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**HOUSE BILL 1159**

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**State of Washington****58th Legislature****2003 Regular Session**

**By** Representatives Miloscia, Armstrong, Hunt, Tom, Shabro, Haigh and McDermott; by request of Secretary of State

Read first time 01/20/2003. Referred to Committee on State Government.

1 AN ACT Relating to reorganization of statutes on elections;  
2 amending RCW 29.01.006, 29.01.008, 29.01.043, 29.01.045, 29.01.055,  
3 29.01.090, 29.01.110, 29.01.120, 29.01.137, 29.01.140, 29.01.170,  
4 29.01.180, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.070,  
5 29.04.060, 29.04.085, 29.04.088, 29.04.230, 29.13.070, 29.13.010,  
6 29.13.020, 29.13.045, 29.13.048, 29.60.010, 29.60.040, 29.60.050,  
7 29.98.020, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095,  
8 29.08.010, 29.07.010, 29.07.110, 29.07.220, 29.10.081, 29.07.092,  
9 29.07.152, 29.07.030, 29.07.070, 29.07.080, 29.07.090, 29.08.080,  
10 29.07.025, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.051,  
11 29.10.090, 29.10.100, 29.10.185, 29.10.220, 29.10.230, 29.04.250,  
12 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.160, 29.10.127,  
13 29.10.150, 29.33.081, 29.33.330, 29.33.350, 29.04.200, 29.57.010,  
14 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.48.005, 29.27.090,  
15 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.040, 29.24.070,  
16 29.15.010, 29.15.090, 29.15.030, 29.15.060, 29.15.220, 29.15.190,  
17 29.04.180, 29.18.150, 29.18.160, 29.68.080, 29.68.100, 29.68.130,  
18 29.04.035, 29.27.076, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.040,  
19 29.30.005, 29.30.081, 29.36.220, 29.36.250, 29.36.260, 29.36.360,  
20 29.51.125, 29.51.185, 29.48.035, 29.51.050, 29.51.060, 29.51.100,  
21 29.51.200, 29.54.018, 29.54.010, 29.54.015, 29.45.010, 29.45.020,

1 29.45.030, 29.45.050, 29.45.070, 29.45.120, 29.38.040, 29.38.060,  
2 29.21.410, 29.27.030, 29.27.080, 29.27.100, 29.27.110, 29.19.010,  
3 29.82.010, 29.82.021, 29.82.025, 29.82.030, 29.82.040, 29.82.080,  
4 29.82.110, 29.82.120, 29.82.140, 29.71.010, 29.71.030, 29.71.040,  
5 29.71.050, 29.74.010, 29.74.030, 29.74.060, 29.74.070, 29.74.100,  
6 29.74.110, 29.74.130, 29.13.040, 29.54.075, 29.54.085, 29.62.030,  
7 29.62.020, 29.54.025, 29.62.040, 29.62.050, 29.62.080, 29.62.090,  
8 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.090, 29.65.010,  
9 29.65.020, 29.65.040, 29.65.060, 29.65.080, 29.65.090, 29.65.100,  
10 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.080, 29.79.090,  
11 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.150, 29.79.160,  
12 29.79.170, 29.79.230, 29.79.300, 29.10.060, 29.04.140, 29.42.010,  
13 29.42.020, 29.42.030, 29.42.050, 29.42.070, 29.85.245, 29.82.210,  
14 29.38.070, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490,  
15 29.15.110, 29.15.100, 29.51.030, 29.85.110, 29.85.260, 29.85.240,  
16 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, and  
17 43.07.310; reenacting RCW 29.01.005, 29.01.042, 29.01.047, 29.01.050,  
18 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.100,  
19 29.01.113, 29.01.117, 29.01.119, 29.01.130, 29.01.135, 29.01.136,  
20 29.01.155, 29.01.160, 29.01.200, 29.04.025, 29.04.091, 29.13.047,  
21 29.60.030, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010,  
22 29.98.030, 29.10.011, 29.08.060, 29.08.030, 29.07.160, 29.07.230,  
23 29.07.140, 29.08.040, 29.07.430, 29.07.440, 29.10.170, 29.10.097,  
24 29.10.110, 29.10.180, 29.10.015, 29.10.071, 29.10.075, 29.10.200,  
25 29.10.210, 29.04.150, 29.04.240, 29.10.125, 29.10.130, 29.10.140,  
26 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.130, 29.33.145,  
27 29.33.300, 29.33.310, 29.33.320, 29.33.340, 29.33.360, 29.04.055,  
28 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150,  
29 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.045, 29.24.055,  
30 29.24.060, 29.15.130, 29.15.140, 29.15.044, 29.15.020, 29.15.040,  
31 29.15.050, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210,  
32 29.15.170, 29.15.180, 29.15.200, 29.15.230, 29.04.190, 29.68.070,  
33 29.81.210, 29.81.220, 29.81.230, 29.81.240, 29.81.250, 29.81.260,  
34 29.81.280, 29.81.290, 29.81.300, 29.81A.030, 29.81A.050, 29.81A.060,  
35 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065,  
36 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.010,  
37 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.085, 29.30.086,  
38 29.30.095, 29.30.101, 29.30.111, 29.30.130, 29.36.210, 29.36.230,

1 29.36.240, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310,  
2 29.36.320, 29.36.340, 29.36.350, 29.51.010, 29.51.180, 29.51.190,  
3 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.48.030, 29.07.170,  
4 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150,  
5 29.51.070, 29.51.250, 29.07.180, 29.48.080, 29.48.045, 29.54.093,  
6 29.51.115, 29.51.155, 29.45.040, 29.45.060, 29.45.065, 29.45.080,  
7 29.45.090, 29.45.100, 29.45.110, 29.38.010, 29.38.020, 29.38.030,  
8 29.38.050, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010,  
9 29.21.015, 29.21.070, 29.27.050, 29.27.072, 29.27.074, 29.19.020,  
10 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.015, 29.82.023,  
11 29.82.060, 29.82.090, 29.82.100, 29.82.105, 29.82.130, 29.82.160,  
12 29.71.020, 29.27.140, 29.74.020, 29.74.040, 29.74.050, 29.74.080,  
13 29.74.120, 29.74.140, 29.74.150, 29.62.180, 29.54.042, 29.54.050,  
14 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175,  
15 29.27.120, 29.36.330, 29.64.015, 29.64.020, 29.64.030, 29.64.035,  
16 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.04.030, 29.65.050,  
17 29.65.055, 29.65.070, 29.65.120, 29.79.035, 29.79.040, 29.79.050,  
18 29.79.060, 29.79.070, 29.79.140, 29.79.180, 29.79.190, 29.79.200,  
19 29.79.210, 29.79.270, 29.79.280, 29.79.290, 29.70.100, 29.15.026,  
20 29.42.040, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249,  
21 29.15.080, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221,  
22 29.85.010, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210,  
23 29.85.220, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.030,  
24 29.91.040, 29.91.050, 29.13.023, and 29.13.024; adding new sections to  
25 chapter 35.22 RCW; adding a new title to the Revised Code of Washington  
26 to be codified as Title 29A RCW; creating new sections; recodifying RCW  
27 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045,  
28 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065, 29.01.068,  
29 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113,  
30 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135, 29.01.136,  
31 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170, 29.01.180,  
32 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.025,  
33 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091, 29.04.230,  
34 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047, 29.13.048,  
35 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060, 29.60.070,  
36 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030, 29.04.080,  
37 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011, 29.08.010,  
38 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220, 29.10.081,

1	29.07.092,	29.07.160,	29.07.152,	29.07.030,	29.07.230,	29.07.070,
2	29.07.140,	29.07.080,	29.07.090,	29.08.080,	29.08.040,	29.07.025,
3	29.07.430,	29.07.440,	29.07.260,	29.07.270,	29.10.020,	29.10.040,
4	29.10.170,	29.10.051,	29.10.090,	29.10.097,	29.10.100,	29.10.110,
5	29.10.180,	29.10.185,	29.10.015,	29.10.071,	29.10.220,	29.10.075,
6	29.10.200,	29.10.210,	29.10.230,	29.04.250,	29.07.130,	29.04.100,
7	29.04.110,	29.04.120,	29.04.150,	29.04.160,	29.04.240,	29.10.125,
8	29.10.127,	29.10.130,	29.10.140,	29.10.150,	29.33.020,	29.33.041,
9	29.33.051,	29.33.061,	29.33.081,	29.33.130,	29.33.145,	29.33.300,
10	29.33.310,	29.33.320,	29.33.330,	29.33.340,	29.33.350,	29.33.360,
11	29.04.200,	29.57.010,	29.57.090,	29.57.160,	29.04.040,	29.04.050,
12	29.04.055,	29.48.005,	29.48.007,	29.57.040,	29.57.070,	29.57.100,
13	29.57.050,	29.57.150,	29.27.090,	29.15.025,	29.13.050,	29.04.170,
14	29.24.010,	29.24.020,	29.24.025,	29.24.030,	29.24.035,	29.24.040,
15	29.24.045,	29.24.055,	29.24.060,	29.24.070,	29.15.130,	29.15.140,
16	29.15.010,	29.15.044,	29.15.020,	29.15.090,	29.15.030,	29.15.040,
17	29.15.050,	29.15.060,	29.15.070,	29.15.125,	29.15.120,	29.15.160,
18	29.15.210,	29.15.220,	29.15.170,	29.15.180,	29.15.190,	29.15.200,
19	29.15.230,	29.04.180,	29.04.190,	29.18.150,	29.18.160,	29.68.070,
20	29.68.080,	29.68.100,	29.68.130,	29.81.210,	29.04.035,	29.81.220,
21	29.81.230,	29.27.076,	29.81.240,	29.81.250,	29.81.260,	29.81.280,
22	29.81.290,	29.81.300,	29.81.310,	29.81A.010,	29.81A.020,	29.81A.030,
23	29.81A.040,	29.81A.050,	29.81A.060,	29.81A.070,	29.81A.080,	29.27.020,
24	29.27.057,	29.27.061,	29.27.065,	29.27.0653,	29.27.0655,	29.27.066,
25	29.27.0665,	29.27.067,	29.30.005,	29.30.010,	29.30.020,	29.30.025,
26	29.30.040,	29.30.060,	29.30.081,	29.30.085,	29.30.086,	29.30.095,
27	29.30.101,	29.30.111,	29.30.130,	29.36.210,	29.36.220,	29.36.230,
28	29.36.240,	29.36.250,	29.36.260,	29.36.270,	29.36.280,	29.36.290,
29	29.36.300,	29.36.310,	29.36.320,	29.36.340,	29.36.350,	29.36.360,
30	29.51.010,	29.51.125,	29.51.180,	29.51.190,	29.54.037,	29.48.010,
31	29.13.080,	29.51.240,	29.51.185,	29.48.030,	29.07.170,	29.48.035,
32	29.57.130,	29.48.020,	29.48.070,	29.48.090,	29.48.100,	29.51.150,
33	29.51.050,	29.51.060,	29.51.100,	29.51.070,	29.51.200,	29.54.018,
34	29.51.250,	29.54.010,	29.54.015,	29.07.180,	29.48.080,	29.48.045,
35	29.54.093,	29.51.115,	29.51.155,	29.45.010,	29.45.020,	29.45.030,
36	29.45.040,	29.45.050,	29.45.060,	29.45.065,	29.45.070,	29.45.080,
37	29.45.090,	29.45.100,	29.45.110,	29.45.120,	29.38.010,	29.38.020,
38	29.38.030,	29.38.040,	29.38.050,	29.38.060,	29.15.150,	29.18.010,

1 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.21.410,  
2 29.27.030, 29.27.050, 29.27.072, 29.27.074, 29.27.080, 29.27.100,  
3 29.27.110, 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055,  
4 29.19.080, 29.82.010, 29.82.015, 29.82.021, 29.82.023, 29.82.025,  
5 29.82.030, 29.82.040, 29.82.060, 29.82.080, 29.82.090, 29.82.100,  
6 29.82.105, 29.82.110, 29.82.120, 29.82.130, 29.82.140, 29.82.160,  
7 29.71.010, 29.71.020, 29.71.030, 29.71.040, 29.71.050, 29.27.140,  
8 29.74.010, 29.74.020, 29.74.030, 29.74.040, 29.74.050, 29.74.060,  
9 29.74.070, 29.74.080, 29.74.100, 29.74.110, 29.74.120, 29.74.130,  
10 29.74.140, 29.74.150, 29.13.040, 29.62.180, 29.54.042, 29.54.050,  
11 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175,  
12 29.54.075, 29.54.085, 29.27.120, 29.62.030, 29.62.020, 29.54.025,  
13 29.36.330, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100,  
14 29.62.120, 29.62.130, 29.64.010, 29.64.015, 29.64.020, 29.64.030,  
15 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.64.090,  
16 29.04.030, 29.65.010, 29.65.020, 29.65.040, 29.65.050, 29.65.055,  
17 29.65.060, 29.65.070, 29.65.080, 29.65.090, 29.65.100, 29.65.120,  
18 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.035, 29.79.040,  
19 29.79.050, 29.79.060, 29.79.070, 29.79.080, 29.79.090, 29.79.100,  
20 29.79.110, 29.79.115, 29.79.120, 29.79.140, 29.79.150, 29.79.160,  
21 29.79.170, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.230,  
22 29.79.270, 29.79.280, 29.79.290, 29.79.300, 29.70.100, 29.15.026,  
23 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.040,  
24 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.85.275,  
25 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480, 29.82.220,  
26 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110, 29.79.500,  
27 29.15.100, 29.85.040, 29.85.020, 29.51.020, 29.51.030, 29.51.221,  
28 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060, 29.85.070,  
29 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230, 29.51.215,  
30 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230, 29.91.010,  
31 29.91.020, 29.91.030, 29.91.040, 29.91.050, 29.91.060, 29.13.023, and  
32 29.13.024; repealing RCW 9.81.100, 29.01.010, 29.01.020, 29.01.030,  
33 29.01.040, 29.01.087, 29.01.150, 29.04.210, 29.04.235, 29.07.100,  
34 29.07.115, 29.07.120, 29.07.240, 29.07.280, 29.07.290, 29.07.300,  
35 29.07.310, 29.07.320, 29.07.420, 29.07.450, 29.08.020, 29.08.050,  
36 29.08.070, 29.08.090, 29.08.900, 29.13.021, 29.13.060, 29.15.046,  
37 29.15.240, 29.15.800, 29.19.900, 29.36.900, 29.51.173, 29.57.170,  
38 29.62.010, 29.62.015, 29.64.070, 29.64.900, 29.68.015, 29.68.016,

1 29.68.120, 29.74.090, 29.79.250, 29.81.270, 29.81.320, 29.81A.900,  
2 29.81A.901, 29.91.900, 29.91.901, 29.98.050, and 43.01.150; prescribing  
3 penalties; providing an effective date; and providing an expiration  
4 date.

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

6 **PART 1**  
7 **GENERAL PROVISIONS**

8 **Subpart 1.1**  
9 **Definitions**

10 **Sec. 101.** RCW 29.01.005 and 1965 c 9 s 29.01.005 are each  
11 reenacted to read as follows:

12 SCOPE OF DEFINITIONS. Words and phrases as defined in this  
13 chapter, wherever used in Title 29 RCW, shall have the meaning as in  
14 this chapter ascribed to them, unless where used the context thereof  
15 shall clearly indicate to the contrary or unless otherwise defined in  
16 the chapter of which they are a part.

17 **Sec. 102.** RCW 29.01.006 and 1994 c 57 s 2 are each amended to read  
18 as follows:

19 BALLOT AND RELATED TERMS. As used in this title:

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

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

24 (b) A facsimile of the contents of a particular ballot whether  
25 printed on a paper ballot or ballot card or as part of a voting machine  
26 or voting device;

27 (c) A physical or electronic record of the choices of an individual  
28 voter in a particular primary, general election, or special election;  
29 or

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

32 (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) "~~(Special)~~ Provisional ballot" means a ballot issued to a  
13 voter at the polling place on election day by the precinct election  
14 board, for one 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) There is a question on the part of the voter concerning the  
20 issues or candidates on which the voter is qualified to vote.

21 **Sec. 103.** RCW 29.01.008 and 1990 c 59 s 3 are each amended to read  
22 as follows:

23 CANVASSING. "Canvassing" means the process of examining ballots or  
24 groups of ballots, subtotals, and cumulative totals in order to  
25 determine the official returns of ~~((and prepare the certification for))~~  
26 a primary or general election and includes the tabulation of any votes  
27 ~~((for that primary or election))~~ that were not tabulated at the  
28 precinct or in a counting center on the day of the primary or election.

29 **Sec. 104.** RCW 29.01.042 and 1999 c 158 s 1 are each reenacted to  
30 read as follows:

31 COUNTING CENTER. "Counting center" means the facility or  
32 facilities designated by the county auditor to count and canvass mail  
33 ballots, absentee ballots, and polling place ballots that are  
34 transferred to a central site to be counted, rather than being counted  
35 by a poll-site ballot counting device, on the day of a primary or  
36 election.

