on
31 March 5th preceding the primary regarding the number of signatures
32 required for ballot eligibility, provided that such rules may not
33 exceed the five percent requirement of (b)(ii) of this subsection and
34 the signatures shall be submitted substantially in the form required by
35 RCW 29A.24.100(3). The candidate may gather petition signatures at any
36 time after the first day of February preceding the primary, and may
37 provide documentation and assistance to qualified electors desiring to
38 register to vote, affiliate with a political party, or change party
39 affiliation.

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

6 (6) Within thirty days after the effective date of this section,
7 each major political party shall file with the secretary of state a
8 copy of its rules governing the eligibility of persons to seek election
9 to public office using the party's name. The secretary of state shall
10 place the text of the rules on its web site. A copy of any party's
11 rules shall be publicly available upon request. If a major political
12 party changes its rules governing the eligibility of persons to seek
13 the nomination of the party to public office, the amended rules must be
14 filed with the secretary of state and take effect no later than March
15 1st for purposes of any partisan primary conducted that year.

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

18 (1) Any nomination of a candidate for partisan public office by
19 ~~((other than a major political party))~~ a party not participating in the
20 primary may be made only: (a) In ~~((a))~~ conventions held not earlier
21 than the last Saturday in ~~((June))~~ February and not later than the
22 first Saturday in July or during any of the seven days immediately
23 preceding the first day for filing declarations of candidacy as fixed
24 in accordance with RCW 29A.28.040; (b) as provided by RCW 29A.60.020;
25 or (c) as otherwise provided in this section. Candidates of a party
26 not participating in the primary and independent candidates may appear
27 only on the general election ballot.

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

37 (3) If a special filing period for a partisan office is opened
38 under RCW 29A.24.210, candidates of ~~((minor political))~~ parties not

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

14 (4) A (~~minor political~~) party not participating in the primary
15 may hold more than one convention but in no case shall any such party
16 nominate more than one candidate for any one partisan public office or
17 position. (~~For the purpose of nominating candidates for the offices~~
18 ~~of president and vice president, United States senator, or a statewide~~
19 ~~office, minor party or~~) A candidate of a party not participating in
20 the primary or an independent candidate holding multiple conventions
21 may add together the number of signatures of different individuals from
22 each convention obtained in support of the candidate or candidates in
23 order to obtain the number required by RCW 29A.20.140. (~~For all other~~
24 ~~offices for which nominations are made, signatures of the requisite~~
25 ~~number of registered voters must be obtained at a single convention.~~)

26 **Sec. 124.** 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~~) one hundred registered voters, not including registered
30 party members of a party participating in the primary. A candidate of
31 a party not participating in the primary or an independent candidate
32 holding multiple conventions may add together the number of different
33 individuals attending different conventions in order to obtain the
34 required number of registered voters.

35 (2) In order to nominate candidates for the offices of president
36 and vice president of the United States, United States senator, or any
37 statewide office, a nominating convention shall obtain and submit to
38 the filing officer the signatures of at least (~~two hundred~~) one

1 thousand registered voters of the state of Washington, not including
2 the signatures of registered party members of a party participating in
3 the primary. A candidate of a party not participating in the primary
4 or an independent candidate holding multiple conventions may add
5 together the number of signatures of different individuals from
6 different conventions in order to obtain the required number of
7 required signatures. In order to nominate candidates for any other
8 office, a nominating convention shall obtain and submit to the filing
9 officer the signatures of (~~twenty-five~~) one hundred persons who are
10 registered to vote in the jurisdiction of the office for which the
11 nominations are made, none of whom may be registered party members of
12 a major political party.

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

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

19 A nominating petition submitted under this chapter shall clearly
20 identify the name of the (~~minor~~) party not participating in the
21 primary or independent candidate convention as it appears on the
22 certificate of nomination as required by RCW 29A.20.160(3). The
23 petition shall (~~also~~) contain a statement that the person signing the
24 petition is a registered voter of the state of Washington and that the
25 person signing the petition will not be eligible to vote a party ballot
26 at the subsequent primary election. The petition shall also have a
27 space for the voter to sign his or her name and to print his or her
28 name and address. No person may sign more than one nominating petition
29 under this chapter for an office for (~~a primary or~~) an election.

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

32 A certificate evidencing nominations made at a convention or
33 conventions must:

- 34 (1) Be in writing;
- 35 (2) Contain the name of each person nominated, his or her
36 residence, a statement that he or she is not a registered party member
37 of a party participating in the primary, and the office for which he or

1 she is named, and if the nomination is for the offices of president and
2 vice president of the United States, a sworn statement from both
3 nominees giving their consent to the nomination;

4 (3) Identify the (~~minor political~~) party not participating in the
5 primary or the independent candidate on whose behalf the convention was
6 held;

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

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

11 (6) Contain proof of publication of the notice of calling the
12 convention; and

13 (7) Be submitted to the appropriate filing officer not later than
14 one week following the adjournment of the convention at which the
15 nominations were made. If the nominations are made only for offices
16 whose jurisdiction is entirely within one county, the certificate and
17 nominating petitions must be filed with the county auditor. If a
18 (~~minor party~~) convention of a party not participating in the primary
19 or independent candidate convention nominates any candidates for
20 offices whose jurisdiction encompasses more than one county, all
21 nominating petitions and the convention certificates must be filed with
22 the secretary of state.

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

25 (1) For a general election or qualifying primary, if two or more
26 valid certificates of nomination are filed purporting to nominate
27 different candidates for the same position using the same party name or
28 confusingly similar party names, or if a valid certificate is filed
29 using the same party name as a party participating in the primary or a
30 name confusingly similar to the name of a party participating in the
31 primary, the filing officer must give effect to (~~both~~) all
32 certificates. If conflicting claims to the party name are not resolved
33 either by mutual agreement or by a judicial determination of the right
34 to the name, the candidates must be treated as independent candidates.
35 Disputes over the right to the name must not be permitted to delay the
36 printing of either ballots or a voters' pamphlet. Other candidates
37 nominated by the same conventions may continue to use the partisan
38 affiliation unless a court of competent jurisdiction directs otherwise.

1 (2) A person or party participating in the primary affected may
2 petition the superior court of the county in which the filing officer
3 is located for a judicial determination of the right to the name of a
4 minor political party, either before or after documents are filed with
5 the filing officer. The court shall resolve the conflict between
6 competing claims to the use of the same or similar party name according
7 to the following principles: (a) The prior established public use of
8 the name during previous elections by a party composed of or led by the
9 same individuals or individuals in documented succession; (b) prior
10 established public use of the name earlier in the same election cycle;
11 (c) the nomination of a more complete slate of candidates for a number
12 of offices or in a number of different regions of the state; (d)
13 documented affiliation with a national or statewide party organization
14 with an established use of the name; (e) the first date of filing of a
15 certificate of nomination; ~~((and))~~ (f) if the issue is whether the
16 names are confusingly similar, the likelihood of confusion on the part
17 of a reasonable voter; and (g) such other indicia of an established
18 right to use of the name as the court may deem relevant. If more than
19 one filing officer is involved, and one of them is the secretary of
20 state, the petition must be filed in the superior court for Thurston
21 county. Upon resolving the conflict between competing claims, the
22 court may also address any ballot designation for the candidate who
23 does not prevail. An action brought under this section has priority
24 over other docket items and shall be heard within seven days of filing
25 and the completion of service.

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

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

31 Upon the receipt of the certificate of nomination, the officer with
32 whom it is filed shall check the certificate and canvass the signatures
33 on the accompanying nominating petitions to determine if the
34 requirements of RCW 29A.20.140 have been met. Once the determination
35 has been made, the filing officer shall notify the presiding officer of
36 the convention and any other persons requesting the notification, of
37 his or her decision regarding the sufficiency of the certificate or the
38 nominating petitions, and forward to the secretary of state the name

1 and address of all registered voters who have signed the nominating
2 petition. Any appeal regarding the filing officer's determination must
3 be filed with the superior court of the county in which the certificate
4 or petitions were filed not later than five days from the date the
5 determination is made, and shall be heard and finally disposed of by
6 the court within five days of the filing. Nominating petitions shall
7 not be available for public inspection or copying.

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

10 Not later than the Friday immediately preceding the first day for
11 candidates to file, the secretary of state shall notify the county
12 auditors of the names and designations of all minor party and
13 independent candidates who have filed valid convention certificates and
14 nominating petitions with that office. The secretary of state shall
15 also forward to the appropriate county auditors the names and addresses
16 of all voters on the nominating petitions residing in that county.
17 Except for the offices of president and vice president, persons
18 nominated under this chapter shall file declarations of candidacy as
19 provided by RCW 29A.24.030 and 29A.24.070. The name of a candidate
20 nominated at a convention shall not be printed upon the ((primary))
21 general election ballot unless he or she pays the fee required by law
22 to be paid by candidates for the same office to be nominated at a
23 primary.

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

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

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

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

3 (3) A place for the candidate to indicate a party designation, if
4 applicable, and declare that he or she meets the requirements of RCW
5 29A.20.020 if the designation is a major political party;

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

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

15 In the case of a declaration of candidacy filed electronically,
16 submission of the form constitutes agreement that the information
17 provided with the filing is true, that he or she will support the
18 Constitutions and laws of the United States and the state of
19 Washington, and that he or she agrees to electronic payment of the
20 filing fee established in RCW 29A.24.090.

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

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

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

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

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

33 We, the undersigned registered voters of (the state of
34 Washington or the political subdivision for which the nomination is
35 made), hereby petition that the name of (candidate's name) be
36 printed on the official primary ballot for the office of (insert
37 name of office).

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

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

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

7 We, the undersigned registered voters of _____ (the state of
8 Washington or the political subdivision for which the nomination is
9 made) _____, and registered party members of the _____ (major political
10 party), _____ hereby petition that the name of _____ (candidate's name) _____ be
11 printed on the official primary ballot for the office of _____ (insert
12 name of office) _____ as a candidate of the _____ (major political party).