1       **Sec. 105.** RCW 29.01.043 and 1984 c 106 s 1 are each amended to  
2 read as follows:

3       COUNTY AUDITOR. "County auditor" (~~((includes))~~) means the county  
4 auditor in a noncharter county or the officer, irrespective of title,  
5 having the overall responsibility to maintain voter registration and to  
6 conduct state and local elections in a charter county.

7       **Sec. 106.** RCW 29.01.045 and 1987 c 346 s 3 are each amended to  
8 read as follows:

9       DATE OF MAILING. For registered voters voting by absentee or  
10 (~~((voting by))~~) mail ballot, "date of mailing" means the date of the  
11 postal cancellation on the envelope in which the ballot is returned to  
12 the election official by whom it was issued. For all (~~((other))~~)  
13 nonregistered absentee voters, "date of mailing" means the date stated  
14 by the voter on the envelope in which the ballot is returned to the  
15 election official by whom it was issued.

16       **Sec. 107.** RCW 29.01.047 and 1987 c 346 s 4 are each reenacted to  
17 read as follows:

18       DISABLED VOTER. "Disabled voter" means any registered voter who  
19 qualifies for special parking privileges under RCW 46.16.381, or who is  
20 defined as blind under RCW 74.18.020, or who qualifies to require  
21 assistance with voting under RCW 29.51.200.

22       **Sec. 108.** RCW 29.01.050 and 1990 c 59 s 5 are each reenacted to  
23 read as follows:

24       ELECTION. "Election" when used alone means a general election  
25 except where the context indicates that a special election is included.  
26 "Election" when used without qualification does not include a primary.

27       **Sec. 109.** RCW 29.01.055 and 1986 c 167 s 1 are each amended to  
28 read as follows:

29       ELECTION BOARD. "Election board" means a group of election  
30 officers serving one precinct or (~~((groups))~~) a group of precincts in a  
31 polling place.

32       **Sec. 110.** RCW 29.01.060 and 1965 c 9 s 29.01.060 are each  
33 reenacted to read as follows:



1 ELECTION OFFICER. "Election officer" includes any officer who has  
2 a duty to perform relating to elections under the provisions of any  
3 statute, charter, or ordinance.

4 **Sec. 111.** RCW 29.01.065 and 1987 c 346 s 2 are each reenacted to  
5 read as follows:

6 ELECTOR. "Elector" means any person who possesses all of the  
7 qualifications to vote under Article VI of the state Constitution.

8 **Sec. 112.** RCW 29.01.068 and 1990 c 59 s 77 are each reenacted to  
9 read as follows:

10 FILING OFFICER. "Filing officer" means the county or state officer  
11 with whom declarations of candidacy for an office are required to be  
12 filed under this title.

13 **Sec. 113.** RCW 29.01.070 and 1965 c 9 s 29.01.070 are each  
14 reenacted to read as follows:

15 GENERAL ELECTION. "General election" means an election required to  
16 be held on a fixed date recurring at regular intervals.

17 **Sec. 114.** RCW 29.01.080 and 1992 c 7 s 31 are each reenacted to  
18 read as follows:

19 INFAMOUS CRIME. An "infamous crime" is a crime punishable by death  
20 in the state penitentiary or imprisonment in a state correctional  
21 facility.

22 **Sec. 115.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended  
23 to read as follows:

24 MAJOR POLITICAL PARTY. "Major political party" means a political  
25 party of which at least one nominee for president, vice president,  
26 United States senator, or a statewide office received at least five  
27 percent of the total vote cast at the last preceding state general  
28 election in an even-numbered year(~~(:—PROVIDED, That any))~~). A  
29 political party qualifying as a major political party under ((the  
30 previous subsection (2) or subsection (3) of this section prior to its  
31 1977 amendment shall)) this section retains such status until ((after  
32 the next state general election following June 30, 1977)) the next  
33 even-year election at which a candidate of that party does not achieve

1 at least five percent of the vote for one of the previously specified  
2 offices. If none of these offices appear on the ballot in an even-year  
3 general election, the major party retains its status as a major party  
4 through that election.

5 **Sec. 116.** RCW 29.01.100 and 1965 c 9 s 29.01.100 are each  
6 reenacted to read as follows:

7 MINOR POLITICAL PARTY. "Minor political party" means a political  
8 organization other than a major political party.

9 **Sec. 117.** RCW 29.01.110 and 1965 c 9 s 29.01.110 are each amended  
10 to read as follows:

11 MEASURES. "Measure" includes any proposition or question submitted  
12 to the voters (~~(of any specific constituency)~~).

13 **Sec. 118.** RCW 29.01.113 and 1987 c 346 s 5 are each reenacted to  
14 read as follows:

15 OUT-OF-STATE VOTER. "Out-of-state voter" means any elector of the  
16 state of Washington outside the state but not outside the territorial  
17 limits of the United States or the District of Columbia.

18 **Sec. 119.** RCW 29.01.117 and 1987 c 346 s 6 are each reenacted to  
19 read as follows:

20 OVERSEAS VOTER. "Overseas voter" means any elector of the state of  
21 Washington outside the territorial limits of the United States or the  
22 District of Columbia.

23 **Sec. 120.** RCW 29.01.119 and 1999 c 158 s 2 are each reenacted to  
24 read as follows:

25 POLL-SITE BALLOT COUNTING DEVICES. "Poll-site ballot counting  
26 device" means a device programmed to accept voted ballots at a polling  
27 place for the purpose of tallying and storing the ballots on election  
28 day.

29 **Sec. 121.** RCW 29.01.120 and 1965 c 9 s 29.01.120 are each amended  
30 to read as follows:

31 PRECINCT. "Precinct" means a geographical subdivision for voting  
32 purposes (~~(within or without the limits of a city or town, whether)~~)

1 that is established by (~~a board of county commissioners, by a city~~  
2 ~~council, or by the board of supervisors of a township~~) a county  
3 legislative authority.

4 **Sec. 122.** RCW 29.01.130 and 1965 c 9 s 29.01.130 are each  
5 reenacted to read as follows:

6 PRIMARY. "Primary" or "primary election" means a statutory  
7 procedure for nominating candidates to public office at the polls.

8 **Sec. 123.** RCW 29.01.135 and 1979 ex.s. c 126 s 2 are each  
9 reenacted to read as follows:

10 QUALIFIED. "Qualified" when pertaining to a winner of an election  
11 means that for such election:

- 12 (1) The results have been certified;
- 13 (2) A certificate has been issued;
- 14 (3) Any required bond has been posted; and
- 15 (4) The winner has taken and subscribed an oath or affirmation in  
16 compliance with the appropriate statute, or if none is specified, that  
17 he or she will faithfully and impartially discharge the duties of the  
18 office to the best of his or her ability. This oath or affirmation  
19 shall be administered and certified by any officer or notary public  
20 authorized to administer oaths, without charge therefor.

21 **Sec. 124.** RCW 29.01.136 and 2001 c 225 s 1 are each reenacted to  
22 read as follows:

23 RECOUNT. "Recount" means the process of retabulating ballots and  
24 producing amended election returns based on that retabulation, even if  
25 the vote totals have not changed.

26 **Sec. 125.** RCW 29.01.137 and 1987 c 346 s 7 are each amended to  
27 read as follows:

28 REGISTERED VOTER. "Registered voter" means any elector who  
29 (~~possesses all of the statutory qualifications to vote under chapters~~  
30 ~~29.07 and 29.10 RCW~~) has completed the statutory registration  
31 procedures established by this title. The terms "registered voter" and  
32 "qualified elector" are synonymous.

1       **Sec. 126.** RCW 29.01.140 and 1971 ex.s. c 178 s 1 are each amended  
2 to read as follows:

3       RESIDENCE. "Residence" for the purpose of registering and voting  
4 means a person's permanent address where he or she physically resides  
5 and maintains his or her abode(~~(;—PROVIDED, That))~~. However, no  
6 person gains residence by reason of his or her presence or loses his or  
7 her residence by reason of his or her absence:

8       (1) While employed in the civil or military service of the state or  
9 of the United States;

10       (2) While engaged in the navigation of the waters of this state or  
11 the United States or the high seas;

12       (3) While a student at any institution of learning;

13       (4) While confined in any public prison.

14       Absence from the state on business shall not affect the question of  
15 residence of any person unless the right to vote has been claimed or  
16 exercised elsewhere.

17       **Sec. 127.** RCW 29.01.155 and 1991 c 23 s 13 are each reenacted to  
18 read as follows:

19       SERVICE VOTER. "Service voter" means any elector of the state of  
20 Washington who is a member of the armed forces under 42 U.S.C. Sec.  
21 1973 ff-6 while in active service, is a student or member of the  
22 faculty at a United States military academy, is a member of the  
23 merchant marine of the United States, is a program participant as  
24 defined in RCW 40.24.020, or is a member of a religious group or  
25 welfare agency officially attached to and serving with the armed forces  
26 of the United States.

27       **Sec. 128.** RCW 29.01.160 and 1965 c 9 s 29.01.160 are each  
28 reenacted to read as follows:

29       SEPTEMBER PRIMARY. "September primary" means the primary election  
30 held in September to nominate candidates to be voted for at the ensuing  
31 election.

32       **Sec. 129.** RCW 29.01.170 and 1965 c 9 s 29.01.170 are each amended  
33 to read as follows:

34       SPECIAL ELECTION. "Special election" means any election that is

1 not a general election and may be held in conjunction with a general  
2 election or primary.

3 **Sec. 130.** RCW 29.01.180 and 1975-'76 2nd ex.s. c 120 s 14 are each  
4 amended to read as follows:

5 SHORT TERM. "Short term" means the brief period of time starting  
6 upon the completion of the certification of election returns and ending  
7 with the start of the full term (~~(on the second Tuesday of the next~~  
8 ~~January immediately following the election))~~ and is applicable only  
9 when the office concerned is being held by an appointee to fill a  
10 vacancy (~~(which)~~). The vacancy must have occurred after the last  
11 election(~~(,)~~) at which such office could have been voted upon for an  
12 unexpired term(~~(, prior to the election for such office for the~~  
13 ~~subsequent full term))~~. Short term elections are always held in  
14 conjunction with elections for the full term for the office.

15 **Sec. 131.** RCW 29.01.200 and 1990 c 59 s 6 are each reenacted to  
16 read as follows:

17 VOTING SYSTEM, DEVICE, TALLYING SYSTEM. (1) "Voting system" means  
18 a voting device, vote tallying system, or combination of these together  
19 with ballots and other supplies or equipment used to conduct a primary  
20 or election or to canvass the votes cast in a primary or election;

21 (2) "Voting device" means a piece of equipment used for the purpose  
22 of or to facilitate the marking of a ballot to be tabulated by a vote  
23 tallying system or a piece of mechanical or electronic equipment used  
24 to directly record votes and to accumulate results for a number of  
25 issues or offices from a series of voters; and

26 (3) "Vote tallying system" means a piece of mechanical or  
27 electronic equipment and associated data processing software used to  
28 tabulate votes cast on ballot cards or otherwise recorded on a voting  
29 device or to prepare that system to tabulate ballot cards or count  
30 votes.

31 **Subpart 1.2**

32 **General Provisions**

33 **Sec. 132.** RCW 29.04.001 and 2001 c 41 s 1 are each amended to read  
34 as follows:

1 STATE POLICY. It is the policy of the state of Washington to  
2 encourage every eligible person to register to vote and to participate  
3 fully in all elections, and to protect the integrity of the electoral  
4 process by providing equal access to the process while guarding against  
5 discrimination and fraud. The election registration laws and the  
6 voting laws of the state of Washington(~~(, and the requirements of~~  
7 ~~chapter 41, Laws of 2001,~~) must be administered without discrimination  
8 based upon race, creed, color, national origin, sex, or political  
9 affiliation.

10 **Sec. 133.** RCW 29.04.010 and 1965 c 9 s 29.04.010 are each amended  
11 to read as follows:

12 REGISTRATION REQUIRED FOR VOTING--EXCEPTION. Only a registered  
13 voter shall be permitted to vote:

14 (1) At any election held for the purpose of electing persons to  
15 public office;

16 (2) At any recall election of a public officer;

17 (3) At any election held for the submission of a measure to any  
18 voting constituency;

19 (4) At any primary election.

20 (~~The provisions of~~) This section (~~shall~~) does not apply to  
21 (~~township~~) elections where being registered to vote is not a  
22 prerequisite to voting.

23 **Sec. 134.** RCW 29.04.020 and 1987 c 295 s 1 are each amended to  
24 read as follows:

25 COUNTY AUDITOR AS SUPERVISOR OF CERTAIN PRIMARIES AND ELECTIONS.

26 The county auditor of each county shall be ex officio the supervisor of  
27 all primaries and elections, general or special, and it shall be the  
28 county auditor's duty to provide places for holding such primaries and  
29 elections; to appoint the precinct election officers(~~(+)~~) and to  
30 provide for their compensation; to provide (~~ballot boxes and ballots~~  
31 ~~or voting machines, poll books, or precinct lists of registered voters,~~  
32 ~~and tally sheets, and deliver them~~) the supplies and materials  
33 necessary for the conduct of elections to the precinct election  
34 officers (~~at the polling places~~); and to publish and post notices of  
35 calling such primaries and elections in the manner provided by law(~~(+~~  
36 ~~PROVIDED, That~~)). The notice of a general election held in an even-

1 numbered year (~~shall~~) must indicate that the office of precinct  
2 committee officer will be on the ballot(~~and to~~). The auditor shall  
3 also apportion to each city, town, or district, and to the state of  
4 Washington in the odd-numbered year, its share of the expense of such  
5 primaries and elections(~~PROVIDED, That~~). This section (~~shall~~)  
6 does not apply to general or special elections for any city, town, or  
7 district (~~which~~) that is not subject to RCW 29.13.010 and 29.13.020,  
8 but all such elections (~~shall~~) must be held and conducted at the  
9 time, in the manner, and by the officials (with such notice,  
10 requirements for filing for office, and certifications by local  
11 officers) as provided and required by the laws governing such  
12 elections.

13 **Sec. 135.** RCW 29.57.140 and 1999 c 298 s 18 are each amended to  
14 read as follows:

15 COUNTY AUDITOR--PUBLIC NOTICE OF AVAILABILITY OF SERVICES. The  
16 county auditor shall provide public notice of the availability of  
17 registration and voting aids, assistance to elderly and (~~handicapped~~)  
18 disabled persons, and procedures for voting by absentee ballot  
19 calculated to reach elderly and (~~handicapped~~) disabled persons not  
20 later than public notice of the closing of registration for a primary  
21 or election.

22 **Sec. 136.** RCW 29.04.025 and 1983 c 294 s 2 are each reenacted to  
23 read as follows:

24 HANDLING OF REPORTS FILED UNDER PUBLIC DISCLOSURE LAW. Each county  
25 auditor or county elections official shall ensure that reports filed  
26 pursuant to chapter 42.17 RCW are arranged, handled, indexed, and  
27 disclosed in a manner consistent with the rules of the public  
28 disclosure commission adopted under RCW 42.17.375.

29 **Sec. 137.** RCW 29.04.070 and 1994 c 57 s 4 are each amended to read  
30 as follows:

31 SECRETARY OF STATE AS CHIEF ELECTION OFFICER. The secretary of  
32 state through the election division shall be the chief election officer  
33 for all federal, state, county, city, town, and district elections  
34 (~~and it shall be his or her duty to~~) that are subject to this title.  
35 The secretary of state shall keep records of (~~such~~) elections held

1 (~~in the state and to~~) for which he or she is required by law to  
2 canvass the results, make such records available to the public upon  
3 request, and (~~to~~) coordinate those state election activities required  
4 by federal law.

5 **Sec. 138.** RCW 29.04.060 and 1965 c 9 s 29.04.060 are each amended  
6 to read as follows:

7 PUBLICATION OF ELECTION LAWS BY SECRETARY OF STATE. (~~In every~~  
8 ~~year in which state and county officers are to be elected, the~~  
9 ~~secretary of state shall cause the election laws of the state then in~~  
10 ~~force to be published in pamphlet form and distributed through the~~  
11 ~~county auditors at least twenty days prior to the primary next~~  
12 ~~preceding the election in sufficient number to place a copy thereof in~~  
13 ~~the hands of all officers of elections.)) The secretary of state shall  
14 ensure that each county auditor is provided with the most recent  
15 version of the election laws of the state, as contained in this title.  
16 Where amendments have been enacted after the last compilation of the  
17 election laws, he or she shall ensure that each county auditor receives  
18 a copy of those amendments before the next primary or election. The  
19 county auditor shall ensure that any statutory information necessary  
20 for the precinct election officers to perform their duties is supplied  
21 to them in a timely manner.~~

22 **Sec. 139.** RCW 29.04.085 and 2001 c 41 s 3 are each amended to read  
23 as follows:

24 INFORMATION IN FOREIGN LANGUAGES. In order to encourage the  
25 broadest possible voting participation by all eligible citizens, the  
26 secretary of state shall produce voter registration information in the  
27 foreign languages required of state agencies. (~~This information must~~  
28 ~~be available no later than January 1, 2002.))~~

29 **Sec. 140.** RCW 29.04.088 and 2001 c 41 s 4 are each amended to read  
30 as follows:

31 VOTER GUIDE. The secretary of state shall cause to be produced a  
32 "voter guide" detailing what constitutes voter fraud and discrimination  
33 under state election laws. This voter guide must be provided to every  
34 county election officer and auditor, and any other person upon  
35 request(~~, no later than January 1, 2002~~)).







1 bills, and any other matter provided by the legislature for submission  
2 to the electorate.

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

- 9 (a) The first Tuesday after the first Monday in February;
- 10 (b) The second Tuesday in March;
- 11 (c) The fourth Tuesday in April;
- 12 (d) The third Tuesday in May;
- 13 (e) The day of the primary as specified by RCW 29.13.070; or
- 14 (f) The first Tuesday after the first Monday in November.

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

20 (4) In a presidential election year, if a presidential preference  
21 primary is conducted in February, March, April, or May under chapter  
22 29.19 RCW, the date on which a special election may be called by the  
23 county legislative authority under subsection (2) of this section  
24 during the month of that primary is the date of the presidential  
25 primary.

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

34 **Sec. 145.** RCW 29.13.020 and 2002 c 43 s 2 are each amended to read  
35 as follows:

36 CITY, TOWN, AND DISTRICT GENERAL AND SPECIAL ELECTIONS--

1 EXCEPTIONS. (1) All city, town, and district general elections shall  
2 be held throughout the state of Washington on the first Tuesday  
3 following the first Monday in November in the odd-numbered years.

4 This section shall not apply to:

5 (a) Elections for the recall of any elective public officer;

6 (b) Public utility districts, conservation districts, or district  
7 elections at which the ownership of property within those districts is  
8 a prerequisite to voting, all of which elections shall be held at the  
9 times prescribed in the laws specifically applicable thereto;

10 (c) Consolidation proposals as provided for in RCW ((28A.315.280))  
11 28A.315.265 and nonhigh capital fund aid proposals as provided for in  
12 chapter 28A.540 RCW.

13 (2) The county auditor, (~~as ex officio supervisor of elections,~~  
14 ~~upon request in the form of a resolution of the governing body of a~~  
15 ~~city, town, or district, presented to the auditor at least forty five~~  
16 ~~days prior to the proposed election date, may, if the county auditor~~  
17 ~~deems an emergency to exist, call a special election in such city,~~  
18 ~~town, or district, and)) for the purpose of such special election ((he~~  
19 ~~or she)), may combine, unite, or divide precincts. Except as provided  
20 in subsection (3) of this section, such a special election shall be  
21 held on one of the following dates as decided by the governing body:~~

22 (a) The first Tuesday after the first Monday in February;

23 (b) The second Tuesday in March;

24 (c) The fourth Tuesday in April;

25 (d) The third Tuesday in May;

26 (e) The day of the primary election as specified by RCW 29.13.070;

27 or

28 (f) The first Tuesday after the first Monday in November.

29 (3) In a presidential election year, if a presidential preference  
30 primary is conducted in February, March, April, or May under chapter  
31 29.19 RCW, the date on which a special election may be called under  
32 subsection (2) of this section during the month of that primary is the  
33 date of the presidential primary.

34 (4) In addition to subsection (2)(a) through (f) of this section,  
35 a special election to validate an excess levy or bond issue may be  
36 called at any time to meet the needs resulting from fire, flood,  
37 earthquake, or other act of God, except that no special election may be  
38 held between the first day for candidates to file for public office and

1 the last day to certify the returns of the general election other than  
2 as provided in subsection (2)(e) and (f) of this section. Such special  
3 election shall be conducted and notice thereof given in the manner  
4 provided by law.

5 (5) This section shall supersede the provisions of any and all  
6 other statutes, whether general or special in nature, having different  
7 dates for such city, town, and district elections, the purpose of this  
8 section being to establish mandatory dates for holding elections.

9 **Subpart 1.4**  
10 **Election Costs**

11 **Sec. 146.** RCW 29.13.045 and 1965 c 123 s 5 are each amended to  
12 read as follows:

13 ELECTION COSTS BORNE BY CONSTITUENCIES. Every city, town, and  
14 district (~~shall be~~) is liable for its proportionate share of the  
15 costs when such elections are held in conjunction with other elections  
16 held under RCW 29.13.010 and 29.13.020.

17 Whenever any city, town, or district (~~shall~~) holds any primary or  
18 election, general or special, on an isolated date, all costs of such  
19 elections (~~shall~~) must be borne by the city, town, or district  
20 concerned.

21 The purpose of this section is to clearly establish that the county  
22 is not responsible for any costs involved in the holding of any city,  
23 town, or district election.

24 In recovering such election expenses, including a reasonable pro-  
25 ration of administrative costs, the county auditor shall certify the  
26 cost to the county treasurer with a copy to the clerk or auditor of the  
27 city, town, or district concerned. Upon receipt of such certification,  
28 the county treasurer shall make the transfer from any available and  
29 appropriate city, town, or district funds to the county current expense  
30 fund or to the county election reserve fund if such a fund is  
31 established. Each city, town, or district (~~shall~~) must be promptly  
32 notified by the county treasurer whenever such transfer has been  
33 completed(~~:- PROVIDED, HOWEVER, That~~). However, in those districts  
34 wherein a treasurer, other than the county treasurer, has been  
35 appointed such transfer procedure (~~shall~~) does not apply, but the

1 district shall promptly issue its warrant for payment of election  
2 costs.

3 **Sec. 147.** RCW 29.13.047 and 1985 c 45 s 2 are each reenacted to  
4 read as follows:

5 STATE SHARE OF ELECTION COSTS. (1) Whenever state officers or  
6 measures are voted upon at a state primary or general election held in  
7 an odd-numbered year under RCW 29.13.010, the state of Washington shall  
8 assume a prorated share of the costs of that state primary or general  
9 election.

10 (2) Whenever a primary or vacancy election is held to fill a  
11 vacancy in the position of United States senator or United States  
12 representative under chapter 29.68 RCW, the state of Washington shall  
13 assume a prorated share of the costs of that primary or vacancy  
14 election.

15 (3) The county auditor shall apportion the state's share of these  
16 expenses when prorating election costs under RCW 29.13.045 and shall  
17 file such expense claims with the secretary of state.

18 (4) The secretary of state shall include in his or her biennial  
19 budget requests sufficient funds to carry out this section.  
20 Reimbursements for election costs shall be from appropriations  
21 specifically provided by law for that purpose.

22 **Sec. 148.** RCW 29.13.048 and 1986 c 167 s 7 are each amended to  
23 read as follows:

24 INTEREST ON REIMBURSEMENT OF COSTS. For any reimbursement of  
25 election costs under RCW 29.13.047, the secretary of state shall pay  
26 interest at an annual rate equal to two percentage points in excess of  
27 the discount rate on ninety-day commercial paper in effect at the  
28 federal reserve bank in San Francisco on the fifteenth day of the month  
29 immediately preceding the payment for any period of time in excess of  
30 thirty days after the receipt of a properly executed and documented  
31 voucher for such expenses and the entry of an allotment from  
32 specifically appropriated funds for this purpose (~~under RCW~~  
33 ~~43.88.111~~). The secretary of state shall promptly notify any county  
34 that submits an incomplete or inaccurate voucher for reimbursement  
35 under RCW 29.13.047.



1        NEW SECTION.    **Sec. 150.**    APPEALS.        The board created in RCW  
2    29.60.010 shall review appeals filed under RCW 29.60.050 or 29.60.070.  
3    A decision of the board regarding the appeal must be supported by not  
4    less than a majority of the members appointed to the board.    A decision  
5    of the board regarding an appeal filed under RCW 29.60.070 concerning  
6    an election review conducted under that section is final.    If a  
7    decision of the board regarding an appeal filed under RCW 29.60.050  
8    includes a recommendation that a certificate be issued, the secretary  
9    of state, upon the recommendation of the board, shall issue the  
10   certificate.

11        **Sec. 151.**    RCW 29.60.030 and 2001 c 41 s 11 are each reenacted to  
12   read as follows:

13        DUTIES OF SECRETARY OF STATE.    The secretary of state shall:

14        (1) Establish and operate, or provide by contract, training and  
15   certification programs for state and county elections administration  
16   officials and personnel, including training on the various types of  
17   election law violations and discrimination, and training programs for  
18   political party observers which conform to the rules for such programs  
19   established under RCW 29.60.020;

20        (2) Administer tests for state and county officials and personnel  
21   who have received such training and issue certificates to those who  
22   have successfully completed the training and passed such tests;

23        (3) Maintain a record of those individuals who have received such  
24   training and certificates; and

25        (4) Provide the staffing and support services required by the board  
26   created under RCW 29.60.010.

27        **Sec. 152.**    RCW 29.60.040 and 1992 c 163 s 6 are each amended to  
28   read as follows:

29        TRAINING OF ELECTION ADMINISTRATORS.        A person having  
30   responsibility for the administration or conduct of elections, other  
31   than precinct election officers, shall, within eighteen months of  
32   undertaking those responsibilities (~~(or within eighteen months of July~~  
33   ~~1, 1993, whichever is later)),~~ receive general training regarding the  
34   conduct of elections and specific training regarding their  
35   responsibilities and duties as prescribed by this title or by rules



1 adopted by the secretary of state under this title. Included among  
2 those persons for whom such training is mandatory are the following:

3 (1) Secretary of state elections division personnel;

4 (2) County elections administrators under RCW 36.22.220;

5 (3) County canvassing board members;

6 (4) Persons officially designated by each major political party as  
7 elections observers; and

8 (5) Any other person or group charged with election administration  
9 responsibilities if the person or group is designated by rule adopted  
10 by the secretary of state as requiring the training.

11 The secretary of state shall reimburse election observers in  
12 accordance with RCW 43.03.050 and 43.03.060 for travel expenses  
13 incurred to receive training required under subsection (4) of this  
14 section.

15 Neither this section nor RCW 29.60.030 may be construed as  
16 requiring an elected official to receive training or a certificate of  
17 training as a condition for seeking or holding elective office or as a  
18 condition for carrying out constitutional duties.

19 **Sec. 153.** RCW 29.60.050 and 1992 c 163 s 7 are each amended to  
20 read as follows:

21 DENIAL OF CERTIFICATION--REVIEW AND APPEAL. (1) A decision of the  
22 secretary of state to deny certification under RCW 29.60.030 (~~shall~~)  
23 must be entered in the manner specified for orders under the  
24 Administrative Procedure Act, chapter 34.05 RCW. Such a decision  
25 (~~shall~~) is not (~~be~~) effective for a period of twenty days following  
26 the date of the decision, during which time the person denied  
27 certification may file a petition with the secretary of state  
28 requesting the secretary to reconsider the decision and to grant  
29 certification. The petitioner shall include(~~(-)~~) in the petition, an  
30 explanation of the reasons why the initial decision is incorrect and  
31 certification should be granted, and may include a request for a  
32 hearing on the matter. The secretary of state shall reconsider the  
33 matter if the petition is filed in a proper and timely manner. If a  
34 hearing is requested, the secretary of state shall conduct the hearing  
35 within sixty days after the date on which the petition is filed. The  
36 secretary of state shall render a final decision on the matter within  
37 ninety days after the date on which the petition is filed.

1 (2) Within twenty days after the date on which the secretary of  
2 state makes a final decision denying a petition under this section, the  
3 petitioner may appeal the denial to the board created in RCW 29.60.010.  
4 In deciding appeals, the board shall restrict its review to the record  
5 established when the matter was before the secretary of state. The  
6 board shall affirm the decision if it finds that the record supports  
7 the decision and that the decision is not inconsistent with other  
8 decisions of the secretary of state in which the same standards were  
9 applied and certification was granted. Similarly, the board shall  
10 reverse the decision and recommend to the secretary of state that  
11 certification be granted if the board finds that such support is  
12 lacking or that such inconsistency exists.

13 (3) Judicial review of certification decisions (~~shall~~) will be as  
14 prescribed under RCW 34.05.510 through 34.05.598, but (~~shall be~~) is  
15 limited to the review of board decisions denying certification.

16 **Sec. 154.** RCW 29.60.060 and 1992 c 163 s 8 are each reenacted to  
17 read as follows:

18 ELECTION REVIEW SECTION. An election review section is established  
19 in the elections division of the office of the secretary of state.  
20 Permanent staff of the elections division, trained and certified as  
21 required by RCW 29.60.040, shall perform the election review functions  
22 prescribed by RCW 29.60.070. The staff may also be required to assist  
23 in training, certification, and other duties as may be assigned by the  
24 secretary of state to ensure the uniform and orderly conduct of  
25 elections in this state.

26 **Sec. 155.** RCW 29.60.070 and 1997 c 284 s 1 are each reenacted to  
27 read as follows:

28 REVIEW OF COUNTY ELECTION PROCEDURES. (1)(a) The election review  
29 staff of the office of the secretary of state shall conduct a review of  
30 election-related policies, procedures, and practices in an affected  
31 county or counties:

32 (i) If the unofficial returns of a primary or general election for  
33 a position in the state legislature indicate that a mandatory recount  
34 is likely for that position; or

35 (ii) If unofficial returns indicate a mandatory recount is likely  
36 in a statewide election or an election for federal office.

1       Reviews conducted under (ii) of this subsection shall be performed  
2 in as many selected counties as time and staffing permit. Reviews  
3 conducted as a result of mandatory recounts shall be performed between  
4 the time the unofficial returns are complete and the time the recount  
5 is to take place, if possible.

6       (b) In addition to conducting reviews under (a) of this subsection,  
7 the election review staff shall also conduct such a review in a county  
8 periodically, in conjunction with a county primary or special or  
9 general election, at the direction of the secretary of state or at the  
10 request of the county auditor. If any resident of this state believes  
11 that an aspect of a primary or election has been conducted  
12 inappropriately in a county, the resident may file a complaint with the  
13 secretary of state. The secretary shall consider such complaints in  
14 scheduling periodic reviews under this section.

15       (c) Before an election review is conducted in a county, the  
16 secretary of state shall provide the county auditor of the affected  
17 county and the chair of the state central committee of each major  
18 political party with notice that the review is to be conducted. When  
19 a periodic review is to be conducted in a county at the direction of  
20 the secretary of state under (b) of this subsection, the secretary  
21 shall provide the affected county auditor not less than thirty days'  
22 notice.

23       (2) Reviews shall be conducted in conformance with rules adopted  
24 under RCW 29.60.020. In performing a review in a county under this  
25 chapter, the election review staff shall evaluate the policies and  
26 procedures established for conducting the primary or election in the  
27 county and the practices of those conducting it. As part of the  
28 review, the election review staff shall issue to the county auditor and  
29 the members of the county canvassing board a report of its findings and  
30 recommendations regarding such policies, procedures, and practices. A  
31 review conducted under this chapter shall not include any evaluation,  
32 finding, or recommendation regarding the validity of the outcome of a  
33 primary or election or the validity of any canvass of returns nor does  
34 the election review staff have any jurisdiction to make such an  
35 evaluation, finding, or recommendation under this title.

36       (3) The county auditor of the county in which a review is conducted  
37 under this section or a member of the canvassing board of the county

1 may appeal the findings or recommendations of the election review staff  
2 regarding the review by filing an appeal with the board created under  
3 RCW 29.60.010.

4 **Sec. 156.** RCW 29.60.080 and 1992 c 163 s 10 are each reenacted to  
5 read as follows:

6 POWERS AND DUTIES OF COUNTY AUDITOR AND REVIEW STAFF. The county  
7 auditor may designate any person who has been certified under this  
8 chapter, other than the auditor, to participate in a review conducted  
9 in the county under this chapter. Each county auditor and canvassing  
10 board shall cooperate fully during an election review by making  
11 available to the reviewing staff any material requested by the staff.  
12 The reviewing staff shall have full access to ballot pages, absentee  
13 voting materials, any other election material normally kept in a secure  
14 environment after the election, and other requested material. If  
15 ballots are reviewed by the staff, they shall be reviewed in the  
16 presence of the canvassing board or its designees. Ballots shall not  
17 leave the custody of the canvassing board. During the review and after  
18 its completion, the review staff may make appropriate recommendations  
19 to the county auditor or canvassing board, or both, to bring the county  
20 into compliance with the training required under this chapter, and the  
21 laws or rules of the state of Washington, to safeguard election  
22 material or to preserve the integrity of the elections process.

23 **Sec. 157.** RCW 29.60.090 and 1992 c 163 s 11 are each reenacted to  
24 read as follows:

25 ELECTION ASSISTANCE AND CLEARINGHOUSE PROGRAM. The secretary of  
26 state shall establish within the elections division an election  
27 assistance and clearinghouse program, which shall provide regular  
28 communication between the secretary of state, local election officials,  
29 and major and minor political parties regarding newly enacted elections  
30 legislation, relevant judicial decisions affecting the administration  
31 of elections, and applicable attorney general opinions, and which shall  
32 respond to inquiries from elections administrators, political parties,  
33 and others regarding election information. This section does not  
34 empower the secretary of state to offer legal advice or opinions, but  
35 the secretary may discuss the construction or interpretation of

1 election law, case law, or legal opinions from the attorney general or  
2 other competent legal authority.