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

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

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

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

24 A candidate may withdraw his or her declaration of candidacy at any
25 time before the close of business on the Thursday following the last
26 day for candidates to file under RCW 29A.24.050 by filing, with the
27 officer with whom the declaration of candidacy was filed, a signed
28 request that his or her name not be printed on the ballot. There shall
29 be no withdrawal period for declarations of candidacy filed during
30 special filing periods held under this title. The filing officer may
31 permit the withdrawal of a filing for the office of precinct committee
32 officer at the request of the candidate at any time if no absentee
33 ballots have been issued for that office and the (~~general election~~)
34 party ballots for that precinct have not been printed. The filing
35 officer may permit the withdrawal of a filing for any elected office of
36 a city, town, or special district at the request of the candidate at

1 any time before a primary if the primary ballots for that city, town,
2 or special district have not been ordered. No filing fee may be
3 refunded to any candidate who withdraws under this section. Notice of
4 the deadline for withdrawal of candidacy and that the filing fee is not
5 refundable shall be given to each candidate at the time he or she
6 files.

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

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

14 Any such special three-day filing period shall be fixed by the
15 election officer with whom declarations of candidacy for that office
16 are filed. The election officer shall give notice of the special
17 three-day filing period by notifying the press, radio, and television
18 in the county or counties involved, and by such other means as may be
19 required by law.

20 Candidacies validly filed within the special three-day filing
21 period shall appear on the (~~(primary)~~) ballot as if filed during the
22 regular filing period.

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

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

32 Votes cast for write-in candidates who have filed such declarations
33 of candidacy and write-in votes for persons appointed by major
34 political parties pursuant to RCW 29A.28.020 need only specify the name
35 of the candidate in the appropriate location on the ballot in order to
36 be counted. Write-in votes cast for any other candidate, in order to
37 be counted, must designate the office sought and position number or

1 political party, if the manner in which the write-in is done does not
2 make the office or position clear. In order for write-in votes to be
3 valid in jurisdictions employing optical-scan mark sense ballot systems
4 the voter must complete the proper mark next to the write-in line for
5 that office.

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

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

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

15 (3) Where the name of the person attempting to file already appears
16 on the ballot as a candidate for another office, unless one of the two
17 offices for which he or she is a candidate is precinct
18 (~~(committeeperson)~~) committee officer;

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

21 The declaration of candidacy shall be similar to that required by
22 RCW 29A.24.030. No write-in candidate filing under this section may be
23 included in any voter's pamphlet produced under chapter 29A.32 RCW
24 unless that candidate qualifies to have his or her name printed on the
25 general election ballot. The legislative authority of any jurisdiction
26 producing a local voter's pamphlet under chapter 29A.32 RCW may
27 provide, by ordinance, for the inclusion of write-in candidates in such
28 pamphlets.

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

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

37 (2) Within ten days of such vacancy occurring, he or she shall
38 issue a writ of election fixing a date for the special vacancy election

1 not less than ninety days after the issuance of the writ, fixing a date
2 for the primary for nominating major political party candidates for the
3 special vacancy election not less than thirty days before the day fixed
4 for holding the special vacancy election, fixing the dates for the
5 special filing period, and designating the term or part of the term for
6 which the vacancy exists. If the vacancy is in the office of United
7 States representative, the writ of election shall specify the
8 congressional district that is vacant.

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

14 (4) If the vacancy occurs on or after the first day for filing
15 under RCW 29A.24.050 and on or before the second Friday following the
16 close of the filing period, a special filing period of three normal
17 business days shall be fixed by the governor and notice thereof given
18 to all media, including press, radio, and television within the area in
19 which the vacancy election is to be held, to the end that, insofar as
20 possible, all interested persons will be aware of such filing period.
21 The last day of the filing period shall not be later than the third
22 Tuesday before the primary at which major political party candidates
23 are to be nominated. The names of major political party candidates who
24 have filed valid declarations of candidacy during this three-day period
25 shall appear on the approaching primary ballot. The requirements of
26 RCW 29A.20.130 do not apply to the convention of parties not
27 participating in the primary or an independent candidate convention
28 held under this subsection.

29 (5) If the vacancy occurs later than the second Friday following
30 the close of the filing period, a special primary (~~and~~), special
31 vacancy election, and the conventions of parties not participating in
32 the primary and independent candidates to fill the position shall be
33 held after the next state general election but, in any event, no later
34 than the ninetieth day following the November election.

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

37 The general election laws and laws relating to partisan primaries
38 shall apply to the special primaries and vacancy elections provided for

1 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
2 inconsistent with the provisions of these sections. Candidates of a
3 party not participating in a primary and independent candidates may
4 appear only on the general election ballot. Statutory time deadlines
5 relating to availability of absentee ballots, certification,
6 canvassing, and related procedures that cannot be met in a timely
7 fashion may be modified for the purposes of a specific primary or
8 vacancy election under this chapter by the secretary of state through
9 emergency rules adopted under RCW 29A.04.610.

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

12 If a vacancy occurs in the office of precinct committee officer by
13 reason of death, resignation, or disqualification of the incumbent, or
14 because of failure to elect, the respective county chair of the county
15 central committee shall fill the vacancy by appointment. (~~However, in~~
16 ~~a legislative district having a majority of its precincts in a county~~
17 ~~with a population of one million or more, the appointment may be made~~
18 ~~only upon the recommendation of the legislative district chair.)) The
19 person so appointed must have the same qualifications as candidates
20 when filing for election to the office for that precinct. When a
21 vacancy in the office of precinct committee officer exists because of
22 failure to elect at a (~~state general~~) primary election, the vacancy
23 may not be filled until after the organization meeting of the county
24 central committee and the new county chair has been selected as
25 provided by RCW 29A.80.030.~~

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

28 The voters' pamphlet must contain:

29 (1) Information about each ballot measure initiated by or referred
30 to the voters for their approval or rejection as required by RCW
31 29A.32.070;

32 (2) In even-numbered years, statements, if submitted, advocating
33 the candidacies of nominees for the office of president and vice
34 president of the United States, United States senator, United States
35 representative, governor, lieutenant governor, secretary of state,
36 state treasurer, state auditor, attorney general, commissioner of
37 public lands, superintendent of public instruction, insurance

1 commissioner, state senator, state representative, justice of the
2 supreme court, judge of the court of appeals, or judge of the superior
3 court. The voters' pamphlet must not contain any statement of
4 affiliation with any major political party unless the candidate is the
5 nominee of that party. Candidates may also submit a campaign mailing
6 address and telephone number and a photograph not more than five years
7 old and of a size and quality that the secretary of state determines to
8 be suitable for reproduction in the voters' pamphlet;

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

13 (4) In even-numbered years, a section explaining how voters may
14 participate in the election campaign process; the address and telephone
15 number of the public disclosure commission established under RCW
16 42.17.350; and a summary of the disclosure requirements that apply when
17 contributions are made to candidates and political committees;

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

23 (6) In each odd-numbered year immediately before a year in which a
24 president of the United States is to be nominated and elected,
25 information explaining the precinct caucus and convention process used
26 by each major political party to elect delegates to its national
27 presidential candidate nominating convention. The pamphlet must also
28 provide a description of the statutory procedures by which minor
29 political parties are formed and the statutory methods used by the
30 parties to nominate candidates for president;

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

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

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

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

4 NEW SECTION. **Sec. 139.** A new section is added to chapter 29A.32
5 RCW to read as follows:

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

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

13 (1) A description of the office of precinct committee officer and
14 its duties;

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

18 (3) An explanation that minor political party candidates and
19 independent candidates will appear only on the general election ballot;
20 and

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

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

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

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

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

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

1 (4) The text of each measure accompanied by an explanatory
2 statement prepared by the prosecuting attorney for any county measure
3 or by the attorney for the jurisdiction submitting the measure if other
4 than a county measure. All explanatory statements for city, town, or
5 district measures not approved by the attorney for the jurisdiction
6 submitting the measure shall be reviewed and approved by the county
7 prosecuting attorney or city attorney, when applicable, before
8 inclusion in the pamphlet;

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

11 (6) For partisan primary elections, an explanation of whether each
12 major political party is allowing unaffiliated voters to participate in
13 that party's partisan primary, and an explanation that minor political
14 party candidates and independent candidates will appear only on the
15 general election ballot;

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

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

20 On or before the day following the last day for political parties
21 to fill vacancies in the ticket as provided by RCW 29A.28.010, the
22 secretary of state shall certify to each county auditor a list of the
23 candidates who have filed declarations of candidacy in his or her
24 office for the primary. For each office, the certificate shall include
25 the name of each candidate, his or her address, and his or her party
26 designation, if any. Candidates of parties not participating in the
27 primary and independent candidates may appear only on the general
28 election ballot.

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

31 Except for the candidates for the positions of president and vice
32 president ((~~or~~)), for a partisan or nonpartisan office for which no
33 primary is required, or for independent candidates or candidates of
34 parties not participating in the primary, the names of all candidates
35 who, under this title, filed a declaration of candidacy((~~or~~)) or were
36 certified as a candidate to fill a vacancy on a major party ticket((~~or~~

1 ~~or were nominated as an independent or minor party candidate))~~ will
2 appear on the appropriate ballot at the primary throughout the
3 jurisdiction in which they are to be nominated.

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

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

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

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

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

20 (b) An unaffiliated voter may vote the party ballot for any
21 particular political party unless, by March 1st of that year, the state
22 chair of that political party has provided to the secretary of state a
23 signed statement refusing to consent to the participation of
24 unaffiliated voters in that party's partisan primary. If a state chair
25 does not provide such a statement, the party is deemed to have
26 consented to the participation of unaffiliated voters in that party's
27 partisan primary.

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

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

33 Every ballot for a single combination of issues (~~and~~), offices
34 (~~shall~~), and candidates must be uniform within a precinct and
35 (~~shall~~) identify the type of primary or election, the county, and the
36 date of the primary or election(~~, and~~). The ballot or voting device
37 shall contain instructions on the proper method of recording a vote,

1 including write-in votes. Each position, together with the names of
2 the candidates for that office, shall be clearly separated from other
3 offices or positions in the same jurisdiction. The offices in each
4 jurisdiction shall be clearly separated from each other. No paper
5 ballot or ballot card may be marked in any way that would permit the
6 identification of the person who voted that ballot.