3 **Subpart 1.6**  
4 **Construction**

5 **Sec. 158.** RCW 29.98.010 and 1965 c 9 s 29.98.010 are each  
6 reenacted to read as follows:

7 CONTINUATION OF EXISTING LAW. The provisions of this title insofar  
8 as they are substantially the same as statutory provisions repealed by  
9 this chapter, and relating to the same subject matter, shall be  
10 construed as restatements and continuations, and not as new enactments.

11 **Sec. 159.** RCW 29.98.020 and 1965 c 9 s 29.98.020 are each amended  
12 to read as follows:

13 CAPTIONS NOT PART OF LAW. (~~Title headings,~~) Chapter headings,  
14 part, subpart, and section or subsection (~~headings~~) captions, as used  
15 in this title do not constitute any part of the law.

16 **Sec. 160.** RCW 29.98.030 and 1965 c 9 s 29.98.030 are each  
17 reenacted to read as follows:

18 INVALIDITY OF PART OF TITLE NOT TO AFFECT REMAINDER. If any  
19 provision of this title, or its application to any person or  
20 circumstance is held invalid, the remainder of the title, or the  
21 application of the provision to other persons or circumstances is not  
22 affected.

23 **Subpart 1.7**  
24 **Rule-making Authority**

25 **Sec. 161.** RCW 29.04.080 and 1971 ex.s. c 202 s 2 are each amended  
26 to read as follows:

27 RULES BY SECRETARY OF STATE. The secretary of state as chief  
28 election officer shall make reasonable rules (~~and regulations~~) in  
29 accordance with chapter 34.05 RCW not inconsistent with the  
30 federal(~~(,)~~) and state(~~(, county, city, town, and district)~~) election  
31 laws to effectuate any provision of this title and to facilitate the  
32 execution of (~~their~~) its provisions in an orderly, timely, and

1 uniform manner ((and)) relating to any federal, state, county, city,  
2 town, and district elections. To that end the secretary shall assist  
3 local election officers by devising uniform forms and procedures. ((He  
4 ~~shall provide uniform regulations governing the maintenance of voter~~  
5 ~~registration records on electronic or automatic data processing systems~~  
6 ~~so that the records of counties using such systems shall be compatible.~~  
7 ~~He shall supervise the development and use of such systems to insure~~  
8 ~~that they conform to all the provisions of Title 29 RCW and the~~  
9 ~~regulations provided for in this section.))~~

10 **Sec. 162.** RCW 29.19.070 and 1995 1st sp.s. c 20 s 4 are each  
11 amended to read as follows:

12 **PRESIDENTIAL PRIMARY RULES.** The secretary of state as chief  
13 election officer may make rules in accordance with chapter 34.05 RCW to  
14 facilitate the operation, accomplishment, and purpose of ((~~this~~  
15 ~~chapter~~)) the presidential primary authorized in RCW 29.19.010 through  
16 29.19.080 (as recodified by this act). The secretary of state shall  
17 adopt rules consistent with this chapter to comply with national or  
18 state political party rules.

19 **Sec. 163.** RCW 29.60.020 and 1992 c 163 s 4 are each amended to  
20 read as follows:

21 **POWERS AND DUTIES OF BOARD.** (1) The secretary of state and the  
22 board created in RCW 29.60.010 shall jointly adopt rules, in the manner  
23 specified for the adoption of rules under the Administrative Procedure  
24 Act, chapter 34.05 RCW, governing:

25 (a) The training of persons officially designated by major  
26 political parties as elections observers under this title, and the  
27 training and certification of election administration officials and  
28 personnel;

29 (b) The policies and procedures for conducting election reviews  
30 under RCW 29.60.070; and

31 (c) The policies and standards to be used by the board in reviewing  
32 and rendering decisions regarding appeals filed under RCW 29.60.070.

33 ((~~The initial policies and standards adopted under (c) of this~~  
34 ~~subsection shall be adopted concurrently with adoption of the initial~~  
35 ~~policies and procedures adopted under (b) of this subsection.~~



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

6       ~~((3))~~ (2) "Political purpose" means a purpose concerned with the  
7 support of or opposition to any candidate for any partisan or  
8 nonpartisan office or concerned with the support of or opposition to  
9 any ballot proposition or issue; "political purpose" includes, but is  
10 not limited to, such activities as the advertising for or against any  
11 candidate or ballot measure or the solicitation of financial support.

12       **Sec. 203.** RCW 29.10.011 and 1994 c 57 s 33 are each reenacted to  
13 read as follows:

14       DEFINITIONS. The definitions set forth in this section apply  
15 throughout this chapter, unless the context clearly requires otherwise.

16       (1) "Verification notice" means a notice sent by the county auditor  
17 to a voter registration applicant and is used to verify or collect  
18 information about the applicant in order to complete the registration.

19       (2) "Acknowledgement notice" means a notice sent by nonforwardable  
20 mail by the county auditor to a registered voter to acknowledge a voter  
21 registration transaction, which can include initial registration,  
22 transfer, or reactivation of an inactive registration. An  
23 acknowledgement notice may be a voter registration card.

24       (3) "Confirmation notice" means a notice sent to a registered voter  
25 by first class forwardable mail at the address indicated on the voter's  
26 permanent registration record and to any other address at which the  
27 county auditor could reasonably expect mail to be received by the voter  
28 in order to confirm the voter's residence address. The confirmation  
29 notice must be designed so that the voter may update his or her current  
30 residence address.

31       **Sec. 204.** RCW 29.08.010 and 1994 c 57 s 30 are each amended to  
32 read as follows:

33       DEFINITIONS. The definitions set forth in this section apply  
34 throughout this chapter, unless the context clearly requires otherwise.

35       (1) "By mail" means delivery of a completed original voter  
36 registration application by mail or by personal delivery. ~~((The~~



1 ~~secretary of state, in consultation with the county auditors, may adopt~~  
2 ~~rules to develop a process to receive and distribute these~~  
3 ~~applications.)~~)

4 (2) For voter registration applicants, "date of mailing" means the  
5 date of the postal cancellation on the voter registration application.  
6 This date will also be used as the date of application for the purpose  
7 of meeting the registration cutoff deadline. If the postal  
8 cancellation date is illegible then the date of receipt by the  
9 elections official is considered the date of application. If an  
10 application is received by the elections official by the close of  
11 business on the fifth day after the cutoff date for voter registration  
12 and the postal cancellation date is illegible, the application will be  
13 considered to have arrived by the cutoff date for voter registration.

## 14 **Subpart 2.2**

### 15 **General Provisions**

16 **Sec. 205.** RCW 29.07.010 and 1999 c 298 s 4 are each amended to  
17 read as follows:

18 COUNTY AUDITOR AS CHIEF REGISTRAR OF VOTERS, CUSTODIAN OF RECORDS--  
19 REGISTRATION ASSISTANTS. (1) In all counties, the county auditor shall  
20 be the chief registrar of voters for every precinct within the county.  
21 The auditor may appoint ~~((a registration assistant for each precinct or~~  
22 ~~group of precincts and shall appoint city or town clerks as))~~  
23 registration assistants to assist in registering persons residing in  
24 ~~((cities, towns, and rural precincts within))~~ the county.

25 ~~((2) In addition, the auditor may appoint a registration assistant~~  
26 ~~for each common school. The auditor may appoint a registration~~  
27 ~~assistant for each fire station.~~

28 ~~(3) A registration assistant must be a registered voter. Except~~  
29 ~~for city and town clerks,))~~ Each registration assistant holds office at  
30 the pleasure of the county auditor and must be a registered voter.

31 ~~((4))~~ (2) The county auditor shall be the custodian of the  
32 official registration records of ~~((that))~~ the county. The county  
33 auditor shall ensure that mail-in voter registration application forms  
34 are readily available to the public at locations to include but not  
35 limited to the elections office, and all common schools, fire stations,  
36 and public libraries.

1       **Sec. 206.** RCW 29.08.060 and 1994 c 57 s 32 are each reenacted to  
2 read as follows:

3       AUDITOR'S PROCEDURE. (1) On receipt of an application for voter  
4 registration under this chapter, the county auditor shall review the  
5 application to determine whether the information supplied is complete.  
6 An application that contains the applicant's name, complete valid  
7 residence address, date of birth, and signature attesting to the truth  
8 of the information provided on the application is complete. If it is  
9 not complete, the auditor shall promptly mail a verification notice of  
10 the deficiency to the applicant. This verification notice shall  
11 require the applicant to provide the missing information. If the  
12 verification notice is not returned by the applicant or is returned as  
13 undeliverable the auditor shall not place the name of the applicant on  
14 the county voter list. If the applicant provides the required  
15 information, the applicant shall be registered to vote as of the date  
16 of mailing of the original voter registration application.

17       (2) If the information is complete, the applicant is considered to  
18 be registered to vote as of the date of mailing. The auditor shall  
19 record the appropriate precinct identification, taxing district  
20 identification, and date of registration on the voter's record. Within  
21 forty-five days after the receipt of an application but no later than  
22 seven days before the next primary, special election, or general  
23 election, the auditor shall send to the applicant, by first class mail,  
24 an acknowledgement notice identifying the registrant's precinct and  
25 containing such other information as may be required by the secretary  
26 of state. The postal service shall be instructed not to forward a  
27 voter registration card to any other address and to return to the  
28 auditor any card which is not deliverable. If the applicant has  
29 indicated that he or she is registered to vote in another county in  
30 Washington but has also provided an address within the auditor's county  
31 that is for voter registration purposes, the auditor shall send, on  
32 behalf of the registrant, a registration cancellation notice to the  
33 auditor of that other county and the auditor receiving the notice shall  
34 cancel the registrant's voter registration in that other county. If  
35 the registrant has indicated on the form that he or she is registered  
36 to vote within the county but has provided a new address within the  
37 county that is for voter registration purposes, the auditor shall  
38 transfer the voter's registration.

1 (3) If an acknowledgement notice card is properly mailed as  
2 required by this section to the address listed by the voter as being  
3 the voter's mailing address and the notice is subsequently returned to  
4 the auditor by the postal service as being undeliverable to the voter  
5 at that address, the auditor shall promptly send the voter a  
6 confirmation notice. The auditor shall place the voter's registration  
7 on inactive status pending a response from the voter to the  
8 confirmation notice.

9 **Sec. 207.** RCW 29.07.110 and 1971 ex.s. c 202 s 15 are each amended  
10 to read as follows:

11 TRANSMITTAL OF REGISTRATION FORMS. Every (~~deputy registrar~~  
12 ~~located outside the county courthouse~~) registration assistant shall  
13 keep registration supplies at his or her usual place of residence or  
14 usual place of business (~~at reasonable hours and at the end of each~~  
15 ~~week mail to the county auditor the cards of those who have registered~~  
16 ~~during the week: PROVIDED, That with the written consent of the county~~  
17 ~~auditor a deputy registrar may designate some centrally located place~~  
18 ~~for registration in lieu of the usual place where registration supplies~~  
19 ~~are kept by giving notice thereof in such manner as he may deem~~  
20 ~~expedient stating therein the days and hours when the place will be~~  
21 ~~open for registration: PROVIDED FURTHER, That such consent of the~~  
22 ~~county auditor may include authorization for door to door registration~~  
23 ~~including registration from a portable office as in a trailer and the~~  
24 ~~person or persons so deputized may register all eligible electors~~  
25 ~~residing in any precinct within the county concernedA person or  
26 organization collecting voter registration application forms must  
27 transmit the forms to the secretary of state or a designee at least  
28 once weekly.~~

29 **Sec. 208.** RCW 29.08.030 and 1993 c 434 s 3 are each reenacted to  
30 read as follows:

31 REGISTRATION BY MAIL. Any elector of this state may register to  
32 vote by mail under this chapter.

33 **Sec. 209.** RCW 29.07.220 and 1993 c 408 s 11 are each amended to  
34 read as follows:

35 COMPUTER FILE OF VOTER REGISTRATION RECORDS--ESTABLISHMENT--DUTIES

1 OF COUNTY AUDITOR. Each county auditor shall maintain a computer file  
2 (~~on magnetic tape or disk, punched cards, or other form of data~~  
3 ~~storage~~) containing the records of all registered voters within the  
4 county. (~~Where it is necessary or advisable,~~) The auditor may  
5 provide for the establishment and maintenance of such files by private  
6 contract or through interlocal agreement as provided by chapter 39.34  
7 RCW(~~, as it now exists or is hereafter amended~~). The computer file  
8 (~~shall~~) must include, but not be limited to, each voter's last name,  
9 first name, middle initial, date of birth, residence address, (~~sex~~)  
10 gender, date of registration, applicable taxing district and precinct  
11 codes, and the last date on which the individual voted. The county  
12 auditor shall subsequently record each consecutive date upon which the  
13 individual has voted and retain at least the last five such consecutive  
14 dates(~~:- PROVIDED, That~~). If the voter has not voted at least five  
15 times since establishing his or her current registration record, only  
16 the available dates (~~shall~~) will be included.

17 **Sec. 210.** RCW 29.10.081 and 1994 c 57 s 40 are each amended to  
18 read as follows:

19 COUNT OF REGISTERED VOTERS. (1) Except as otherwise specified by  
20 this title, registered voters include those assigned to active and  
21 inactive status by the county auditor.

22 (2) Election officials shall not include inactive voters in the  
23 count of registered voters for the purpose of dividing precincts,  
24 creating vote-by-mail precincts, determining voter turnout, or other  
25 purposes in law for which the determining factor is the number of  
26 registered voters. Election officials shall not include persons who  
27 are ongoing absentee voters under RCW (~~29.36.013~~) 29.36.240 (as  
28 recodified by this act) in determining the maximum permissible size of  
29 vote-by-mail precincts or in determining the maximum permissible size  
30 of precincts. Nothing in this subsection may be construed as altering  
31 the vote tallying requirements of RCW 29.62.090.

32 **Sec. 211.** RCW 29.07.092 and 2001 c 41 s 6 are each amended to read  
33 as follows:

34 NEW REGISTRATION OR TRANSFER--ACKNOWLEDGMENT--CANCELLATION OF  
35 PREVIOUS REGISTRATION. The county auditor shall acknowledge each new  
36 voter registration or transfer by providing or sending the voter a card

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

14 **Sec. 212.** RCW 29.07.160 and 1993 c 383 s 2 are each reenacted to  
15 read as follows:

16 CLOSING REGISTRATION FILES--NOTICE. The registration files of all  
17 precincts shall be closed against original registration or transfers  
18 for thirty days immediately preceding every primary, special election,  
19 and general election to be held in such precincts.

20 The county auditor shall give notice of the closing of the precinct  
21 files for original registration and transfer and notice of the special  
22 registration and voting procedure provided by RCW 29.07.152 by one  
23 publication in a newspaper of general circulation in the county at  
24 least five days before the closing of the precinct files.

25 No person may vote at any primary, special election, or general  
26 election in a precinct polling place unless he or she has registered to  
27 vote at least thirty days before that primary or election. If a  
28 person, otherwise qualified to vote in the state, county, and precinct  
29 in which he or she applies for registration, does not register at least  
30 thirty days before any primary, special election, or general election,  
31 he or she may register and vote by absentee ballot for that primary or  
32 election under RCW 29.07.152.

33 **Sec. 213.** RCW 29.07.152 and 1993 c 383 s 1 are each amended to  
34 read as follows:

35 LATE REGISTRATION--SPECIAL PROCEDURE. This section establishes a  
36 special procedure which an elector may use to register to vote during

1 the period beginning after the closing of registration for voting at  
2 the polls under RCW 29.07.160 and ending on the fifteenth day before a  
3 primary, special election, or general election. (~~During this period,~~  
4 ~~the unregistered~~) A qualified elector in the county may register to  
5 vote in person in the office of the county auditor or at a voter  
6 registration location specifically designated for this purpose by the  
7 county auditor of the county in which the applicant resides, and apply  
8 for an absentee ballot for that primary or election. The auditor or  
9 (~~voter registrar~~) registration assistant shall register that  
10 individual in the manner provided in this chapter. The application for  
11 an absentee ballot executed by the newly registered voter for the  
12 primary or election that follows the execution of the registration  
13 shall be promptly transmitted to the auditor with the completed voter  
14 registration form.