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

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

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

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

1 filed the filing officer shall give effect to the party designation
2 shown upon the first valid document filed. A candidate may be deemed
3 nominated by a (~~minor party~~) convention of a party not participating
4 in the primary or independent convention only if all documentation
5 required by chapter 29A.20 RCW has been timely filed.

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

8 After the close of business on the last day for candidates to file
9 for office, the filing officer shall, from among those filings made in
10 person and by mail, determine by lot the order in which the names of
11 those candidates will appear on (~~all sample and absentee~~) the
12 applicable ballots. (~~In the case of candidates for city, town, and~~
13 ~~district office, this procedure shall also determine the order for~~
14 ~~candidate names on the official primary ballot used at the polling~~
15 ~~place.~~) The determination shall be done publicly and may be witnessed
16 by the media and by any candidate. If no primary is required for any
17 nonpartisan office under RCW 29A.52.010 or 29A.52.220, or if any
18 independent or minor party candidate files a declaration of candidacy,
19 the names shall appear on the general election ballot in the order
20 determined by lot.

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

23 Except in each county with a population of one million or more, on
24 or before the fifteenth day before a primary or election, the county
25 auditor shall prepare a sample ballot which shall be made readily
26 available to members of the public. For a partisan primary, the county
27 auditor shall prepare a sample nonpartisan ballot and sample party
28 ballots. The secretary of state shall adopt rules governing the
29 preparation of sample ballots in counties with a population of one
30 million or more. The rules shall permit, among other alternatives, the
31 preparation of more than one sample ballot by a county with a
32 population of one million or more for a primary or election, each of
33 which lists a portion of the offices and issues to be voted on in that
34 county. The position of precinct committee officer shall be shown on
35 the sample party ballot for the (~~general election~~) primary, but the
36 names of candidates for the individual positions need not be shown.

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

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

7 (2) The questions of adopting constitutional amendments or any
8 other state measure authorized by law to be submitted to the voters at
9 that election ((will be placed)) must appear after the instructions and
10 before any offices.

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

15 (~~((2))~~) (4) On a general election ballot, the candidate or
16 candidates of the major political party that received the highest
17 number of votes from the electors of this state for the office of
18 president of the United States at the last presidential election
19 ((will)) must appear first following the appropriate office
20 heading((r)). The candidate or candidates of the other major political
21 parties will follow according to the votes cast for their nominees for
22 president at the last presidential election, and independent candidates
23 and the candidate or candidates of all other parties will follow in the
24 order of their qualification with the secretary of state.

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

28 (4)) (5) All paper ballots and ballot cards used at a polling
29 place must be sequentially numbered in such a way to permit removal of
30 such numbers without leaving any identifying marks on the ballot.

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

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

1 for the candidates of his or her party for that office at the preceding
2 primary.

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

5 (1) The county auditor shall issue an absentee ballot for the
6 primary or election for which it was requested, or for the next
7 occurring primary or election when ongoing absentee status has been
8 requested if the information contained in a request for an absentee
9 ballot or ongoing absentee status received by the county auditor is
10 complete and correct and the applicant is qualified to vote under
11 federal or state law. Otherwise, the county auditor shall notify the
12 applicant of the reason or reasons why the request cannot be accepted.
13 Whenever two or more candidates have filed for the position of precinct
14 committee officer for the same party in the same precinct (~~at a~~
15 ~~general election held in an even-numbered year~~), the contest for that
16 position must be presented to absentee voters from that precinct by
17 either including the contest on the regular absentee ballot or a
18 separate absentee ballot. The ballot must provide space designated for
19 writing in the name of additional candidates.

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

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

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

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

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

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

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

6 (a) Send each absentee unaffiliated voter a party ballot for each
7 major political party, one security envelope in which to seal the voted
8 party ballot, a larger envelope in which to return the security
9 envelope, instructions on how to mark and return one ballot to the
10 county auditor, and instructions to destroy unused party ballots. The
11 instructions that accompany absentee party ballots to an unaffiliated
12 voter must include an explanation that only one party ballot may be
13 voted and returned, and that if more than one party ballot is voted and
14 returned in the security envelope, none of the party ballots will be
15 counted;

16 (b) Send each absentee unaffiliated voter who has signed a
17 nominating petition for a candidate of a party not participating in the
18 primary or an independent candidate nominating petition a nonpartisan
19 ballot, a security envelope in which to seal the nonpartisan ballot
20 after voting, a larger envelope in which to return the security
21 envelope, and instructions on how to mark the ballot and how to return
22 it to the county auditor;

23 (c) Send each absentee voter who is a registered party member of a
24 major political party the party ballot of the major political party
25 with which the voter is affiliated, a security envelope in which to
26 seal the party ballot after voting, a larger envelope in which to
27 return the security envelope, and instructions on how to mark the
28 ballot and how to return it to the county auditor; and

29 (d) Instruct the voter to destroy and discard all unvoted party
30 ballots.

31 (2) For a general election, the county auditor shall send each
32 absentee voter a ballot, a security envelope in which to seal the
33 ballot after voting, a larger envelope in which to return the security
34 envelope, and instructions on how to mark the ballot and how to return
35 it to the county auditor.

36 (3) For primary and general elections, the larger return envelope
37 must contain a declaration by the absentee voter reciting his or her
38 qualifications and stating that he or she has not voted in any other

1 jurisdiction at this election and, if for a primary election, that he
2 or she has destroyed any unused primary ballots, together with a
3 summary of the penalties for any violation of any of the provisions of
4 this chapter. The return envelope must provide space for the voter to
5 indicate the date on which the ballot was voted and for the voter to
6 sign the oath. A summary of the applicable penalty provisions of this
7 chapter must be printed on the return envelope immediately adjacent to
8 the space for the voter's signature. The signature of the voter on the
9 return envelope must affirm and attest to the statements regarding the
10 qualifications of that voter and to the validity of the ballot. For
11 out-of-state voters, overseas voters, and service voters, the signed
12 declaration on the return envelope constitutes the equivalent of a
13 voter registration for the election or primary for which the ballot has
14 been issued. The voter must be instructed to either return the ballot
15 to the county auditor by whom it was issued or attach sufficient first
16 class postage, if applicable, and mail the ballot to the appropriate
17 county auditor no later than the day of the election or primary for
18 which the ballot was issued.

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

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

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

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

1 (3) The lists must be furnished by the party or committee
2 concerned.

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

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

7 A voter desiring to vote shall give his or her name to the precinct
8 election officer who has the precinct list of registered voters. This
9 officer shall announce the name to the precinct election officer who
10 has the copy of the inspector's poll book for that precinct. If the
11 right of this voter to participate in the primary or election is not
12 challenged, the voter must be issued a ballot or permitted to enter a
13 voting booth or to operate a voting device. At a partisan primary,
14 every voter who is a registered party member of a major political party
15 must be issued the party ballot specific to his or her political party;
16 every unaffiliated voter must be issued a party ballot for each major
17 political party that has consented to the participation of unaffiliated
18 voters in its partisan primary under section 143 of this act; and every
19 unaffiliated voter who has signed a nominating petition for a candidate
20 of a party not participating in the primary or independent candidate
21 nominating petition must be issued only the nonpartisan ballot. The
22 number of the ballot or the voter must be recorded by the precinct
23 election officers. If the right of the voter to participate is
24 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

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

27 As each voter casts his or her vote, the precinct election officers
28 shall insert in the poll books or precinct list of registered voters
29 opposite that voter's name, a notation to credit the voter with having
30 participated in that primary or election. In a partisan primary, no
31 record may be made of which party ballot an unaffiliated voter voted,
32 except as necessary for conducting the provisions of chapter 29A.60,
33 29A.64, or 29A.68 RCW. Any record made under this section shall be
34 subject to the provisions of RCW 29A.08.710 and section 167 of this
35 act. The precinct election officers shall record the voter's name so
36 that a separate record is kept.

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

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

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

11 (1) After June 15, 2004, a major political party may choose, by
12 rule, to allow unaffiliated voters to participate in its primary. The
13 rule may be applied only on a statewide basis and with respect to all
14 votes cast by unaffiliated voters, rather than with respect to votes
15 cast in specific districts or races or for specific candidates. If a
16 major political party allows unaffiliated voters to participate in its
17 primary, no distinction may be made by the party or by a county
18 canvassing board between votes cast by registered party members and
19 votes cast by unaffiliated voters.

20 (2) A major political party shall be deemed to have chosen to allow
21 unaffiliated voters to participate in its primary unless by March 1st
22 of the year of the primary, the state chair of the major political
23 party has provided to the secretary of state a signed statement
24 refusing to consent to the participation of unaffiliated voters in that
25 party's primary. Any such refusal to consent shall only be effective
26 for any partisan primary conducted between September 1st of the same
27 year and August 30th of the following year.

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

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

35 In a partisan primary:
36 (1) Every eligible voter, regardless of party affiliation, may vote

1 a party ballot if at least one major political party has consented to
2 allowing unaffiliated voters to participate in its primary.

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

6 (3) An unaffiliated voter may vote the party ballot for any
7 particular political party unless, by March 1st of that year, the state
8 chair of that political party has provided to the secretary of state a
9 signed statement refusing to consent to the participation of
10 unaffiliated voters in that party's partisan primary. Only one party
11 ballot may be voted.

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

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

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

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

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

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

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

35 (1) The offices of superintendent of public instruction, justice of

1 the supreme court, judge of the court of appeals, judge of the superior
2 court, and judge of the district court shall be nonpartisan and the
3 candidates therefor shall be nominated and elected as such.

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

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

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

11 Not more than ten nor less than three days before the primary the
12 county auditor shall publish notice of such primary in one or more
13 newspapers of general circulation within the county. The notice must
14 contain the proper party designations, the names and addresses of all
15 persons who have filed a declaration of candidacy to be voted upon at
16 that primary, whether each major political party is allowing
17 unaffiliated voters to participate in its primary, an explanation that
18 candidates of political parties not participating in the primaries and
19 independent candidates will appear only in the general election, the
20 hours during which the polls will be open, and the polling places for
21 each precinct, giving the address of each polling place. The names of
22 all candidates for nonpartisan offices must be published separately
23 with designation of the offices for which they are candidates but
24 without party designation. This is the only notice required for the
25 holding of any primary.

26 NEW SECTION. **Sec. 163.** A new section is added to chapter 29A.52
27 RCW to read as follows:

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

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

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

34 No later than the day following the certification of the returns of
35 any primary, the secretary of state shall certify to the appropriate
36 county auditors((τ)) the names of all persons nominated for offices((τ

1 ~~the returns of which have been canvassed by the secretary of state)) at~~
2 ~~a primary, or at an independent candidate convention or a convention of~~
3 ~~a party not participating in the primary.~~

4 NEW SECTION. **Sec. 165.** A new section is added to chapter 29A.60
5 RCW to read as follows:

6 (1) No record of the party ballot voted by an unaffiliated voter
7 voting in a primary or election may be created or maintained by any
8 public agency, organization, or person except for the purposes of
9 conducting the provisions of this chapter and chapters 29A.64 and
10 29A.68 RCW. Any such record created for the purpose defined in this
11 chapter is not a public record and is not available for public
12 inspection or copying.

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

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

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

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

24 (1) For any office at any election or primary, any voter may write
25 in on the ballot the name of any person for an office who has filed as
26 a write-in candidate for the office in the manner provided by RCW
27 29A.24.310 and such vote shall be counted the same as if the name had
28 been printed on the ballot and marked by the voter. In a partisan
29 primary, a voter may write in only the name of a write-in candidate
30 affiliated with the same major political party as designated on the
31 party ballot and eligible for nomination as a candidate of that party.
32 No write-in vote made for any person who has not filed a declaration of
33 candidacy pursuant to RCW 29A.24.310 is valid if that person filed for
34 the same office, either as a regular candidate or a write-in candidate,
35 at the preceding primary. Any abbreviation used to designate office,
36 position, or political party shall be accepted if the canvassing board
37 can determine, to their satisfaction, the voter's intent.

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

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

14 (4) In the case of statewide offices or jurisdictions that
15 encompass more than one county, if the total number of write-in votes
16 cast for an office within a county is greater than the number of votes
17 cast for a candidate apparently nominated or elected in a primary or
18 election, the auditor shall tally all write-in votes for individual
19 candidates for that office and notify the office of the secretary of
20 state and the auditors of the other counties within the jurisdiction,
21 that the write-in votes for individual candidates should be tallied.

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

24 (1) No record of the party ballot voted by an unaffiliated voter
25 voting in a primary or election may be created or maintained by any
26 public agency, organization, or person except for the purposes of
27 conducting the provisions of this chapter and chapters 29A.60 and
28 29A.68 RCW. Any such record created for the purpose defined in this
29 chapter is not a public record and therefore is not available for
30 public inspection or copying.

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

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

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

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

5 (1) No record of the party ballot voted by an unaffiliated voter
6 voting in a primary or election may be created or maintained by any
7 public agency, organization, or person except for the purposes of
8 conducting the provisions of this chapter and chapters 29A.60 and
9 29A.64 RCW. Any such record created for the purpose defined in this
10 chapter is not a public record and therefore is not available for
11 public inspection or copying.

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

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

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

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

23 Any registered party member of a major political party who is a
24 registered voter in the precinct may upon payment of a fee of one
25 dollar file his or her declaration of candidacy as prescribed under RCW
26 29A.24.030 with the county auditor for the office of precinct committee
27 officer of his or her party in that precinct. When elected at the
28 primary, the precinct committee officer shall serve so long as the
29 committee officer remains an eligible voter in that precinct and until
30 a successor has been elected at the next ensuing state (~~general~~)
31 primary election in the even-numbered year.

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

34 The statutory requirements for filing as a candidate at the
35 primaries apply to candidates for precinct committee officer, except
36 that the filing period for this office alone is extended to and

1 includes the Friday immediately following the last day for political
2 parties to fill vacancies in the ticket as provided by RCW 29A.28.010.
3 The office (~~(shall not)~~) must be voted upon at the primaries in even-
4 numbered years, (~~(but)~~) and the names of all candidates must appear
5 under the proper (~~(party and)~~) office designation(~~(s)~~) on the party
6 ballots (~~(for the general election for each even-numbered year, and)~~).
7 The one receiving the highest number of votes will be declared elected.
8 (~~(However, to be declared elected, a candidate must receive at least~~
9 ~~ten percent of the number of votes cast for the candidate of the~~
10 ~~candidate's party receiving the greatest number of votes in the~~
11 ~~precinct.)~~) The term of office of precinct committee officer is two
12 years, commencing upon completion of the official canvass of votes by
13 the county canvassing board of election returns.

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

16 (1) "Agency" includes all state agencies and all local agencies.
17 "State agency" includes every state office, department, division,
18 bureau, board, commission, or other state agency. "Local agency"
19 includes every county, city, town, municipal corporation, quasi-
20 municipal corporation, or special purpose district, or any office,
21 department, division, bureau, board, commission, or agency thereof, or
22 other local public agency.

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

27 (3) "Ballot proposition" means any "measure" as defined by RCW
28 (~~(29.01.110)~~) 29A.04.091, or any initiative, recall, or referendum
29 proposition proposed to be submitted to the voters of the state or any
30 municipal corporation, political subdivision, or other voting
31 constituency from and after the time when the proposition has been
32 initially filed with the appropriate election officer of that
33 constituency prior to its circulation for signatures.

34 (4) "Benefit" means a commercial, proprietary, financial, economic,
35 or monetary advantage, or the avoidance of a commercial, proprietary,
36 financial, economic, or monetary disadvantage.

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

1 (a) An organization that has filed a valid certificate of
2 nomination with the secretary of state under chapter ((29.24)) 29A.20
3 RCW;

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

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

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

13 (7) "Treasurer" and "deputy treasurer" mean the individuals
14 appointed by a candidate or political committee, pursuant to RCW
15 42.17.050, to perform the duties specified in that section.

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

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

21 (b) Announces publicly or files for office;

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

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

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

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

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

36 (12) "Compensation" unless the context requires a narrower meaning,
37 includes payment in any form for real or personal property or services
38 of any kind: PROVIDED, That for the purpose of compliance with RCW
39 42.17.241, the term "compensation" shall not include per diem

1 allowances or other payments made by a governmental entity to reimburse
2 a public official for expenses incurred while the official is engaged
3 in the official business of the governmental entity.

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

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

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

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

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

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

22 (b) "Contribution" does not include:

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

25 (ii) Ordinary home hospitality;

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

29 (iv) A news item, feature, commentary, or editorial in a regularly
30 scheduled news medium that is of primary interest to the general
31 public, that is in a news medium controlled by a person whose business
32 is that news medium, and that is not controlled by a candidate or a
33 political committee;

34 (v) An internal political communication primarily limited to the
35 members of or contributors to a political party organization or
36 political committee, or to the officers, management staff, or
37 stockholders of a corporation or similar enterprise, or to the members
38 of a labor organization or other membership organization;

1 (vi) The rendering of personal services of the sort commonly
2 performed by volunteer campaign workers, or incidental expenses
3 personally incurred by volunteer campaign workers not in excess of
4 fifty dollars personally paid for by the worker. "Volunteer services,"
5 for the purposes of this section, means services or labor for which the
6 individual is not compensated by any person;

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

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

14 (A) A political party or caucus political committee if the person
15 paying for the services is the regular employer of the person rendering
16 such services; or

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

21 (c) Contributions other than money or its equivalent are deemed to
22 have a monetary value equivalent to the fair market value of the
23 contribution. Services or property or rights furnished at less than
24 their fair market value for the purpose of assisting any candidate or
25 political committee are deemed a contribution. Such a contribution
26 must be reported as an in-kind contribution at its fair market value
27 and counts towards any applicable contribution limit of the provider.

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

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

38 (17) "Election campaign" means any campaign in support of or in

1 opposition to a candidate for election to public office and any
2 campaign in support of, or in opposition to, a ballot proposition.

3 (18) "Election cycle" means the period beginning on the first day
4 of December after the date of the last previous general election for
5 the office that the candidate seeks and ending on November 30th after
6 the next election for the office. In the case of a special election to
7 fill a vacancy in an office, "election cycle" means the period
8 beginning on the day the vacancy occurs and ending on November 30th
9 after the special election.

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

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

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

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

30 (23) "Immediate family" includes the spouse, dependent children,
31 and other dependent relatives, if living in the household. For the
32 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
33 an individual's spouse, and child, stepchild, grandchild, parent,
34 stepparent, grandparent, brother, half brother, sister, or half sister
35 of the individual and the spouse of any such person and a child,
36 stepchild, grandchild, parent, stepparent, grandparent, brother, half
37 brother, sister, or half sister of the individual's spouse and the
38 spouse of any such person.

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

3 (a) It is made in support of or in opposition to a candidate for
4 office by a person who is not (i) a candidate for that office, (ii) an
5 authorized committee of that candidate for that office, (iii) a person
6 who has received the candidate's encouragement or approval to make the
7 expenditure, if the expenditure pays in whole or in part for political
8 advertising supporting that candidate or promoting the defeat of any
9 other candidate or candidates for that office, or (iv) a person with
10 whom the candidate has collaborated for the purpose of making the
11 expenditure, if the expenditure pays in whole or in part for political
12 advertising supporting that candidate or promoting the defeat of any
13 other candidate or candidates for that office;

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

18 (c) The expenditure, alone or in conjunction with another
19 expenditure or other expenditures of the same person in support of or
20 opposition to that candidate, has a value of five hundred dollars or
21 more. A series of expenditures, each of which is under five hundred
22 dollars, constitutes one independent expenditure if their cumulative
23 value is five hundred dollars or more.

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

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

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

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

36 (26) "Legislation" means bills, resolutions, motions, amendments,
37 nominations, and other matters pending or proposed in either house of
38 the state legislature, and includes any other matter that may be the

1 subject of action by either house or any committee of the legislature
2 and all bills and resolutions that, having passed both houses, are
3 pending approval by the governor.