15 **Sec. 214.** RCW 29.07.030 and 1965 c 9 s 29.07.030 are each amended  
16 to read as follows:

17 EXPENSE OF REGISTRATION. The expense of registration in all rural  
18 precincts (~~shall~~) must be paid by the county(~~(+)~~). The expense of  
19 registration in all precincts lying wholly within a city or town must  
20 be paid by the city or town. (~~In precincts lying partly within and~~  
21 ~~partly outside of a city or town, the expense of registration shall be~~  
22 ~~apportioned between the county and city or town according to the number~~  
23 ~~of voters registered in the precinct living within the city or town and~~  
24 ~~the number living outside of it.)) Registration expenses for this  
25 section include both active and inactive voters.~~

26 **Sec. 215.** RCW 29.07.230 and 1980 c 32 s 6 are each reenacted to  
27 read as follows:

28 PAYMENT TO COUNTIES FOR MAINTENANCE OF VOTER REGISTRATION RECORDS  
29 ON ELECTRONIC DATA PROCESSING SYSTEMS. To compensate counties with  
30 fewer than ten thousand registered voters at the time of the most  
31 recent state general election for unrecoverable costs incident to the  
32 maintenance of voter registration records on electronic data processing  
33 systems, the secretary of state shall, in June of each year, pay such  
34 counties an amount equal to thirty cents for each registered voter in  
35 the county at the time of the most recent state general election.



1       **Sec. 217.** RCW 29.07.140 and 1994 c 57 s 18 are each reenacted to  
2 read as follows:

3       APPLICATION FORM--SINGLE COMPLETION--FURNISHED BY SECRETARY OF  
4 STATE. (1) The secretary of state shall specify by rule the format of  
5 all voter registration applications. These applications shall be  
6 compatible with existing voter registration records. An applicant for  
7 voter registration shall be required to complete only one application  
8 and to provide the required information other than his or her signature  
9 no more than one time. These applications shall also contain  
10 information for the voter to transfer his or her registration.

11       Any application format specified by the secretary for use in  
12 registering to vote in state and local elections shall satisfy the  
13 requirements of the National Voter Registration Act of 1993 (P.L. 103-  
14 31) for registering to vote in federal elections.

15       (2) The secretary of state shall adopt by rule a uniform data  
16 format for transferring voter registration records on machine-readable  
17 media.

18       (3) All registration applications required under RCW 29.07.070 and  
19 29.07.260 shall be produced and furnished by the secretary of state to  
20 the county auditors and the department of licensing.

21       (4) The secretary of state shall produce and distribute any  
22 instructional material and other supplies needed to implement RCW  
23 29.07.260 through 29.07.300 and 46.20.155.

24       (5) Any notice or statement that must be provided under the  
25 National Voter Registration Act of 1993 (P.L. 103-31) to prospective  
26 registrants concerning registering to vote in federal elections shall  
27 also be provided to prospective registrants concerning registering to  
28 vote under this title in state and local elections as well as federal  
29 elections.

30       **Sec. 218.** RCW 29.07.080 and 1994 c 57 s 12 are each amended to  
31 read as follows:

32       OATH OF APPLICANT. For all voter registrations (~~executed under~~  
33 ~~RCW 29.07.070~~)), the registrant shall sign the following oath:

34       "I declare that the facts on this voter registration form are true.  
35 I am a citizen of the United States, I am not presently denied my civil  
36 rights as a result of being convicted of a felony, I will have lived in



1 Washington at this address for thirty days immediately before the next  
2 election at which I vote, and I will be at least eighteen years old  
3 when I vote."

4 **Sec. 219.** RCW 29.07.090 and 1994 c 57 s 13 are each amended to  
5 read as follows:

6 SIGNATURE CARD. At the time of registering, a voter shall sign his  
7 or her name upon a signature card to be transmitted to the secretary of  
8 state. The voter shall also provide his or her first name followed by  
9 the last name or names and the name of the county in which he or she is  
10 registered. Once each week the county auditor shall transmit all such  
11 cards to the secretary of state. The secretary of state may exempt a  
12 county auditor who is providing electronic voter registration and  
13 electronic voter signature information to the secretary of state from  
14 the requirements of this section.

15 **Sec. 220.** RCW 29.08.080 and 2001 c 41 s 8 are each amended to read  
16 as follows:

17 FORMS--SUPPLIED WITHOUT COST--CITIZENSHIP. The secretary of state  
18 shall furnish registration forms necessary to carry out the  
19 registration of voters as provided by this chapter without cost to the  
20 respective counties. All voter registration forms (~~printed after~~  
21 ~~January 1, 2002,~~) must include clear and conspicuous language,  
22 designed to draw an applicant's attention, stating that the applicant  
23 must be a United States citizen in order to register to vote.

24 **Sec. 221.** RCW 29.08.040 and 1993 c 434 s 4 are each reenacted to  
25 read as follows:

26 FORMS. The county auditor shall distribute forms by which a person  
27 may register to vote by mail and cancel any previous registration in  
28 this state. The county auditor shall keep a supply of voter  
29 registration forms in his or her office at all times for political  
30 parties and others interested in assisting in voter registration, and  
31 shall make every effort to make these forms generally available to the  
32 public. The county auditor shall provide voter registration forms to  
33 city and town clerks, state offices, schools, fire stations, and any  
34 other locations considered appropriate by the auditor for extending  
35 registration opportunities to all areas of the county. After the

1 initial distribution of voter registration forms to a given location,  
2 a representative designated by the official in charge of that location  
3 shall notify the county auditor of the need for additional voter  
4 registration supplies.

5 **Subpart 2.4**

6 **Motor Voter and Registration at State Agencies**

7 **Sec. 222.** RCW 29.07.025 and 2002 c 185 s 3 are each amended to  
8 read as follows:

9 VOTER REGISTRATION IN STATE OFFICES, COLLEGES. (1) The governor,  
10 in consultation with the secretary of state, shall designate agencies  
11 to provide voter registration services in compliance with federal  
12 statutes.

13 (2) Each state agency designated (~~under RCW 29.07.420~~) shall  
14 provide voter registration services for employees and the public within  
15 each office of that agency.

16 ~~((+2))~~ (3) The secretary of state shall design and provide a  
17 standard notice informing the public of the availability of voter  
18 registration, which notice shall be posted in each state agency where  
19 such services are available.

20 ~~((+3))~~ (4) The secretary of state shall design and provide  
21 standard voter registration forms for use by these state agencies.

22 ~~((+4))~~ (5) Each institution of higher education shall put in place  
23 an active prompt on its course registration web site, or similar web  
24 site that students actively and regularly use, that, if selected, will  
25 link the student to the secretary of state's voter registration web  
26 site. The prompt must ask the student if he or she wishes to register  
27 to vote.

28 **Sec. 223.** RCW 29.07.430 and 1994 c 57 s 27 are each reenacted to  
29 read as follows:

30 REGISTRATION OR TRANSFER AT DESIGNATED AGENCIES--FORM AND  
31 APPLICATION. (1) A person may register to vote or transfer a voter  
32 registration when he or she applies for service or assistance and with  
33 each renewal, recertification, or change of address at agencies  
34 designated under RCW 29.07.420.

1 (2) A prospective applicant shall initially be offered a form  
2 adopted by the secretary of state that is designed to determine whether  
3 the person wishes to register to vote. The form must comply with all  
4 applicable state and federal statutes regarding content.

5 The form shall also contain a box that may be checked by the  
6 applicant to indicate that he or she declines to register.

7 If the person indicates an interest in registering or has made no  
8 indication as to a desire to register or not register to vote, the  
9 person shall be given a mail-in voter registration application or a  
10 prescribed agency application as provided by RCW 29.07.440.

11 **Sec. 224.** RCW 29.07.440 and 2001 c 41 s 7 are each reenacted to  
12 read as follows:

13 REGISTRATION AT DESIGNATED AGENCIES--PROCEDURES. (1) The secretary  
14 of state shall prescribe the method of voter registration for each  
15 designated agency. The agency shall use either the state voter  
16 registration by mail form with a separate declination form for the  
17 applicant to indicate that he or she declines to register at this time,  
18 or the agency may use a separate form approved for use by the secretary  
19 of state.

20 (2) The person providing service at the agency shall offer voter  
21 registration services to every client whenever he or she applies for  
22 service or assistance and with each renewal, recertification, or change  
23 of address. The person providing service shall give the applicant the  
24 same level of assistance with the voter registration application as is  
25 offered to fill out the agency's forms and documents, including  
26 information about age and citizenship requirements for voter  
27 registration.

28 (3) If an agency uses a computerized application process, it may,  
29 in consultation with the secretary of state, develop methods to capture  
30 simultaneously the information required for voter registration during  
31 a person's computerized application process.

32 (4) Each designated agency shall provide for the voter registration  
33 application forms to be collected from each agency office at least once  
34 each week. The agency shall then forward the application forms to the  
35 secretary of state each week. The secretary of state shall forward the  
36 forms to the county in which the applicant has registered to vote no

1 later than ten days after the date on which the forms were received by  
2 the secretary of state.

3 **Sec. 225.** RCW 29.07.260 and 2001 c 41 s 16 are each amended to  
4 read as follows:

5 REGISTRATION WITH DRIVER'S LICENSE APPLICATION OR RENEWAL. (1) A  
6 person may register to vote, transfer a voter registration, or change  
7 his or her name for voter registration purposes when he or she applies  
8 for or renews a driver's license or identification card under chapter  
9 46.20 RCW.

10 (2) To register to vote, transfer his or her voter registration, or  
11 change his or her name for voter registration purposes under this  
12 section, the applicant shall provide the (~~following~~:

13 ~~(a) His or her full name;~~

14 ~~(b) Whether the address in the driver's license file is the same as  
15 his or her residence for voting purposes;~~

16 ~~(c) The address of the residence for voting purposes if it is  
17 different from the address in the driver's license file;~~

18 ~~(d) His or her mailing address if it is not the same as the address  
19 in (c) of this subsection;~~

20 ~~(e) Additional information on the geographic location of that  
21 voting residence if it is only identified by route or box;~~

22 ~~(f) The last address at which he or she was registered to vote in  
23 this state;~~

24 ~~(g) A declaration that he or she is a citizen of the United States;~~  
25 and

26 ~~(h) Any other information, other than an applicant's social  
27 security number, that the secretary of state determines is necessary to  
28 establish the identity of the applicant and to prevent duplicate or  
29 fraudulent voter registrations)) information required by RCW 29.07.070  
30 (as recodified by this act).~~

31 (3) (~~The following warning shall appear in a conspicuous place on  
32 the voter registration form:~~

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

1       ~~(4) The applicant shall sign a portion of the form that can be used~~  
2 ~~as an initiative signature card for the verification of petition~~  
3 ~~signatures by the secretary of state and shall sign and attest to the~~  
4 ~~following oath:~~

5       ~~"I declare that the facts on this voter registration form are true.~~  
6 ~~I am a citizen of the United States, I am not presently denied my civil~~  
7 ~~rights as a result of being convicted of a felony, I will have lived in~~  
8 ~~Washington at this address for thirty days before the next election at~~  
9 ~~which I vote, and I will be at least eighteen years old when I vote."~~

10       ~~(5))~~ The driver licensing agent shall record that the applicant  
11 has requested to register to vote or transfer a voter registration.

12       **Sec. 226.** RCW 29.07.270 and 1994 c 57 s 22 are each amended to  
13 read as follows:

14       DUTIES OF SECRETARY OF STATE, DEPARTMENT OF LICENSING, COUNTY  
15 AUDITORS--ADDRESS CHANGES. (1) The secretary of state shall provide  
16 for the voter registration forms submitted under RCW 29.07.260 to be  
17 collected from each driver's licensing facility within five days of  
18 their completion.

19       (2) The department of licensing shall produce and transmit to the  
20 secretary of state a machine-readable file containing the following  
21 information from the records of each individual who requested a voter  
22 registration or transfer at a driver's license facility during each  
23 period for which forms are transmitted under subsection (1) of this  
24 section: The name, address, date of birth, ~~((and sex))~~ gender of the  
25 applicant ~~((and))~~, the driver's license number, the date on which the  
26 application for voter registration or transfer was submitted, and the  
27 location of the office at which the application was submitted.

28       ~~(3) ((The department of licensing shall provide information on all~~  
29 ~~persons changing their address on change of address forms submitted to~~  
30 ~~the department unless the voter has indicated that the address change~~  
31 ~~is not for voting purposes. This information will be transmitted to~~  
32 ~~the secretary of state each week in a machine readable file containing~~  
33 ~~the following information on persons changing their address: The name,~~  
34 ~~address, date of birth, and sex of the applicant, the applicant's~~  
35 ~~driver's license number, the applicant's former address, the county~~

1 code for the applicant's former address, and the date that the request  
2 for address change was received.

3 ~~(4) The secretary of state shall forward this information to the~~  
4 ~~appropriate county each week. When the information indicates that the~~  
5 ~~voter has moved within the county, the county auditor shall use the~~  
6 ~~change of address information to transfer the voter's registration and~~  
7 ~~send the voter an acknowledgement notice of the transfer. If the~~  
8 ~~information indicates that the new address is outside the voter's~~  
9 ~~original county, the county auditor shall send the voter a registration~~  
10 ~~by mail form at the voter's new address and advise the voter of the~~  
11 ~~need to reregister in the new county. The auditor shall then place the~~  
12 ~~voter on inactive status))~~ The voter registration forms from the  
13 driver's licensing facilities must be forwarded to the county in which  
14 the applicant has registered to vote no later than ten days after the  
15 date on which the forms were to be collected.

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

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

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

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

1 cancel the registrant's voter registration in that other county. If  
2 the registrant has indicated on the form that he or she is registered  
3 to vote within the county but has provided a new address within the  
4 county that is for voter registration purposes, the auditor shall  
5 transfer the voter's registration.

6 NEW SECTION. Sec. 227. ADDRESS CHANGES AT THE DEPARTMENT OF  
7 LICENSING. (1) The department of licensing shall provide information  
8 on all persons changing their address on change of address forms  
9 submitted to the department unless the voter has indicated that the  
10 address change is not for voting purposes. This information will be  
11 transmitted to the secretary of state each week in a machine-readable  
12 file containing the following information on persons changing their  
13 address: The name, address, date of birth, gender of the applicant,  
14 the applicant's driver's license number, the applicant's former  
15 address, the county code for the applicant's former address, and the  
16 date that the request for address change was received.

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

27 **Subpart 2.5**  
28 **Transfers and Name Changes**

29 **Sec. 228.** RCW 29.10.020 and 1994 c 57 s 35 are each amended to  
30 read as follows:

31 ADDRESS CHANGE WITHIN COUNTY--TRANSFER BY TELEPHONE. To maintain  
32 a valid voter registration, a registered voter who changes his or her  
33 residence from one address to another within the same county shall  
34 transfer his or her registration to the new address in one of the  
35 following ways: (1) Sending to the county auditor a signed request

1 stating the voter's present address and the address from which the  
2 voter was last registered; (2) appearing in person before the auditor  
3 and signing such a request; (3) transferring the registration in the  
4 manner provided by RCW 29.10.170; or (4) telephoning the county auditor  
5 to transfer the registration. The telephone call transferring a  
6 registration by telephone must be received by the auditor before the  
7 precinct registration files are closed to new registrations for the  
8 next primary or special or general election in which the voter  
9 participates.

10 ~~((The secretary of state may adopt rules facilitating the transfer  
11 of a registration by telephone authorized by this section.))~~

12 **Sec. 229.** RCW 29.10.040 and 1999 c 100 s 3 are each amended to  
13 read as follows:

14 REREGISTRATION ON TRANSFER TO ANOTHER COUNTY. A registered voter  
15 who changes his or her residence from one county to another county,  
16 shall be required to register anew. The voter shall sign an  
17 authorization to cancel his or her ~~((present))~~ current registration.  
18 An authorization to cancel a voter's registration must be forwarded  
19 promptly to the county auditor of the county in which the voter was  
20 previously registered. The county auditor of the county where the  
21 previous registration was made shall cancel the registration of the  
22 voter if it appears that the signatures in the registration record and  
23 on the cancellation authorization form were made by the same person.

24 **Sec. 230.** RCW 29.10.170 and 1991 c 81 s 28 are each reenacted to  
25 read as follows:

26 TRANSFER ON ELECTION DAY. (1) A person who is registered to vote  
27 in this state may transfer his or her voter registration on the day of  
28 a special or general election or primary under the following  
29 procedures:

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

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

35 The county auditor shall determine which of these two procedures



1 are to be used in the county or may determine that both procedures are  
2 to be available to voters for use in the county.

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

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

9 **Sec. 231.** RCW 29.10.051 and 1994 c 57 s 37 are each amended to  
10 read as follows:

11 VOTER NAME CHANGE. To maintain a valid voter registration, a  
12 person who changes his or her name shall notify the county auditor  
13 regarding the name change in one of the following ways: (1) By sending  
14 the auditor a notice clearly identifying the name under which he or she  
15 is registered to vote, the voter's new name, and the voter's residence.  
16 Such a notice must be signed by the voter using both this former name  
17 and the voter's new name; (2) by appearing in person before the auditor  
18 or a registration assistant and signing such a change-of-name notice;  
19 (3) by signing such a change-of-name notice at the voter's precinct  
20 polling place on the day of a primary or special or general election;  
21 (4) by properly executing a name change on a mail-in registration  
22 application or a prescribed state agency application.

23 A properly registered voter who files a change-of-name notice at  
24 the voter's precinct polling place during a primary or election and who  
25 desires to vote at that primary or election shall sign the poll book  
26 using the voter's former and new names in the same manner as is  
27 required for the change-of-name notice.