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

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

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

16 (30) "Person" includes an individual, partnership, joint venture,
17 public or private corporation, association, federal, state, or local
18 governmental entity or agency however constituted, candidate,
19 committee, political committee, political party, executive committee
20 thereof, or any other organization or group of persons, however
21 organized.

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

26 (32) "Political advertising" includes any advertising displays,
27 newspaper ads, billboards, signs, brochures, articles, tabloids,
28 flyers, letters, radio or television presentations, or other means of
29 mass communication, used for the purpose of appealing, directly or
30 indirectly, for votes or for financial or other support in any election
31 campaign.

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

36 (34) "Primary" for the purposes of RCW 42.17.640 means the
37 (~~procedure for nominating~~) election that nominates a candidate of a
38 major political party to state office (~~under chapter 29.18 or 29.21~~
39 ~~RCW or any other primary for an election that uses, in large measure,~~

1 ~~the procedures established in chapter 29.18 or 29.21 RCW~~). In the
2 event that all major parties adopt rules prohibiting the counting of
3 unaffiliated ballots at the primary election, primary means the
4 procedure for qualifying a candidate to state office under chapter
5 29A.-- RCW (sections 201 through 255 of this act).

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

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

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

24 (38) "State legislative office" means the office of a member of the
25 state house of representatives or the office of a member of the state
26 senate.

27 (39) "State office" means state legislative office or the office of
28 governor, lieutenant governor, secretary of state, attorney general,
29 commissioner of public lands, insurance commissioner, superintendent of
30 public instruction, state auditor, or state treasurer.

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

32 (41) "Surplus funds" mean, in the case of a political committee or
33 candidate, the balance of contributions that remain in the possession
34 or control of that committee or candidate subsequent to the election
35 for which the contributions were received, and that are in excess of
36 the amount necessary to pay remaining debts incurred by the committee
37 or candidate prior to that election. In the case of a continuing
38 political committee, "surplus funds" mean those contributions remaining

1 in the possession or control of the committee that are in excess of the
2 amount necessary to pay all remaining debts when it makes its final
3 report under RCW 42.17.065.

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

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

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

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

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

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

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

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

37 (e) Information revealing the identity of persons who are witnesses
38 to or victims of crime or who file complaints with investigative, law

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

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

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

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

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

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

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

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

36 (m) Financial information supplied by or on behalf of a person,
37 firm, or corporation for the purpose of qualifying to submit a bid or
38 proposal for (i) a ferry system construction or repair contract as

1 required by RCW 47.60.680 through 47.60.750 or (ii) highway
2 construction or improvement as required by RCW 47.28.070.

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

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

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

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

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

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

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

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

34 (v) The residential addresses and residential telephone numbers of
35 the customers of a public utility contained in the records or lists
36 held by the public utility of which they are customers, except that
37 this information may be released to the division of child support or
38 the agency or firm providing child support enforcement for another

1 state under Title IV-D of the federal social security act, for the
2 establishment, enforcement, or modification of a support order.

3 (w)(i) The federal social security number of individuals governed
4 under chapter 18.130 RCW maintained in the files of the department of
5 health, except this exemption does not apply to requests made directly
6 to the department from federal, state, and local agencies of
7 government, and national and state licensing, credentialing,
8 investigatory, disciplinary, and examination organizations; (ii) the
9 current residential address and current residential telephone number of
10 a health care provider governed under chapter 18.130 RCW maintained in
11 the files of the department, if the provider requests that this
12 information be withheld from public inspection and copying, and
13 provides to the department an accurate alternate or business address
14 and business telephone number. On or after January 1, 1995, the
15 current residential address and residential telephone number of a
16 health care provider governed under RCW 18.130.040 maintained in the
17 files of the department shall automatically be withheld from public
18 inspection and copying unless the provider specifically requests the
19 information be released, and except as provided for under RCW
20 42.17.260(9).

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

23 (y) Information obtained by the board of pharmacy or the department
24 of health and its representatives as provided in RCW 69.41.044,
25 69.41.280, and 18.64.420.

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

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

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

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

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

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

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

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

17 (hh) Information and documents created specifically for, and
18 collected and maintained by a quality improvement committee pursuant to
19 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
20 4.24.250, regardless of which agency is in possession of the
21 information and documents.

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

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

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

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

37 (mm) The personally identifying information of current or former
38 participants or applicants in a paratransit or other transit service

1 operated for the benefit of persons with disabilities or elderly
2 persons.

3 (nn) The personally identifying information of persons who acquire
4 and use transit passes and other fare payment media including, but not
5 limited to, stored value smart cards and magnetic strip cards, except
6 that an agency may disclose this information to a person, employer,
7 educational institution, or other entity that is responsible, in whole
8 or in part, for payment of the cost of acquiring or using a transit
9 pass or other fare payment media, or to the news media when reporting
10 on public transportation or public safety. This information may also
11 be disclosed at the agency's discretion to governmental agencies or
12 groups concerned with public transportation or public safety.

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

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

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

35 (rr) Any records of investigative reports prepared by any state,
36 county, municipal, or other law enforcement agency pertaining to sex
37 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
38 defined in RCW 71.09.020, which have been transferred to the Washington

1 association of sheriffs and police chiefs for permanent electronic
2 retention and retrieval pursuant to RCW 40.14.070(2)(b).

3 (ss) Credit card numbers, debit card numbers, electronic check
4 numbers, card expiration dates, or bank or other financial account
5 numbers, except when disclosure is expressly required by or governed by
6 other law.

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

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

15 (vv) Individually identifiable information received by the work
16 force training and education coordinating board for research or
17 evaluation purposes.

18 (ww) Those portions of records assembled, prepared, or maintained
19 to prevent, mitigate, or respond to criminal terrorist acts, which are
20 acts that significantly disrupt the conduct of government or of the
21 general civilian population of the state or the United States and that
22 manifest an extreme indifference to human life, the public disclosure
23 of which would have a substantial likelihood of threatening public
24 safety, consisting of:

25 (i) Specific and unique vulnerability assessments or specific and
26 unique response or deployment plans, including compiled underlying data
27 collected in preparation of or essential to the assessments, or to the
28 response or deployment plans; and

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

34 (xx) Commercial fishing catch data from logbooks required to be
35 provided to the department of fish and wildlife under RCW 77.12.047,
36 when the data identifies specific catch location, timing, or
37 methodology and the release of which would result in unfair competitive
38 disadvantage to the commercial fisher providing the catch data.

1 However, this information may be released to government agencies
2 concerned with the management of fish and wildlife resources.

3 (yy) Sensitive wildlife data obtained by the department of fish and
4 wildlife. However, sensitive wildlife data may be released to
5 government agencies concerned with the management of fish and wildlife
6 resources. Sensitive wildlife data includes:

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

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

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

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

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

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

20 (zz) The personally identifying information of persons who acquire
21 recreational licenses under RCW 77.32.010 or commercial licenses under
22 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
23 department, and type of license, endorsement, or tag. However, the
24 department of fish and wildlife may disclose personally identifying
25 information to:

26 (i) Government agencies concerned with the management of fish and
27 wildlife resources;

28 (ii) The department of social and health services, child support
29 division, and to the department of licensing in order to implement RCW
30 77.32.014 and 46.20.291; and

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

33 (aaa)(i) Discharge papers of a veteran of the armed forces of the
34 United States filed at the office of the county auditor before July 1,
35 2002, that have not been commingled with other recorded documents.
36 These records will be available only to the veteran, the veteran's next
37 of kin, a deceased veteran's properly appointed personal representative
38 or executor, a person holding that veteran's general power of attorney,

1 or to anyone else designated in writing by that veteran to receive the
2 records.

3 (ii) Discharge papers of a veteran of the armed forces of the
4 United States filed at the office of the county auditor before July 1,
5 2002, that have been commingled with other records, if the veteran has
6 recorded a "request for exemption from public disclosure of discharge
7 papers" with the county auditor. If such a request has been recorded,
8 these records may be released only to the veteran filing the papers,
9 the veteran's next of kin, a deceased veteran's properly appointed
10 personal representative or executor, a person holding the veteran's
11 general power of attorney, or anyone else designated in writing by the
12 veteran to receive the records.

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

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

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

30 (ccc) Information compiled by school districts or schools in the
31 development of their comprehensive safe school plans pursuant to RCW
32 28A.320.125, to the extent that they identify specific vulnerabilities
33 of school districts and each individual school.

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

1 (eee) Information obtained and exempted or withheld from public
2 inspection by the health care authority under RCW 41.05.026, whether
3 retained by the authority, transferred to another state purchased
4 health care program by the authority, or transferred by the authority
5 to a technical review committee created to facilitate the development,
6 acquisition, or implementation of state purchased health care under
7 chapter 41.05 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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10 appeals that are related to appeals of crime victims' compensation
11 claims filed with the board under RCW 7.68.110.

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13 of a person, firm, corporation, or entity under chapter 28B.95 RCW
14 relating to the purchase or sale of tuition units and contracts for the
15 purchase of multiple tuition units.

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18 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
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20 association of sheriffs and police chiefs for permanent electronic
21 retention and retrieval pursuant to RCW 40.14.070(2)(b).

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23 numbers, card expiration dates, or bank or other financial account
24 numbers, except when disclosure is expressly required by or governed by
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28 behalf of a person, firm, corporation, limited liability company,
29 partnership, or other entity related to an application for a liquor
30 license, gambling license, or lottery retail license.

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32 subject to chapter 50.13 RCW if provided to another individual or
33 organization for operational, research, or evaluation purposes.

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35 force training and education coordinating board for research or
36 evaluation purposes.

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

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

5 (i) Specific and unique vulnerability assessments or specific and
6 unique response or deployment plans, including compiled underlying data
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8 response or deployment plans; and

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10 that are shared by federal or international agencies, and information
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17 methodology and the release of which would result in unfair competitive
18 disadvantage to the commercial fisher providing the catch data.
19 However, this information may be released to government agencies
20 concerned with the management of fish and wildlife resources.

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

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

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

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

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

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

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

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

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2 department, and type of license, endorsement, or tag. However, the
3 department of fish and wildlife may disclose personally identifying
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13 United States filed at the office of the county auditor before July 1,
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16 of kin, a deceased veteran's properly appointed personal representative
17 or executor, a person holding that veteran's general power of attorney,
18 or to anyone else designated in writing by that veteran to receive the
19 records.

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

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

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

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

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

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

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

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

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

34 (2) Except for information described in subsection (1)(c)(i) of
35 this section and confidential income data exempted from public
36 inspection pursuant to RCW 84.40.020, the exemptions of this section
37 are inapplicable to the extent that information, the disclosure of
38 which would violate personal privacy or vital governmental interests,

1 can be deleted from the specific records sought. No exemption may be
2 construed to permit the nondisclosure of statistical information not
3 descriptive of any readily identifiable person or persons.

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

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

14 NEW SECTION. **Sec. 174.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
17 2405;

18 (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
19 2003 c 111 s 914;

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

21 (4) RCW 29A.52.120 (General election laws govern primaries) and
22 2003 c 111 s 1303;

23 (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
24 1304; and

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

26 **PART 2 - ALTERNATIVE PRIMARY**

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

33 NEW SECTION. **Sec. 202.** The rights of Washington voters are
34 protected by its Constitution and laws and include the following
35 fundamental rights:

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

7 NEW SECTION. **Sec. 203.** "Partisan office" means an office for
8 which a candidate may identify a political philosophy under section
9 214(3) or 215 of this act, and is limited to the following offices:

- 10 (1) United States senator and representative;
- 11 (2) All state offices except (a) judicial offices and (b) the
12 office of superintendent of public instruction;
- 13 (3) All county offices except (a) judicial offices and (b) those
14 offices where a county home rule charter provides otherwise.

15 NEW SECTION. **Sec. 204.** "Primary" means a statutory qualifying
16 procedure in which each registered voter eligible to vote in the
17 district or jurisdiction is permitted to cast a vote for his or her
18 preferred candidate for each office appearing on the ballot, without
19 any limitation based on party preference or affiliation on the part of
20 the voter or the candidate, with the result that not more than two
21 candidates for each office qualify to appear on the general election
22 ballot.

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

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

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

34 (3) The name of a candidate for an office shall not appear on a
35 ballot for that office unless, except as provided in RCW 3.46.067 and

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

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

18 NEW SECTION. **Sec. 207.** Nominations of candidates for president
19 and vice president of the United States other than by a major political
20 party must be made at a convention to be held not earlier than the
21 first Sunday in July and not later than seventy days before the general
22 election.

23 NEW SECTION. **Sec. 208.** In order to nominate candidates for the
24 offices of president and vice president of the United States, a
25 nominating convention shall obtain and submit to the filing officer the
26 signatures of at least two hundred registered voters of the state of
27 Washington.

28 NEW SECTION. **Sec. 209.** A nominating petition submitted under this
29 chapter shall clearly identify the name of the minor party or
30 independent candidate. The petition shall also contain a statement
31 that the person signing the petition is a registered voter of the state
32 of Washington and shall have a space for the voter to sign his or her
33 name and to print his or her name and address. The nominating petition
34 must be submitted to the secretary of state not later than ten days
35 after adjournment of the convention.

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

4 (1) Be in writing;

5 (2) Contain the name of each person nominated for the offices of
6 president and vice president of the United States, their addresses, and
7 a sworn statement from both nominees giving their consent to the
8 nomination;

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

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

12 (5) Be accompanied by a nominating petition or petitions bearing
13 the signatures and addresses of registered voters equal in number to
14 that required by section 208 of this act;

15 (6) Contain proof of publication of the notice of calling the
16 convention; and

17 (7) Be submitted to the secretary of state not later than one week
18 following the adjournment of the convention at which the nominations
19 were made.

20 NEW SECTION. **Sec. 211.** (1) If two or more valid certificates of
21 nomination are filed purporting to nominate different candidates for
22 president and vice president using the same party name, the filing
23 officer must give effect to both certificates. If conflicting claims
24 to the party name are not resolved either by mutual agreement or by a
25 judicial determination of the right to the name, the candidates must be
26 treated as independent candidates. Disputes over the right to the name
27 must not be permitted to delay the printing of either ballots or a
28 voters' pamphlet.

29 (2) A person affected may petition the superior court of Thurston
30 county for a judicial determination of the right to the name of a minor
31 political party, either before or after documents are filed with the
32 secretary of state. The court shall resolve the conflict between
33 competing claims to the use of the same party name according to the
34 following principles: (a) The prior established public use of the name
35 during previous elections by a party composed of or led by the same
36 individuals or individuals in documented succession; (b) prior
37 established public use of the name earlier in the same election cycle;
38 (c) documented affiliation with a national or statewide party

1 organization with an established use of the name; (d) the first date of
2 filing of a certificate of nomination; and (e) such other indicia of an
3 established right to use of the name as the court may deem relevant.
4 Upon resolving the conflict between competing claims, the court may
5 also address any ballot designation for the candidate who does not
6 prevail.

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

14 NEW SECTION. **Sec. 213.** Upon the receipt of the nominating
15 petition, the secretary of state shall canvass the signatures. Once
16 the determination of the sufficiency of the petitions has been made,
17 the filing officer shall notify the candidates and any other persons
18 requesting the notification. Any appeal regarding the filing officer's
19 determination must be filed with the superior court of Thurston county
20 not later than five days from the date the determination is made, and
21 shall be heard and finally disposed of by the court within five days of
22 the filing. Nominating petitions shall not be available for public
23 inspection or copying.

24 NEW SECTION. **Sec. 214.** A candidate who desires to have his or her
25 name printed on the ballot for election to an office other than
26 president of the United States, vice president of the United States, or
27 an office for which ownership of property is a prerequisite to voting
28 shall complete and file a declaration of candidacy. The secretary of
29 state shall adopt, by rule, a declaration of candidacy form for the
30 office of precinct committee officer and a separate standard form for
31 candidates for all other offices filing under this chapter. Included
32 on the standard form shall be:

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

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

3 (3) For those offices defined in section 203 of this act only, a
4 place for the candidate to identify a major or minor political party,
5 if any, the candidate regards as best approximating his or her own
6 political philosophy. No candidate may list more than one political
7 party. Nothing in this indication of political philosophy may be
8 construed as denoting an endorsement or nomination by that party. The
9 sole purpose of allowing candidates to identify a political party
10 preference is to provide to voters a brief description of each
11 candidate's political philosophy, which the voters may consider when
12 casting their votes at a primary or general election. If a court of
13 competent jurisdiction holds that a political party has a right to
14 control the use of the name in a manner inconsistent with this
15 subsection, this subsection is inoperative and section 215 of this act
16 applies;

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

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

26 In the case of a declaration of candidacy filed electronically,
27 submission of the form constitutes agreement that the information
28 provided with the filing is true, that he or she will support the
29 Constitutions and laws of the United States and the state of
30 Washington, and that he or she agrees to electronic payment of the
31 filing fee established in section 217 of this act.

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

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

1 For those offices defined in section 203 of this act, a place for
2 the candidate to submit a description of up to three words that the
3 candidate regards as best approximating his or her own political
4 philosophy. The sole purpose of allowing a candidate to submit a
5 three-word description is to provide to voters information about each
6 candidate's political philosophy, which the voters may consider when
7 casting their votes at a primary or general election. The secretary of
8 state shall adopt rules as necessary for the implementation of this
9 section.

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

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

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

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

33 NEW SECTION. **Sec. 217.** A filing fee of one dollar shall accompany
34 each declaration of candidacy for precinct committee officer; a filing
35 fee of ten dollars shall accompany the declaration of candidacy for any
36 office with a fixed annual salary of one thousand dollars or less; a
37 filing fee equal to one percent of the annual salary of the office at

1 the time of filing shall accompany the declaration of candidacy for any
2 office with a fixed annual salary of more than one thousand dollars per
3 annum. No filing fee need accompany a declaration of candidacy for any
4 office for which compensation is on a per diem or per meeting attended
5 basis.

6 A candidate who lacks sufficient assets or income at the time of
7 filing to pay the filing fee required by this section shall submit with
8 his or her declaration of candidacy a filing petition. The petition
9 shall contain not less than a number of signatures of registered voters
10 equal to the number of dollars of the filing fee. The signatures shall
11 be of voters registered to vote within the jurisdiction of the office
12 for which the candidate is filing.

13 When the candidacy is for:

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

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

21 NEW SECTION. **Sec. 218.** The filing petition authorized by section
22 217 of this act shall be printed on sheets of uniform color and size,
23 shall contain no more than twenty numbered lines, and must be in
24 substantially the following form:

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

26 We, the undersigned registered voters of . . .(the state of
27 Washington or the political subdivision for which the filing is
28 made). . ., hereby petition that the name of . . .(candidate's
29 name). . . be printed on the official primary ballot for the office of
30 . . .(insert name of office). . .

31 If the candidate listed a political party on the declaration of
32 candidacy, then the name of that party must appear on the filing
33 petition.

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

1 NEW SECTION. **Sec. 219.** Petitions may be rejected for the
2 following reasons:

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

8 If the petition is accepted, the officer with whom it is filed
9 shall canvass the signatures contained on it and shall reject the
10 signatures of those persons who are not registered voters and the
11 signatures of those persons who are not registered to vote within the
12 jurisdiction of the office for which the petition is filed. He or she
13 shall additionally reject any signature that appears on the petitions
14 of two or more candidates for the same office and shall also reject,
15 each time it appears, the name of any person who signs the same
16 petition more than once.

17 If the officer with whom the petition is filed refuses to accept
18 the petition or refuses to certify the petition as bearing sufficient
19 valid signatures, the person filing the petition may appeal that action
20 to the superior court. The application for judicial review shall take
21 precedence over other cases and matters and shall be speedily heard and
22 determined.

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

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

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

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

8 (1) A void in candidacy occurs;

9 (2) A vacancy occurs in an office leaving an unexpired term to be
10 filled by an election for which filings have not been held; or

11 (3) A candidate for judge of the superior court entitled to a
12 certificate of election pursuant to Article 4, section 29, Amendment 41
13 of the state Constitution, dies or is disqualified.