28 ~~((The secretary of state may adopt rules facilitating the  
29 implementation of this section.))~~

30 **Subpart 2.6**  
31 **Cancellations**

32 **Sec. 232.** RCW 29.10.090 and 1999 c 100 s 1 are each amended to  
33 read as follows:

34 CANCELLATION FOR DEATH. In addition to case-by-case maintenance

1 under RCW 29.10.071 and 29.10.075 and the general program of  
2 maintenance of voter registration lists under RCW 29.10.180, deceased  
3 voters will be canceled from voter registration lists as follows:

4 (1) Every month, the registrar of vital statistics of the state  
5 shall prepare a separate list of persons who resided in each county,  
6 for whom a death certificate was transmitted to the registrar and was  
7 not included on a previous list, and shall supply the appropriate list  
8 to each county auditor.

9 A county auditor shall compare this list with the registration  
10 records and cancel the registrations of deceased voters within at least  
11 forty-five days before the next primary or election held in the county  
12 after the auditor receives the list.

13 (2) In addition, the county auditor may also use newspaper obituary  
14 articles as a source of information in order to cancel a voter's  
15 registration. The auditor must verify the identity of the voter by  
16 matching the voter's date of birth or an address. The auditor shall  
17 record the date and source of the obituary in the cancellation records.

18 (3) In addition, any registered voter may sign a statement, subject  
19 to the penalties of perjury, to the effect that to his or her personal  
20 knowledge or belief another registered voter is deceased. This  
21 statement may be filed with the county auditor. Upon the receipt of  
22 such signed statement, the county auditor shall cancel the registration  
23 records concerned and so notify the secretary of state. (~~Upon receipt~~  
24 ~~of such notice, the secretary of state shall in turn cancel his or her~~  
25 ~~copy of said registration record.~~

26 ~~The secretary of state as chief elections officer shall cause such~~  
27 ~~form to be designed to carry out the provisions of this section. The~~  
28 ~~county auditors shall have such forms available for public use.~~  
29 ~~Further, each such public officer having jurisdiction of an election~~  
30 ~~shall make available a reasonable supply of such forms for the use of~~  
31 ~~the precinct election officers at each polling place on the day of an~~  
32 ~~election.))~~

33 **Sec. 233.** RCW 29.10.097 and 1994 c 57 s 42 are each reenacted to  
34 read as follows:

35 CANCELLATION FOR CONVICTION OF FELONY. Upon receiving official  
36 notice of a person's conviction of a felony in either state or federal

1 court, if the convicted person is a registered voter in the county, the  
2 county auditor shall cancel the defendant's voter registration.

3 **Sec. 234.** RCW 29.10.100 and 1999 c 298 s 8 are each amended to  
4 read as follows:

5 WEEKLY REPORT OF CANCELLATIONS AND NAME CHANGES. Once each week  
6 after the cancellation of the registration of any voter or the change  
7 of name of a voter, each county auditor shall certify all cancellations  
8 or name changes to the secretary of state. The certificate shall set  
9 forth the name of each voter whose registration has been canceled or  
10 whose name was changed, and the county, city or town, and precinct in  
11 which the voter was registered. A county may be exempted from this  
12 requirement by entering into an interlocal agreement with the secretary  
13 of state.

14 **Sec. 235.** RCW 29.10.110 and 1991 c 81 s 26 are each reenacted to  
15 read as follows:

16 RECORD OF CANCELLATIONS. Every county auditor shall carefully  
17 preserve in a separate file or list the registration records of persons  
18 whose voter registrations have been canceled as authorized under this  
19 title. The files or lists shall be kept in the manner prescribed by  
20 rule by the secretary of state. Information from such canceled  
21 registration records is available for public inspection and copying to  
22 the same extent established by RCW 29.07.130 for other voter  
23 registration information.

24 The county auditor may destroy the voter registration information  
25 and records of any person whose voter registration has been canceled  
26 for a period of two years or more.

27 **Subpart 2.7**  
28 **List Maintenance**

29 **Sec. 236.** RCW 29.10.180 and 1999 c 100 s 2 are each reenacted to  
30 read as follows:

31 GENERAL PROGRAM. In addition to the case-by-case maintenance  
32 required under RCW 29.10.071 and 29.10.075 and the canceling of  
33 registrations under RCW 29.10.090, the county auditor shall establish  
34 a general program of voter registration list maintenance. This program

1 must be a thorough review that is applied uniformly throughout the  
2 county and must be nondiscriminatory in its application. Any program  
3 established must be completed at least once every two years and not  
4 later than ninety days before the date of a primary or general election  
5 for federal office. The county may fulfill its obligations under this  
6 section in one of the following ways:

7 (1) The county auditor may enter into one or more contracts with  
8 the United States postal service, or its licensee, which permit the  
9 auditor to use postal service change-of-address information. If the  
10 auditor receives change of address information from the United States  
11 postal service that indicates that a voter has changed his or her  
12 residence address within the county, the auditor shall transfer the  
13 registration of that voter and send a confirmation notice informing the  
14 voter of the transfer to the new address. If the auditor receives  
15 postal change of address information indicating that the voter has  
16 moved out of the county, the auditor shall send a confirmation notice  
17 to the voter and advise the voter of the need to reregister in the new  
18 county. The auditor shall place the voter's registration on inactive  
19 status;

20 (2) A direct, nonforwardable, nonprofit or first-class mailing to  
21 every registered voter within the county bearing the postal endorsement  
22 "Return Service Requested." If address correction information for a  
23 voter is received by the county auditor after this mailing, the auditor  
24 shall place that voter on inactive status and shall send to the voter  
25 a confirmation notice;

26 (3) Any other method approved by the secretary of state.

27 **Sec. 237.** RCW 29.10.185 and 2001 c 41 s 10 are each amended to  
28 read as follows:

29 DUAL REGISTRATION OR VOTING DETECTION. In addition to the case-by-  
30 case cancellation procedure required in RCW 29.10.040, the county  
31 auditor, in conjunction with the office of the secretary of state,  
32 shall participate in an annual list maintenance program designed to  
33 detect persons registered in more than one county or voting in more  
34 than one county in an election. This program must be applied uniformly  
35 throughout the county and must be nondiscriminatory in its application.  
36 The program must be completed not later than thirty days before the  
37 date of a primary or general election.

1       The office of the secretary of state shall cause to be created a  
2 list of registered voters with the same date of birth and similar names  
3 who appear on two or more county lists of registered voters. The  
4 office of the secretary of state shall forward this list to each county  
5 auditor so that they may properly cancel the previous registration of  
6 voters who have subsequently registered in a different county. The  
7 county auditor of the county where the previous registration was made  
8 shall cancel the registration of the voter if it appears that the  
9 signatures in the registration and the signature provided to the new  
10 county on the voter's new registration were made by the same person.  
11 (~~The office of the secretary of state shall adopt rules to facilitate~~  
12 ~~this process.~~)

13       If a voter is suspected of voting in two or more counties in an  
14 election, the county auditors in each county shall cooperate without  
15 delay to determine the voter's county of residence. The county auditor  
16 of the county of residence of the voter suspected of voting in two or  
17 more counties shall take action under RCW 29.85.245 without delay.

18       **Sec. 238.** RCW 29.10.015 and 1994 c 57 s 34 are each reenacted to  
19 read as follows:

20       "ACTIVE," "INACTIVE" REGISTERED VOTERS. Registered voters are  
21 divided into two categories, "active" and "inactive." All registered  
22 voters are classified as active, unless assigned to inactive status by  
23 the county auditor.

24       **Sec. 239.** RCW 29.10.071 and 1994 c 57 s 38 are each reenacted to  
25 read as follows:

26       ASSIGNMENT OF VOTER TO INACTIVE STATUS--CONFIRMATION NOTICE. (1)  
27 A county auditor shall assign a registered voter to inactive status and  
28 shall send the voter a confirmation notice if any of the following  
29 documents are returned by the postal service as undeliverable:

- 30       (a) An acknowledgement of registration;  
31       (b) An acknowledgement of transfer to a new address;  
32       (c) A vote-by-mail ballot, absentee ballot, or application for a  
33 ballot;  
34       (d) Notification to a voter after precinct reassignment;  
35       (e) Notification to serve on jury duty; or

1 (f) Any other document other than a confirmation notice, required  
2 by statute, to be mailed by the county auditor to the voter.

3 (2) A county auditor shall also assign a registered voter to  
4 inactive status and shall send the voter a confirmation notice:

5 (a) Whenever change of address information received from the  
6 department of licensing under RCW 29.07.270, or by any other agency  
7 designated to provide voter registration services under RCW 29.07.420,  
8 indicates that the voter has moved to an address outside the county; or

9 (b) If the auditor receives postal change of address information  
10 under RCW 29.10.180, indicating that the voter has moved out of the  
11 county.

12 **Sec. 240.** RCW 29.10.220 and 1994 c 57 s 47 are each amended to  
13 read as follows:

14 VOTING BY INACTIVE OR CANCELED VOTERS. (1) A voter whose  
15 registration has been made inactive under this chapter and who offers  
16 to vote at an ensuing election before two federal elections have been  
17 held (~~shall~~) must be allowed to vote a regular ballot and the voter's  
18 registration restored to active status.

19 (2) A voter whose registration has been properly canceled under  
20 this chapter shall vote a (~~special~~) provisional ballot. The voter  
21 shall mark the (~~special~~) provisional ballot in secrecy, the ballot  
22 (~~shall be~~) placed in a security envelope, the security envelope  
23 placed in a (~~special~~) provisional ballot envelope, and the reasons  
24 for the use of the (~~special~~) provisional ballot noted.

25 (3) Upon receipt of such a voted (~~special~~) provisional ballot the  
26 auditor shall investigate the circumstances surrounding the original  
27 cancellation. If he or she determines that the cancellation was in  
28 error, the voter's registration (~~shall~~) must be immediately  
29 reinstated, and the voter's (~~special~~) provisional ballot (~~shall~~)  
30 must be counted. If the original cancellation was not in error, the  
31 voter (~~shall~~) must be afforded the opportunity to reregister at his  
32 or her correct address, and the voter's (~~special~~) provisional ballot  
33 (~~shall~~) must not be counted.

34 **Sec. 241.** RCW 29.10.075 and 1994 c 57 s 39 are each reenacted to  
35 read as follows:

36 RETURN OF INACTIVE VOTER TO ACTIVE STATUS--CANCELLATION OF

1 REGISTRATION. The county auditor shall return an inactive voter to  
2 active voter status if, during the period beginning on the date the  
3 voter was assigned to inactive status and ending on the day of the  
4 second general election for federal office that occurs after the date  
5 that the voter was sent a confirmation notice, the voter: Notifies the  
6 auditor of a change of address within the county; responds to a  
7 confirmation notice with information that the voter continues to reside  
8 at the registration address; votes or attempts to vote in a primary or  
9 a special or general election and resides within the county; or signs  
10 any petition authorized by statute for which the signatures are  
11 required by law to be verified by the county auditor. If the inactive  
12 voter fails to provide such a notice or take such an action within that  
13 period, the auditor shall cancel the person's voter registration.

14 **Sec. 242.** RCW 29.10.200 and 1994 c 57 s 45 are each reenacted to  
15 read as follows:

16 CONFIRMATION NOTICES--FORM, CONTENTS. Confirmation notices must be  
17 on a form prescribed by, or approved by, the secretary of state and  
18 must request that the voter confirm that he or she continues to reside  
19 at the address of record and desires to continue to use that address  
20 for voting purposes. The notice must inform the voter that if the  
21 voter does not respond to the notice and does not vote in either of the  
22 next two federal elections, his or her voter registration will be  
23 canceled.

24 **Sec. 243.** RCW 29.10.210 and 1994 c 57 s 46 are each reenacted to  
25 read as follows:

26 CONFIRMATION NOTICE--RESPONSE, AUDITOR'S ACTION. If the response  
27 to the confirmation notice provides the county auditor with the  
28 information indicating that the voter has moved within the county, the  
29 auditor shall transfer the voter's registration. If the response  
30 indicates that the voter has left the county, the auditor shall cancel  
31 the voter's registration.

32 **Sec. 244.** RCW 29.10.230 and 1999 c 100 s 5 are each amended to  
33 read as follows:

34 ELECTRONIC FILE FORMAT. The secretary of state shall create a  
35 standard electronic file format (state transfer form) to be used for

1 the transfer of voter registration information between county auditors  
2 and the office of the secretary of state. The format must be  
3 prescribed by rule and contain at least the following information:  
4 Voter name, address, date of birth, date of registration, mailing  
5 address, legislative and congressional district, and digitized  
6 signature image. Each county shall program its voter registration  
7 system to convert this data from the county's storage format into the  
8 state transfer format. ~~((Every county shall complete this work by  
9 January 1, 2000. Each county may bill reasonable programming costs  
10 incurred by it to the office of the secretary of state by June 1,  
11 2000.))~~

12 **Sec. 245.** RCW 29.04.250 and 2002 c 21 s 2 are each amended to read  
13 as follows:

14 VOTER REGISTRATION DATA BASE. (1) The office of the secretary of  
15 state shall work in conjunction with the county auditors of the state  
16 of Washington to initiate the creation of a statewide voter  
17 registration data base. The secretary of state shall identify a group  
18 of voter registration experts whose responsibility will be to work on  
19 a design for the voter registration data base system. ~~((The secretary  
20 of state shall report back the findings of this group to the  
21 legislature no later than February 1, 2003.))~~

22 (2) Among the intended goals the voter registration data base must  
23 be designed to accomplish at a minimum, are the following:

24 (a) Identify duplicate voter registrations;

25 (b) Identify suspected duplicate voters;

26 (c) Screen against the department of corrections data base to aid  
27 in the cancellation of voter registration of felons;

28 (d) Provide up-to-date signatures of voters for the purposes of  
29 initiative signature checking;

30 (e) Provide for a comparison between the voter registration data  
31 base and the department of licensing change of address data base;

32 (f) Provide online access for county auditors with the goal of real  
33 time duplicate checking and update capabilities, if sufficient funds  
34 are available;

35 (g) Provide for the cancellation of voter registration for persons  
36 who have moved to other states and surrendered their Washington state  
37 drivers' licenses;



1 (h) Ensure that each county shall maintain legal control of the  
2 registration records for that county.

3 **Subpart 2.8**

4 **Public Access to Registration Records**

5 **Sec. 246.** RCW 29.07.130 and 1994 c 57 s 17 are each amended to  
6 read as follows:

7 REGISTRATION RECORDS--ORIGINALS AND AUTOMATED FILES--PUBLIC  
8 ACCESS. (1) (~~The cards required by RCW 29.07.090 shall be kept on~~  
9 ~~file in the office of the secretary of state in such manner as will be~~  
10 ~~most convenient for, and for the sole purpose of, checking initiative~~  
11 ~~and referendum petitions. The secretary may maintain an automated file~~  
12 ~~of voter registration information for any county or counties in lieu of~~  
13 ~~filing or maintaining these voter registration cards if the automated~~  
14 ~~file includes all of the information from the cards including, but not~~  
15 ~~limited to, a retrievable facsimile of the signature of each voter of~~  
16 ~~that county or counties. Such an automated file may be used only for~~  
17 ~~the purpose authorized for the use of the cards.~~

18 (2)) The county auditor shall have custody of the voter  
19 registration records for each county. The original voter registration  
20 form(~~, as established by RCW 29.07.070, shall~~) must be filed  
21 (~~alphabetically~~) without regard to precinct and (~~shall be~~) is  
22 considered confidential and unavailable for public inspection and  
23 copying. An automated file of all registered voters (~~shall~~) must  
24 maintained pursuant to RCW 29.07.220. An auditor may maintain the  
25 automated file in lieu of filing or maintaining the original voter  
26 registration forms if the automated file includes all of the  
27 information from the original voter registration forms including, but  
28 not limited to, a retrievable facsimile of each voter's signature.

29 ((3)) (2) The following information contained in voter  
30 registration records or files regarding a voter or a group of voters is  
31 available for public inspection and copying: The voter's name, gender,  
32 voting record, date of registration, and registration number. The  
33 address and political jurisdiction of a registered voter (~~or addresses~~  
34 ~~of a group of voters~~) are available for public inspection and copying  
35 except (~~to the extent that the address of a particular voter is not so~~  
36 ~~available under RCW 42.17.310(1)(bb).~~ The political jurisdictions

1 ~~within which a voter or group of voters reside are also available for~~  
2 ~~public inspection and copying except that the political jurisdictions~~  
3 ~~within which a particular voter resides are not available for such~~  
4 ~~inspection and copying if the address of the voter is not so available~~  
5 ~~under RCW 42.17.310(1)(b))~~ as provided by chapter 40.24 RCW. No  
6 other information from voter registration records or files is available  
7 for public inspection or copying.

8 **Sec. 247.** RCW 29.04.100 and 1994 c 57 s 5 are each amended to read  
9 as follows:

10 REGISTRATION, VOTING RECORDS--AS PUBLIC RECORDS--INFORMATION  
11 FURNISHED--RESTRICTIONS, CONFIDENTIALITY. (1) In the case of voter  
12 registration records received through the department of licensing, the  
13 identity of the office at which any particular individual registered to  
14 vote is not available for public inspection and shall not be disclosed  
15 to the public. In the case of voter registration records received  
16 through an agency designated under RCW 29.07.420, the identity of the  
17 agency at which any particular individual registered to vote is not  
18 available for public inspection and shall not be disclosed to the  
19 public. Any record of a particular individual's choice not to register  
20 to vote at an office of the department of licensing or a state agency  
21 designated under RCW 29.07.420 is not available for public inspection  
22 and any information regarding such a choice by a particular individual  
23 shall not be disclosed to the public.

24 (2) All poll books or current lists of registered voters, except  
25 original voter registration forms or their images, shall be public  
26 records and be made available for inspection under such reasonable  
27 rules and regulations as the county auditor may prescribe. The county  
28 auditor shall promptly furnish current lists or mailing labels of  
29 registered voters in his or her possession, at actual reproduction  
30 cost, to any person requesting such information(~~(: PROVIDED, That~~  
31 ~~such)).~~ The lists and labels shall not be used for the purpose of  
32 mailing or delivering any advertisement or offer for any property,  
33 establishment, organization, product, or service or for the purpose of  
34 mailing or delivering any solicitation for money, services, or anything  
35 of value(~~(: PROVIDED, HOWEVER, That such)).~~ However, the lists and  
36 labels may be used for any political purpose.

1       **Sec. 248.** RCW 29.04.110 and 1994 c 57 s 6 are each amended to read  
2 as follows:

3       REGISTRATION, VOTING--FURNISHING DATA UPON REQUEST--COST--USE  
4 RESTRICTED. Except original voter registration forms or their images,  
5 a reproduction of any form of data storage, in the custody of the  
6 county auditor, including poll books and precinct lists of registered  
7 voters, magnetic tapes or discs, punched cards, and any other form of  
8 storage of such books and lists, shall at the written request of any  
9 person be furnished to him or her by the county auditor pursuant to  
10 such reasonable rules and regulations as the county auditor may  
11 prescribe, and at a cost equal to the county's actual cost in  
12 reproducing such form of data storage. Any data contained in a form of  
13 storage furnished under this section shall not be used for the purpose  
14 of mailing or delivering any advertisement or offer for any property,  
15 establishment, organization, product or service or for the purpose of  
16 mailing or delivering any solicitation for money, services or anything  
17 of value(~~(: PROVIDED, HOWEVER, That such)~~). However, the data may be  
18 used for any political purpose. Whenever the county auditor furnishes  
19 any form of data storage under this section, he or she shall also  
20 furnish the person receiving the same with a copy of RCW 29.04.120.

21       **Sec. 249.** RCW 29.04.120 and 1999 c 298 s 2 are each amended to  
22 read as follows:

23       VIOLATIONS OF RESTRICTED USE OF REGISTERED VOTER DATA--PENALTIES--  
24 LIABILITIES. (1) Any person who uses registered voter data furnished  
25 under RCW 29.04.100 or 29.04.110 for the purpose of mailing or  
26 delivering any advertisement or offer for any property, establishment,  
27 organization, product, or service or for the purpose of mailing or  
28 delivering any solicitation for money, services, or anything of value  
29 (~~(shall be)~~) is guilty of a felony punishable by imprisonment in a  
30 state correctional facility for a period of not more than five years or  
31 a fine of not more than ten thousand dollars or both such fine and  
32 imprisonment, and (~~(shall be)~~) is liable to each person provided such  
33 advertisement or solicitation, without the person's consent, for the  
34 nuisance value of such person having to dispose of it, which value is  
35 herein established at five dollars for each item mailed or delivered to  
36 the person's residence(~~(: PROVIDED, That any)~~). However, a person who  
37 mails or delivers any advertisement, offer, or solicitation for a

1 political purpose (~~(shall)~~) is not (~~(be)~~) liable under this  
2 section(~~(7)~~) unless the person is liable under subsection (2) of this  
3 section. For purposes of this subsection, two or more attached papers  
4 or sheets or two or more papers (~~(which)~~) that are enclosed in the same  
5 envelope or container or are folded together (~~(shall be deemed to~~  
6 ~~constitute)~~) are one item. Merely having a mailbox or other receptacle  
7 for mail on or near the person's residence (~~(shall)~~) is not (~~(be any)~~)  
8 an indication that (~~(such)~~) the person consented to receive the  
9 advertisement or solicitation. A class action may be brought to  
10 recover damages under this section, and the court may award a  
11 reasonable attorney's fee to any party recovering damages under this  
12 section.

13 (2) (~~(It shall be the responsibility of)~~) Each person furnished  
14 data under RCW 29.04.100 or 29.04.110 (~~(to)~~) shall take reasonable  
15 precautions designed to assure that the data is not used for the  
16 purpose of mailing or delivering any advertisement or offer for any  
17 property, establishment, organization, product, or service or for the  
18 purpose of mailing or delivering any solicitation for money, services,  
19 or anything of value(~~(: PROVIDED, That such)~~). However, the data may  
20 be used for any political purpose. Where failure to exercise due care  
21 in carrying out this responsibility results in the data being used for  
22 such purposes, then such person (~~(shall be)~~) is jointly and severally  
23 liable for damages under (~~(the provisions of)~~) subsection (1) of this  
24 section along with any other person liable under subsection (1) of this  
25 section for the misuse of such data.

26 **Sec. 250.** RCW 29.04.150 and 1993 c 441 s 1 are each reenacted to  
27 read as follows:

28 COMPUTER FILE OF REGISTERED VOTERS--COUNTY RECORDS TO SECRETARY OF  
29 STATE--REIMBURSEMENT. (1) No later than June 15th or November 15th,  
30 any political party organization or any other individual may request in  
31 writing from the secretary of state to receive a copy of the subsequent  
32 statewide computer file of registered voters compiled under subsection  
33 (2) of this section. At the time it makes this request, the political  
34 party or individual shall deposit sufficient funds with the secretary  
35 of state to pay for the cost of assembling, compiling, and distributing  
36 the computer file of registered voters and shall agree to the statutory  
37 restrictions regarding the commercial use of this data.

1 (2) Not earlier than January 1st or July 1st subsequent to the  
2 receipt of a request and deposit under subsection (1) of this section,  
3 each county auditor shall provide to the secretary of state, or a data  
4 processing agency designated by the secretary of state, a duplicate  
5 computer tape or data file of the records of the registered voters in  
6 that county, containing the information specified in RCW 29.07.220.  
7 The secretary of state shall reimburse each county for the actual cost  
8 of reproduction and mailing of the duplicate computer tape or data  
9 file.

10 **Sec. 251.** RCW 29.04.160 and 1995 c 135 s 2 are each amended to  
11 read as follows:

12 COMPUTER FILE--DUPLICATE COPY--RESTRICTIONS AND PENALTIES. As soon  
13 as any or all of the voter registration data from the counties has been  
14 received under RCW 29.04.150 and processed, the secretary of state  
15 shall provide a duplicate copy of this data to the political party  
16 organization or other individual making the request, at cost, shall  
17 provide a duplicate copy of the master statewide computer tape or data  
18 file of registered voters to the statute law committee without cost,  
19 and shall provide a duplicate copy of the master statewide computer  
20 tape or electronic data file of registered voters to the department of  
21 information services for purposes of creating the jury source list  
22 without cost. Restrictions as to the commercial use of the information  
23 on the statewide computer tape or data file of registered voters, and  
24 penalties for its misuse, shall be the same as provided in RCW  
25 29.04.110 and 29.04.120 (~~(as now existing or hereafter amended)~~).

26 **Sec. 252.** RCW 29.04.240 and 1994 c 57 s 7 are each reenacted to  
27 read as follows:

28 RECORDS CONCERNING ACCURACY AND CURRENCY OF VOTERS LISTS. Each  
29 county auditor shall maintain for at least two years and shall make  
30 available for public inspection and copying all records concerning the  
31 implementation of programs and activities conducted for the purpose of  
32 insuring the accuracy and currency of official lists of eligible  
33 voters. These records must include lists of the names and addresses of  
34 all persons to whom notices are sent and information concerning whether  
35 or not each person has responded to the notices. These records must

1 contain lists of all persons removed from the list of eligible voters  
2 and the reasons why the voters were removed.

3 **Subpart 2.9**  
4 **Challenges**

5 **Sec. 253.** RCW 29.10.125 and 2001 c 41 s 9 are each reenacted to  
6 read as follows:

7 CHALLENGE OF REGISTRATION--INITIATION. Registration of a person as  
8 a voter is presumptive evidence of his or her right to vote at any  
9 primary or election, general or special. A person's right to vote may  
10 be challenged at the polls only by a precinct judge or inspector. A  
11 challenge may be made only upon the belief or knowledge of the  
12 challenging officer that the voter is unqualified. The challenge must  
13 be supported by evidence or testimony given to the county canvassing  
14 board under RCW 29.10.127 and may not be based on unsupported  
15 allegations or allegations by anonymous third parties. The identity of  
16 the challenger, and any third person involved in the challenge, shall  
17 be public record and shall be announced at the time the challenge is  
18 made.

19 Challenges initiated by a registered voter must be filed not later  
20 than the day before any primary or election, general or special, at the  
21 office of the appropriate county auditor. A challenged voter may  
22 properly transfer or reregister until three days before the primary or  
23 election, general or special, by applying personally to the county  
24 auditor. Challenges may also be initiated by the office of the county  
25 prosecuting attorney and must be filed in the same manner as challenges  
26 initiated by a registered voter.

27 **Sec. 254.** RCW 29.10.127 and 1987 c 288 s 2 are each amended to  
28 read as follows:

29 CHALLENGE--VOTING BY PERSON CHALLENGED--BURDEN OF PROOF,  
30 PROCEDURES. When the right of a person has been challenged under RCW  
31 29.10.125 or 29.10.130(2), the challenged person shall be permitted to  
32 vote a ballot which shall be placed in a sealed envelope separate from  
33 other voted ballots. In precincts where voting machines are used, any  
34 person whose right to vote is challenged under RCW 29.10.125 or  
35 29.10.130(2) shall be furnished a paper ballot, which shall be placed

1 in a sealed envelope after being marked. Included with the challenged  
2 ballot shall be (1) an affidavit filed under RCW 29.10.130 challenging  
3 the person's right to vote or (2) an affidavit signed by the precinct  
4 election officer and any third party involved in the officer's  
5 challenge and stating the reasons the voter is being challenged. The  
6 sealed ballots of challenged voters shall be transmitted at the close  
7 of the election to the canvassing board or other authority charged by  
8 law with canvassing the returns of the particular primary or election.  
9 The county auditor shall notify the challenger and the challenged  
10 voter, by certified mail, of the time and place at which the county  
11 canvassing board will meet to rule on challenged ballots. If the  
12 challenge is made by a precinct election officer under RCW 29.10.125,  
13 the officer must appear in person before the board unless he or she has  
14 received written authorization from the canvassing board to submit an  
15 affidavit supporting the challenge. If the challenging officer has  
16 based his or her challenge upon evidence provided by a third party,  
17 that third party must appear with the challenging officer before the  
18 canvassing board, unless he or she has received written authorization  
19 from the canvassing board to submit an affidavit supporting the  
20 challenge. If the challenge is filed under RCW 29.10.130, the  
21 challenger must either appear in person before the board or submit an  
22 affidavit supporting the challenge. The challenging party must prove  
23 to the canvassing board by clear and convincing evidence that the  
24 challenged voter's registration is improper. If the challenging party  
25 fails to meet this burden, the challenged ballot shall be accepted as  
26 valid and counted. The canvassing board shall give the challenged  
27 voter the opportunity to present testimony, either in person or by  
28 affidavit, and evidence to the canvassing board before making their  
29 determination. All challenged ballots must be determined no later than  
30 the time of canvassing for the particular primary or election. The  
31 decision of the canvassing board or other authority charged by law with  
32 canvassing the returns shall be final. Challenges of absentee ballots  
33 shall be determined according to RCW (~~(29.36.100)~~) 29.36.350 (as  
34 recodified by this act).

35 **Sec. 255.** RCW 29.10.130 and 1987 c 288 s 3 are each reenacted to  
36 read as follows:

37 CHALLENGE--AFFIDAVIT--ADMINISTRATION, NOTICE OF CHALLENGE. (1) Any

1 registered voter may request that the registration of another voter be  
2 canceled if he or she believes that the voter does not meet the  
3 requirements of Article VI, section 1 of the state Constitution or that  
4 voter no longer maintains a legal voting residence at the address shown  
5 on his or her registration record. The challenger shall file with the  
6 county auditor a signed affidavit subject to the penalties of perjury,  
7 to the effect that to his or her personal knowledge and belief another  
8 registered voter does not actually reside at the address as given on  
9 his or her registration record or is otherwise not a qualified voter  
10 and that the voter in question is not protected by the provisions of  
11 Article VI, section 4, of the Constitution of the state of Washington.  
12 The person filing the challenge must furnish the address at which the  
13 challenged voter actually resides.

14 (2) Any such challenge of a voter's registration and right to vote  
15 made less than thirty days before a primary or election, special or  
16 general, shall be administered under RCW 29.10.127. The county auditor  
17 shall notify the challenged voter and the precinct election officers in  
18 the voter's precinct that a challenge has been filed, provide the name  
19 of the challenger, and instruct both the precinct election officers and  
20 the voter that, in the event the challenged voter desires to vote at  
21 the ensuing primary or election, a challenged ballot will be provided.  
22 The voter shall also be informed that the status of his or her  
23 registration and the disposition of any challenged ballot will be  
24 determined by the county canvassing board in the manner provided by RCW  
25 29.10.127. If the challenged voter does not vote at the ensuing  
26 primary or election, the challenge shall be processed in the same  
27 manner as challenges made more than thirty days prior to the primary or  
28 election under RCW 29.10.140.

29 **Sec. 256.** RCW 29.10.140 and 1987 c 288 s 4 are each reenacted to  
30 read as follows:

31 CHALLENGE--PROCEDURE BEFORE CANCELLATION. All challenges of voter  
32 registration under RCW 29.10.130 made thirty days or more before a  
33 primary or election, general or special, shall be delivered to the  
34 appropriate county auditor who shall notify the challenged voter, by  
35 certified mail, that his or her voter registration has been challenged.

36 The notification shall be mailed to the address at which the  
37 challenged voter is registered, any address provided by the challenger



1 under RCW 29.10.130, and to any other address at which the individual  
2 whose registration is being challenged is alleged to reside or at which  
3 the county auditor would reasonably expect that individual to receive  
4 notice of the challenge of his or her voter registration. Included in  
5 the notification shall be a request that the challenged voter appear at  
6 a hearing to be held within ten days of the mailing of the request, at  
7 the place, day, and hour stated, in order to determine the validity of  
8 his or her registration. The challenger shall be provided with a copy  
9 of this notification and request. If either the challenger or the  
10 challenged voter is unable to appear in person, he or she may file a  
11 reply by means of an affidavit stating under oath the reasons he or she  
12 believes the registration to be invalid or valid.

13 If both the challenger and the challenged voter file affidavits  
14 instead of appearing in person, an evaluation of the affidavits by the  
15 county auditor constitutes a hearing for the purposes of this section.

16 The county auditor shall hold a hearing at which time both parties  
17 may present their facts and arguments. After reviewing the facts and  
18 arguments, including any evidence submitted by either side, the county  
19 auditor shall rule as to the validity or invalidity of the challenged  
20 registration. His or her ruling is final subject only to a petition  
21 for judicial review by the superior court under chapter 34.05 RCW. If  
22 either party, or both parties, fail to appear at the meeting or fail to  
23 file an affidavit, the county auditor shall determine the status of the  
24 registration based on his or her evaluation of the available facts.

25 **Sec. 257.** RCW 29.10.150 and 1991 c 81 s 27 are each amended to  
26 read as follows:

27 CHALLENGE OF REGISTRATION--FORMS, AVAILABILITY. The secretary of  
28 state as chief elections officer shall cause appropriate forms to be  
29 designed to carry out the provisions of RCW 29.10.130 (~~through~~  
30 ~~29.10.160~~) and 29.10.140 (as recodified by this act). The county  
31 auditors and (~~registrars~~) registration assistants shall have such  
32 forms available. Further, a reasonable supply of such forms shall be  
33 at each polling place on the day of a primary or election, general or  
34 special.

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### PART 3

VOTING SYSTEMS

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**Sec. 301.** RCW 29.33.020 and 1990 c 59 s 17 are each reenacted to read as follows:

AUTHORITY FOR USE. At any primary or election in any county, votes may be cast, registered, recorded, or counted by means of voting systems that have been approved under RCW 29.33.041.

**Sec. 302.** RCW 29.33.041 and 1990 c 59 s 18 are each reenacted to read as follows:

INSPECTION AND TEST BY SECRETARY OF STATE--REPORT. The secretary of state shall inspect, evaluate, and publicly test all voting systems or components of voting systems that are submitted for review under RCW 29.33.051. The secretary of state shall determine whether the voting systems conform with all of the requirements of this title, the applicable rules adopted in accordance with this title, and with generally accepted safety requirements. The secretary of state shall transmit a copy of the report of any examination under this section, within thirty days after completing the examination, to the county auditor of each county.