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

16 NEW SECTION. **Sec. 224.** Filings for a nonpartisan office (other
17 than judge of the supreme court or superintendent of public
18 instruction) shall be reopened for a period of three normal business
19 days, such three day period to be fixed by the election officer with
20 whom such declarations of candidacy are filed and notice thereof given
21 by notifying press, radio, and television in the county and by such
22 other means as may now or hereafter be provided by law, when:

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

26 (2) A candidate for judge of the superior court eligible after a
27 contested primary for a certificate of election by Article 4, section
28 29, Amendment 41 of the state Constitution, dies or is disqualified
29 within the ten day period immediately following the last day allotted
30 for a candidate to withdraw; or

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

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

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

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

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

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

17 NEW SECTION. **Sec. 226.** Any person who desires to be a write-in
18 candidate and have such votes counted at a primary or election may file
19 a declaration of candidacy with the officer designated in RCW
20 29A.24.070 not later than the day before the primary or election.
21 Declarations of candidacy for write-in candidates must be accompanied
22 by a filing fee in the same manner as required of other candidates
23 filing for the office as provided in section 217 of this act.

24 Votes cast for write-in candidates who have filed such declarations
25 of candidacy need only specify the name of the candidate in the
26 appropriate location on the ballot in order to be counted. Write-in
27 votes cast for any other candidate, in order to be counted, must
28 designate the office sought and position number, if the manner in which
29 the write-in is done does not make the office or position clear. In
30 order for write-in votes to be valid in jurisdictions employing
31 optical-scan mark sense ballot systems the voter must complete the
32 proper mark next to the write-in line for that office.

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

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

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

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

8 The declaration of candidacy shall be similar to that required by
9 section 214 of this act. No write-in candidate filing under this
10 section may be included in any voter's pamphlet produced under chapter
11 29A.32 RCW unless that candidate qualifies to have his or her name
12 printed on the general election ballot. The legislative authority of
13 any jurisdiction producing a local voter's pamphlet under chapter
14 29A.32 RCW may provide, by ordinance, for the inclusion of write-in
15 candidates in such pamphlets.

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

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

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

35 (3) If the candidate dies or becomes disqualified on or after the
36 day of the primary, and he or she would have otherwise qualified to
37 appear on the general election ballot, then his or her name will appear
38 on the general election ballot and all otherwise valid votes for that

1 candidate will be tabulated. If the candidate received a number of
2 votes sufficient to be elected to office, but for his or her death or
3 disqualification, then the office will be regarded as vacant as of the
4 time the newly elected official would have otherwise taken office.

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

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

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

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

35 (5) If the vacancy occurs later than the second Friday following
36 the close of the filing period, a special primary and special vacancy
37 election to fill the position shall be held after the next state

1 general election but, in any event, no later than the ninetieth day
2 following the November election.

3 NEW SECTION. **Sec. 229.** After calling a special primary and
4 special vacancy election to fill a vacancy in the United States house
5 of representatives or the United States senate from this state, the
6 governor shall immediately notify the secretary of state who shall, in
7 turn, immediately notify the county auditor of each county wholly or
8 partly within which the vacancy exists.

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

13 NEW SECTION. **Sec. 230.** The general election laws and laws
14 relating to primaries for partisan offices apply to the special
15 primaries and vacancy elections provided for in sections 228 and 229 of
16 this act to the extent that they are not inconsistent with the
17 provisions of these sections. Statutory time deadlines relating to
18 availability of absentee ballots, certification, canvassing, and
19 related procedures that cannot be met in a timely fashion may be
20 modified for the purposes of a specific primary or vacancy election
21 under this chapter by the secretary of state through emergency rules
22 adopted under RCW 29A.04.610.

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

24 (1) Information about each ballot measure initiated by or referred
25 to the voters for their approval or rejection as required by RCW
26 29A.32.070;

27 (2) In even-numbered years, statements, if submitted, advocating
28 the candidacies of candidates qualified to appear on the ballot for the
29 office of president and vice president of the United States, United
30 States senator, United States representative, governor, lieutenant
31 governor, secretary of state, state treasurer, state auditor, attorney
32 general, commissioner of public lands, superintendent of public
33 instruction, insurance commissioner, state senator, state
34 representative, justice of the supreme court, judge of the court of
35 appeals, or judge of the superior court. Candidates may also submit a
36 campaign mailing address and telephone number and a photograph not more

1 than five years old and of a size and quality that the secretary of
2 state determines to be suitable for reproduction in the voters'
3 pamphlet;

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

8 (4) In even-numbered years, a section explaining how voters may
9 participate in the election campaign process; the address and telephone
10 number of the public disclosure commission established under RCW
11 42.17.350; and a summary of the disclosure requirements that apply when
12 contributions are made to candidates and political committees;

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

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

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

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

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

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

33 NEW SECTION. **Sec. 232.** (1) The maximum number of words for
34 statements submitted by candidates is as follows: State
35 representative, one hundred words; state senator, judge of the superior
36 court, judge of the court of appeals, justice of the supreme court, and
37 all state offices voted upon throughout the state, except that of

1 governor, two hundred words; president and vice president, United
2 States senator, United States representative, and governor, three
3 hundred words.

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

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

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

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

17 NEW SECTION. **Sec. 234.** (1) Except as provided to the contrary in
18 RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any
19 referendum filed on an enactment or portion of an enactment of a local
20 government and any other question submitted to the voters of a local
21 government consists of three elements: (a) An identification of the
22 enacting legislative body and a statement of the subject matter; (b) a
23 concise description of the measure; and (c) a question. The ballot
24 title must conform with the requirements and be displayed substantially
25 as provided under RCW 29A.72.050, except that the concise description
26 must not exceed seventy-five words. If the local governmental unit is
27 a city or a town, the concise statement shall be prepared by the city
28 or town attorney. If the local governmental unit is a county, the
29 concise statement shall be prepared by the prosecuting attorney of the
30 county. If the unit is a unit of local government other than a city,
31 town, or county, the concise statement shall be prepared by the
32 prosecuting attorney of the county within which the majority area of
33 the unit is located.

34 (2) A referendum measure on the enactment of a unit of local
35 government shall be advertised in the manner provided for candidates
36 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 NEW SECTION. **Sec. 235.** Except for the candidates for the
5 positions of president and vice president or for a partisan or
6 nonpartisan office for which no primary is required, the names of all
7 candidates who, under this title, filed a declaration of candidacy will
8 appear on the appropriate ballot at the primary throughout the
9 jurisdiction of the office for which they are a candidate.

10 NEW SECTION. **Sec. 236.** (1) Except as provided in RCW 29A.36.180
11 and in subsection (2) of this section, on the ballot at the general
12 election for an office for which a primary was held, only the names of
13 the candidate who received the greatest number of votes and the
14 candidate who received the next greatest number of votes for that
15 office shall appear under the title of that office, and the names shall
16 appear in that order. If a primary was conducted, no candidate's name
17 may be printed on the subsequent general election ballot unless he or
18 she receives at least one percent of the total votes cast for that
19 office at the preceding primary. On the ballot at the general election
20 for an office for which no primary was held, the names of the
21 candidates shall be listed in the order determined under RCW
22 29A.36.130.

23 (2) On the ballot at the general election for the office of justice
24 of the supreme court, judge of the court of appeals, judge of the
25 superior court, or state superintendent of public instruction, if a
26 candidate in a contested primary receives a majority of all the votes
27 cast for that office or position, only the name of that candidate may
28 be printed under the title of the office for that position.

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

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

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

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

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

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

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

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

28 (3) If a candidate indicates a political philosophy as provided by
29 section 214(3) or 215 of this act on his or her declaration of
30 candidacy, then the philosophy will be listed for the candidate on the
31 primary and general election ballots. Each candidate who does not
32 express a philosophy will be listed as an independent candidate on the
33 primary and general election ballots. Political philosophy will be
34 listed for the information of the voters only, and may not be used for
35 any purpose relating to the conduct, canvassing, or certification of

1 the primary, and may in no way limit the options available to voters in
2 deciding for whom to cast a vote.

3 NEW SECTION. **Sec. 241.** The offices of superintendent of public
4 instruction, justice of the supreme court, judge of the court of
5 appeals, judge of the superior court, and judge of the district court
6 shall be nonpartisan and the candidates therefor shall be qualified and
7 elected as such.

8 All city, town, and special purpose district elective offices shall
9 be nonpartisan and the candidates therefor shall be qualified and
10 elected as such.

11 NEW SECTION. **Sec. 242.** No later than the day following the
12 certification of the returns of any primary, the secretary of state
13 shall certify to the appropriate county auditors, the names of all
14 persons qualified to appear on the general election ballot as
15 candidates for offices, the returns of which have been canvassed by the
16 secretary of state.

17 NEW SECTION. **Sec. 243.** Except as provided in RCW 29A.32.260,
18 notice for any state, county, district, or municipal election, whether
19 special or general, must be given by at least one publication not more
20 than ten nor less than three days before the election by the county
21 auditor or the officer conducting the election as the case may be, in
22 one or more newspapers of general circulation within the county. The
23 legal notice must contain the title of each office under the proper
24 party preference, the names and addresses of all candidates who have
25 been qualified to appear on the ballot for an office to be voted upon
26 at that election, together with the ballot titles of all measures, the
27 hours during which the polls will be open, and the polling places for
28 each precinct, giving the address of each polling place. The names of
29 all candidates for nonpartisan offices must be published separately
30 with designation of the offices for which they are candidates but
31 without party designation. This is the only notice required for a
32 state, county, district, or municipal general or special election and
33 supersedes the provisions of any and all other statutes, whether
34 general or special in nature, having different requirements for the
35 giving of notice of any general or special elections.

1 NEW SECTION. **Sec. 244.** (1) For any office at any election or
2 primary, any voter may write in on the ballot the name of any person
3 for an office who has filed as a write-in candidate for the office in
4 the manner provided by section 226 of this act and such vote shall be
5 counted the same as if the name had been printed on the ballot and
6 marked by the voter. No write-in vote made for any person who has not
7 filed a declaration of candidacy pursuant to section 226 of this act is
8 valid if that person filed for the same office, either as a regular
9 candidate or a write-in candidate, at the preceding primary. Any
10 abbreviation used to designate office, position, or political party
11 shall be accepted if the canvassing board can determine, to their
12 satisfaction, the voter's intent.

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

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

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

36 NEW SECTION. **Sec. 245.** (1) If the requisite number of any
37 federal, state, county, city, or district offices have not qualified to
38 appear on the general election ballot in a primary by reason of two or

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

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

20 NEW SECTION. **Sec. 246.** An officer of a political party or any
21 person for whom votes were cast in a primary who was not declared
22 qualified to appear on the general election ballot may file a written
23 application for a recount of the votes or a portion of the votes cast
24 at that primary for all persons for whom votes were cast for that
25 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 NEW SECTION. **Sec. 247.** (1) If the official canvass of all of the
14 returns for any office at any primary or election reveals that the
15 difference in the number of votes cast for a candidate apparently
16 qualified to appear on the general election ballot or elected to any
17 office and the number of votes cast for the closest apparently defeated
18 opponent is less than two thousand votes and also less than one-half of
19 one percent of the total number of votes cast for both candidates, the
20 county canvassing board shall conduct a recount of all votes cast on
21 that position.

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

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

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

37 (3) The apparent winner and closest apparently defeated opponent
38 for an office for which a manual recount is required under subsection

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

12 NEW SECTION. **Sec. 248.** An application for a recount shall state
13 the office for which a recount is requested and whether the request is
14 for all or only a portion of the votes cast in that jurisdiction of
15 that office. The person filing an application for a manual recount
16 shall, at the same time, deposit with the county canvassing board or
17 secretary of state, in cash or by certified check, a sum equal to
18 twenty-five cents for each ballot cast in the jurisdiction or portion
19 of the jurisdiction for which the recount is requested as security for
20 the payment of any costs of conducting the recount. If the application
21 is for a machine recount, the deposit must be equal to fifteen cents
22 for each ballot. These charges shall be determined by the county
23 canvassing board or boards under RCW 29A.64.080.

24 The county canvassing board shall determine a time and a place or
25 places at which the recount will be conducted. This time shall be less
26 than three business days after the day upon which: The application was
27 filed with the board; the request for a recount or directive ordering
28 a recount was received by the board from the secretary of state; or the
29 returns are certified which indicate that a recount is required under
30 RCW 29A.64.020 for an issue or office voted upon only within the
31 county. Not less than two days before the date of the recount, the
32 county auditor shall mail a notice of the time and place of the recount
33 to the applicant or affected parties and, if the recount involves an
34 office, to any person for whom votes were cast for that office. The
35 county auditor shall also notify the affected parties by either
36 telephone, fax, e-mail, or other electronic means at the time of
37 mailing. At least three attempts must be made over a two-day period to
38 notify the affected parties or until the affected parties have received

1 the notification. Each attempt to notify affected parties must request
2 a return response indicating that the notice has been received. Each
3 person entitled to receive notice of the recount may attend, witness
4 the recount, and be accompanied by counsel.

5 Proceedings of the canvassing board are public under chapter 42.30
6 RCW. Subject to reasonable and equitable guidelines adopted by the
7 canvassing board, all interested persons may attend and witness a
8 recount.

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

16 Witnesses shall be permitted to observe the ballots and the process
17 of tabulating the votes, but they shall not be permitted to handle the
18 ballots. The canvassing board shall not permit the tabulation of votes
19 for any office or issue other than the ones for which a recount was
20 applied for or required.

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

24 (3) The recount may be observed by persons representing the
25 candidates affected by the recount or the persons representing both
26 sides of an issue that is being recounted. The observers may not make
27 a record of the names, addresses, or other information on the ballots,
28 poll books, or applications for absentee ballots unless authorized by
29 the superior court. The secretary of state or county auditor may limit
30 the number of observers to not less than two on each side if, in his or
31 her opinion, a greater number would cause undue delay or disruption of
32 the recount process.

33 NEW SECTION. **Sec. 250.** Upon completion of the canvass of a
34 recount, the canvassing board shall prepare and certify an amended
35 abstract showing the votes cast in each precinct for which the recount
36 was conducted. Copies of the amended abstracts must be transmitted to

1 the same officers who received the abstract on which the recount was
2 based.

3 If the office or issue for which the recount was conducted was
4 submitted only to the voters of a county, the canvassing board shall
5 file the amended abstract with the original results of that election or
6 primary.

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

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

15 The cost of the recount shall be deducted from the amount deposited
16 by the applicant for the recount at the time of filing the request for
17 the recount, and the balance shall be returned to the applicant. If
18 the costs of the recount exceed the deposit, the applicant shall pay
19 the difference. No charges may be deducted by the canvassing board
20 from the deposit for a recount if the recount changes the result of the
21 primary or election for which the recount was ordered.

22 NEW SECTION. **Sec. 252.** Any justice of the supreme court, judge of
23 the court of appeals, or judge of the superior court in the proper
24 county shall, by order, require any person charged with error, wrongful
25 act, or neglect to forthwith correct the error, desist from the
26 wrongful act, or perform the duty and to do as the court orders or to
27 show cause forthwith why the error should not be corrected, the
28 wrongful act desisted from, or the duty or order not performed,
29 whenever it is made to appear to such justice or judge by affidavit of
30 an elector that:

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

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

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

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

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

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

9 An affidavit of an elector under subsections (1) and (3) above when
10 relating to a primary election must be filed with the appropriate court
11 no later than the second Friday following the closing of the filing
12 period for such office and shall be heard and finally disposed of by
13 the court not later than five days after the filing thereof. An
14 affidavit of an elector under subsections (1) and (3) of this section
15 when relating to a general election must be filed with the appropriate
16 court no later than three days following the official certification of
17 the primary election returns and shall be heard and finally disposed of
18 by the court not later than five days after the filing thereof. An
19 affidavit of an elector under subsection (6) of this section shall be
20 filed with the appropriate court no later than ten days following the
21 issuance of a certificate of election.

22 NEW SECTION. **Sec. 253.** The following apply to persons signing
23 petitions prescribed by sections 209 and 218 of this act:

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

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

30 NEW SECTION. **Sec. 254.** Every person who:

31 (1) Knowingly provides false information on his or her declaration
32 of candidacy, filing petition, or nominating petition; or

33 (2) Conceals or fraudulently defaces or destroys a certificate that
34 has been filed with an elections officer under sections 207 through 212
35 of this act or a declaration of candidacy or petition of nomination
36 that has been filed with an elections officer, or any part of such a

1 certificate, declaration, or petition, is guilty of a class C felony
2 punishable under RCW 9A.20.021.

3 NEW SECTION. **Sec. 255.** Every person who:

4 (1) Knowingly and falsely issues a certificate of qualification or
5 election; or

6 (2) Knowingly provides false information on a certificate which
7 must be filed with an elections officer under sections 207 through 212
8 of this act, is guilty of a class C felony punishable under RCW
9 9A.20.021.

10 NEW SECTION. **Sec. 256.** (1) The subheadings in chapter 29A.52 RCW
11 "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under
12 one subheading "PRIMARIES."

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

16 NEW SECTION. **Sec. 257.** Sections 201 through 255 of this act
17 constitute a new chapter in Title 29A RCW.

18 **PART 3 - SELECTION OF PRIMARY PROCEDURES**

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

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

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

32 After June 15, 2004, if after March 1st in any election year, the
33 rules of a major political party require the disclosure of information
34 from any state or local governmental unit that could link a particular

1 voter to the votes cast by that voter, or could reveal the choice of
2 party ballot made by any particular unaffiliated voter, the party must
3 nominate its candidates according to section 302 of this act for the
4 following two election years.

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

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

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

15 (1) The major political party shall be deemed a party not
16 participating in the primary and must nominate its candidates for the
17 general election using the processes otherwise applicable to minor
18 political parties and independent candidates contained in RCW
19 29A.20.110 through 29A.20.200.

20 (2) The party shall submit to the secretary of state the names and
21 voter registration addresses of the registered party members of the
22 party who participated in the nomination of a party candidate to the
23 general election ballot. The secretary of state shall: (a) Segregate
24 the names and addresses by county; and (b) transmit the names and
25 addresses of the party members from each county to the county auditor
26 for that county.

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

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

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

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

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

8 (2) If subsection (1) of this section applies, no later than March
9 15th the secretary of state shall notify the governor, the majority and
10 minority leaders of the two largest caucuses in the senate and the
11 house of representatives, the code reviser, and each county auditor
12 that all major parties are ineligible to participate in the partisan
13 primaries described in this title. Upon issuance of the notification,
14 no partisan primary will be held in that calendar year.

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

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

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

25 **PART 4 - MISCELLANEOUS PROVISIONS**

26 NEW SECTION. **Sec. 401.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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

32 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect

1 immediately, except for section 173 of this act which takes effect June
2 30, 2005."

SB 6453 - S AMD TO S AMD (S-4961.3/04) **762**
By Senators Kastama, Swecker

NOT ADOPTED 03/02/2004

3 On page 41, line 12 of the title amendment, after "primary;" strike
4 the remainder of the title amendment and insert "amending RCW
5 29A.04.007, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125,
6 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350,
7 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100,
8 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170,
9 29A.20.190, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210,
10 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240,
11 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150,
12 29A.36.160, 29A.36.190, 29A.40.060, 29A.40.090, 29A.44.020, 29A.44.200,
13 29A.44.230, 29A.52.230, 29A.52.310, 29A.52.320, 29A.60.020, 29A.80.040,
14 29A.80.050, and 42.17.020; reenacting and amending RCW 42.17.310 and
15 42.17.310; adding new sections to chapter 29A.04 RCW; adding a new
16 section to chapter 29A.08 RCW; adding a new section to chapter 29A.32
17 RCW; adding a new section to chapter 29A.36 RCW; adding a new section
18 to chapter 29A.40 RCW; adding new sections to chapter 29A.52 RCW;
19 adding a new section to chapter 29A.60 RCW; adding a new section to
20 chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding
21 a new chapter to Title 29A RCW; creating new sections; repealing RCW
22 29A.04.903, 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and
23 29A.56.010; prescribing penalties; providing an effective date;
24 providing expiration dates; and declaring an emergency."

--- END ---