**Sec. 303.** RCW 29.33.051 and 1990 c 59 s 19 are each reenacted to read as follows:

SUBMITTING SYSTEM OR COMPONENT FOR EXAMINATION. The manufacturer or distributor of a voting system or component of a voting system may submit that system or component to the secretary of state for examination under RCW 29.33.041.

**Sec. 304.** RCW 29.33.061 and 1990 c 59 s 20 are each reenacted to read as follows:

INDEPENDENT EVALUATION. (1) The secretary of state may rely on the results of independent design, engineering, and performance evaluations in the examination under RCW 29.33.041 if the source and scope of these independent evaluations are specified by rule.

(2) The secretary of state may contract with experts in mechanical or electrical engineering or data processing to assist in examining a voting system or component. The manufacturer or distributor who has submitted a voting system for testing under RCW 29.33.051 shall pay the secretary of state a deposit to reimburse the cost of any contract for

1 consultation under this section and for any other unrecoverable costs  
2 associated with the examination of a voting system or component by the  
3 manufacturer or distributor who submitted the voting system or  
4 component for examination.

5 **Sec. 305.** RCW 29.33.081 and 1990 c 59 s 21 are each amended to  
6 read as follows:

7 APPROVAL REQUIRED--MODIFICATION. If voting systems or devices or  
8 vote tallying systems are to be used for conducting a primary or  
9 election, only those that have the approval of the secretary of state  
10 or had been approved under this chapter or the former chapter 29.34 RCW  
11 before March 22, 1982, may be used. Any modification, change, or  
12 improvement to any voting system or component of a system that does not  
13 impair its accuracy, efficiency, or capacity or extend its function,  
14 may be made without reexamination or reapproval by the secretary of  
15 state under RCW 29.33.041.

16 **Sec. 306.** RCW 29.33.130 and 1990 c 59 s 22 are each reenacted to  
17 read as follows:

18 RESPONSIBILITY FOR MAINTENANCE AND OPERATION. The county auditor  
19 of a county in which voting systems are used is responsible for the  
20 preparation, maintenance, and operation of those systems and may employ  
21 and direct persons to perform some or all of these functions.

22 **Sec. 307.** RCW 29.33.145 and 1998 c 58 s 1 are each reenacted to  
23 read as follows:

24 ACCEPTANCE TEST. An agreement to purchase or lease a voting system  
25 or a component of a voting system is subject to that system or  
26 component passing an acceptance test sufficient to demonstrate that the  
27 equipment is the same as that certified by the secretary of state and  
28 that the equipment is operating correctly as delivered to the county.

29 **Sec. 308.** RCW 29.33.300 and 1990 c 59 s 26 are each reenacted to  
30 read as follows:

31 REQUIREMENTS OF VOTING DEVICES FOR APPROVAL. No voting device  
32 shall be approved by the secretary of state unless it:

- 33 (1) Secures to the voter secrecy in the act of voting;

1 (2) Permits the voter to vote for any person for any office and  
2 upon any measure that he or she has the right to vote for;

3 (3) Permits the voter to vote for all the candidates of one party  
4 or in part for the candidates of one or more other parties;

5 (4) Correctly registers all votes cast for any and all persons and  
6 for or against any and all measures;

7 (5) Provides that a vote for more than one candidate cannot be cast  
8 by one single operation of the voting device or vote tally system  
9 except when voting for president and vice president of the United  
10 States; and

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

14 **Sec. 309.** RCW 29.33.310 and 1990 c 59 s 27 are each reenacted to  
15 read as follows:

16 SINGLE DISTRICT AND PRECINCT ON VOTING DEVICES. The ballot on a  
17 single voting device shall not contain the names of candidates for the  
18 offices of United States representative, state senator, state  
19 representative, county council, or county commissioner in more than one  
20 district. In all general elections, primaries, and special elections,  
21 in each polling place the voting devices containing ballots for  
22 candidates from each congressional, legislative, or county council or  
23 commissioner district shall be grouped together and physically  
24 separated from those devices containing ballots for other districts.  
25 Each voter shall be directed by the precinct election officers to the  
26 correct group of voting devices.

27 **Sec. 310.** RCW 29.33.320 and 1990 c 59 s 28 are each reenacted to  
28 read as follows:

29 REQUIREMENTS OF VOTE TALLYING SYSTEMS FOR APPROVAL. The secretary  
30 of state shall not approve a vote tallying system unless it:

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

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

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

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

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

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

10 **Sec. 311.** RCW 29.33.330 and 1990 c 59 s 25 are each amended to  
11 read as follows:

12 RECORD OF BALLOT FORMAT--DEVICES SEALED. In preparing a voting  
13 device for a primary or election, a record shall be made of the ballot  
14 format installed in each device and the precinct or portion of a  
15 precinct for which that device has been prepared. Except where  
16 provided by a rule adopted under RCW ((29.04.210)) 29.04.080 (as  
17 recodified by this act), after being prepared for a primary or  
18 election, each device shall be sealed with a uniquely numbered seal and  
19 provided to the inspector of the appropriate polling place.

20 **Sec. 312.** RCW 29.33.340 and 1990 c 59 s 29 are each reenacted to  
21 read as follows:

22 ELECTION OFFICIALS--INSTRUCTION, COMPENSATION, REQUIREMENTS. (1)  
23 Before each state primary or general election at which voting systems  
24 are to be used, the county auditor shall instruct all precinct election  
25 officers appointed under RCW 29.45.010, counting center personnel, and  
26 political party observers designated under RCW 29.54.025 in the proper  
27 conduct of their duties.

28 (2) The county auditor may waive instructional requirements for  
29 precinct election officers, counting center personnel, and political  
30 party observers who have previously received instruction and who have  
31 served for a sufficient length of time to be fully qualified to perform  
32 their duties. The county auditor shall keep a record of each person  
33 who has received instruction and is qualified to serve at the  
34 subsequent primary or election.

35 (3) As compensation for the time spent in receiving instruction,  
36 each precinct election officer who qualifies and serves at the

1 subsequent primary or election shall receive an additional two hours  
2 compensation, to be paid at the same time and in the same manner as  
3 compensation is paid for services on the day of the primary or  
4 election.

5 (4) Except for the appointment of a precinct election officer to  
6 fill a vacancy under RCW 29.45.040, no inspector or judge may serve at  
7 any primary or election at which voting systems are used unless he or  
8 she has received the required instruction and is qualified to perform  
9 his or her duties in connection with the voting devices. No person may  
10 work in a counting center at a primary or election at which a vote  
11 tallying system is used unless that person has received the required  
12 instruction and is qualified to perform his or her duties in connection  
13 with the handling and tallying of ballots for that primary or election.  
14 No person may serve as a political party observer unless that person  
15 has received the required instruction and is familiar with the  
16 operation of the counting center and the vote tallying system and the  
17 procedures to be employed to verify the accuracy of the programming for  
18 that vote tallying system.

19 **Sec. 313.** RCW 29.33.350 and 1998 c 58 s 2 are each amended to read  
20 as follows:

21 VOTE TALLYING SYSTEMS--PROGRAMMING TESTS. At least three days  
22 before each state primary or general election, the office of the  
23 secretary of state shall provide for the conduct of tests of the  
24 programming for each vote tallying system to be used at that primary or  
25 general election. The test must verify that the system will correctly  
26 count the vote cast for all candidates and on all measures appearing on  
27 the ballot at that primary or general election. (~~The office of the~~  
28 ~~secretary of state shall adopt rules specifying the manner of~~  
29 ~~conducting these programming tests.~~) The test shall verify the  
30 capability of the vote tallying system to perform all of the functions  
31 that can reasonably be expected to occur during conduct of that  
32 particular primary or election. If any error is detected, the cause  
33 shall be determined and corrected, and an errorless total shall be  
34 produced before the primary or election.

35 Such tests shall be observed by at least one representative from  
36 each major political party, if representatives have been appointed by  
37 the respective major political parties and are present at the test, and

1 shall be open to candidates, the press, and the public. The county  
2 auditor and any political party observers shall certify that the test  
3 has been conducted in accordance with this section. Copies of this  
4 certification shall be retained by the secretary of state and the  
5 county auditor. All programming materials, test results, and test  
6 ballots shall be securely sealed until the day of the primary or  
7 general election.

8 **Sec. 314.** RCW 29.33.360 and 1998 c 58 s 3 are each reenacted to  
9 read as follows:

10 OPERATING PROCEDURES. The secretary of state may publish  
11 recommended procedures for the operation of the various vote tallying  
12 systems that have been approved. These procedures allow the office of  
13 the secretary of state to restrict or define the use of approved  
14 systems in elections.

15 **Sec. 315.** RCW 29.04.200 and 1998 c 245 s 26 are each amended to  
16 read as follows:

17 RECORDING REQUIREMENTS. (1) (~~Beginning January 1, 1993,~~) No  
18 voting device or machine may be used in a county with a population of  
19 seventy thousand or more to conduct a primary or general or special  
20 election in this state unless it correctly records on a separate ballot  
21 the votes cast by each elector for any person and for or against any  
22 measure and such separate ballots are available for audit purposes  
23 after such a primary or election.

24 (2) (~~Beginning January 1, 1993,~~) The secretary of state shall not  
25 certify under this title any voting device or machine for use in  
26 conducting a primary or general or special election in this state  
27 unless the device or machine correctly records on a separate ballot the  
28 votes cast by each elector for any person and for or against any  
29 measure and such separate ballots are available for audit purposes  
30 after such a primary or election.

31 (~~(3) Beginning January 1, 1993, a county with a population of less~~  
32 ~~than seventy thousand may use a voting machine or device for conducting~~  
33 ~~a primary or general or special election which does not record on a~~  
34 ~~separate ballot, available for audit purposes after the primary or~~  
35 ~~election, the votes cast by each elector for any person and for or~~  
36 ~~against any measure if:~~





1 not overly inconvenient to that voter or be provided with an  
2 alternative means of casting a ballot on the day of the primary or  
3 election. The county auditor shall make any accommodations in voting  
4 procedures necessary to allow the use of alternative polling places by  
5 elderly or (~~handicapped~~) disabled voters under this section.

6 **Sec. 403.** RCW 29.57.160 and 1999 c 298 s 20 are each amended to  
7 read as follows:

8 COSTS FOR MODIFICATIONS--ALTERNATIVES--ELECTION COSTS. (1) County  
9 auditors shall seek alternative polling places or other low-cost  
10 alternatives including, but not limited to, procedural changes and  
11 assistance from local disabled groups, service organizations, and other  
12 private sources before incurring costs for modifications under this  
13 chapter.

14 (2) The cost of those modifications to buildings or other  
15 facilities, including signs designating (~~handicapped~~) disabled  
16 accessible parking and entrances, that are necessary to permit the use  
17 of those facilities for polling places under this chapter or any  
18 procedures established under RCW 29.57.090 shall be treated as election  
19 costs and prorated under RCW 29.13.045.

20 **Sec. 404.** RCW 29.04.040 and 1999 c 158 s 3 are each amended to  
21 read as follows:

22 PRECINCTS--NUMBER OF VOTERS--DIVIDING, ALTERING, OR COMBINING--  
23 CREATING NEW PRECINCTS. (1) (~~No paper ballot precinct may contain  
24 more than three hundred active registered voters. The county  
25 legislative authority may divide, alter, or combine precincts so that,  
26 whenever practicable, over populated precincts shall contain no more  
27 than two hundred fifty active registered voters in anticipation of  
28 future growth.~~

29 ~~(2)~~) Precinct boundaries may be altered at any time as long as  
30 sufficient time exists prior to a given election for the necessary  
31 procedural steps to be honored. Except as permitted under subsection  
32 (~~(5)~~) (4) of this section, no precinct boundaries may be changed  
33 during the period starting on the thirtieth day prior to the first day  
34 for candidates to file for the primary election and ending with the day  
35 of the general election.

1       ~~((+3))~~ (2) Precincts in which voting machines or electronic voting  
2 devices are used may contain as many as nine hundred active registered  
3 voters. The number of poll-site ballot counting devices at each  
4 polling place is at the discretion of the auditor. The number of  
5 devices must be adequate to meet the expected voter turnout.

6       ~~((+4))~~ (3) On petition of twenty-five or more voters resident more  
7 than ten miles from any polling site, the county legislative authority  
8 shall establish a separate voting precinct therefor.

9       ~~((+5))~~ (4) The county auditor shall temporarily adjust precinct  
10 boundaries when a city or town annexes unincorporated territory to the  
11 city or town, or whenever unincorporated territory is incorporated as  
12 a city or town. The adjustment ~~((shall))~~ must be made as soon as  
13 possible after the approval of the annexation or incorporation. The  
14 temporary adjustment ~~((shall))~~ must be limited to the minimum changes  
15 necessary to accommodate the addition of the territory to the city or  
16 town, or to establish the eligible voters within the boundaries of the  
17 new city or town, and ~~((shall))~~ remains in effect only until precinct  
18 boundary modifications reflecting the annexation or incorporation are  
19 adopted by the county legislative authority.

20       The county legislative authority may establish by ordinance a  
21 limitation on the maximum number of active registered voters in each  
22 precinct within its jurisdiction. The limitation may be different for  
23 precincts based upon the method of voting used for such precincts and  
24 the number may be less than the number established by law, but in no  
25 case may the number exceed that authorized by law.

26       The county legislative authority of each county in the state  
27 hereafter formed shall, at their first session, divide their respective  
28 counties into election precincts ~~((with two hundred fifty active~~  
29 ~~registered voters or less))~~ and establish the boundaries of the  
30 precincts. The county auditor shall thereupon designate the voting  
31 place for each such precinct or whether the precinct is a vote by mail  
32 precinct.

33       ~~((+6))~~ (5) In determining the number of active registered voters  
34 for the purposes of this section, persons who are ongoing absentee  
35 voters under RCW ~~((29.36.013))~~ 29.36.240 (as recodified by this act)  
36 shall not be counted. Nothing in this subsection may be construed as  
37 altering the vote tallying requirements of RCW 29.62.090.

1       **Sec. 405.** RCW 29.04.050 and 1999 c 298 s 1 are each amended to  
2 read as follows:

3       PRECINCTS--RESTRICTIONS ON PRECINCT BOUNDARIES--DESIGNATED BY  
4 NUMBER. (1) Every voting precinct must be wholly within a single  
5 congressional district, a single legislative district, ~~((and))~~ a single  
6 district of a county legislative authority, and, if applicable, a  
7 single city.

8       (2) Every voting precinct shall be composed, as nearly as  
9 practicable, of contiguous and compact areas.

10       (3) Except as provided in this subsection, changes to the  
11 boundaries of any precinct shall follow visible, physical features  
12 delineated on the most current maps provided by the United States  
13 census bureau. A change need not follow such visible, physical  
14 features if (a) it is necessitated by an annexation or incorporation  
15 and the proposed precinct boundary is identical to an exterior boundary  
16 of the annexed or incorporated area which does not follow a visible,  
17 physical feature; or (b) doing so would substantially impair election  
18 administration in the involved area.

19       (4) After a change to precinct boundaries is adopted by the county  
20 legislative authority, if the change does not follow visible physical  
21 features, the county auditor shall send to the secretary of state ~~((a))~~  
22 an electronic or paper copy of the ~~((legal))~~ description ~~((and))~~,  
23 a map or maps of the changes, ~~((, if all or part of the changes do not~~  
24 ~~follow visible, physical features,))~~ a statement of the applicable  
25 exception under subsection (3) of this section. For boundary changes  
26 made pursuant to subsection (3)(b) of this section, the auditor shall  
27 include a statement of the reasons why following visible, physical  
28 features would have substantially impaired election administration.

29       (5) Every voting precinct within each county shall be designated by  
30 number for the purpose of preparation of maps and the tabulation of  
31 population for apportionment purposes. These precincts may be  
32 identified with names or other numbers for other election purposes.

33       (6) After a change to precinct boundaries in a city or town, the  
34 county auditor shall send one copy of the map or maps delineating the  
35 new precinct boundaries within that city or town to the city or town  
36 clerk.

37       (7) Precinct maps are public records and shall be available for

1 inspection by the public during normal office hours in the offices  
2 where they are kept. Copies shall be made available to the public for  
3 a fee necessary to cover the cost of reproduction.

4 **Sec. 406.** RCW 29.04.055 and 2001 c 241 s 22 are each reenacted to  
5 read as follows:

6 COMBINING OR DIVIDING PRECINCTS, ELECTION BOARDS. At any special  
7 election or primary, the county auditor may combine, unite, or divide  
8 precincts and may combine or unite election boards for the purpose of  
9 holding such election. At any general election, the county auditor may  
10 combine or unite election boards for the purpose of holding such  
11 election, but shall report all election returns by individual precinct.

12 **Sec. 407.** RCW 29.48.005 and 1965 c 9 s 29.48.005 are each amended  
13 to read as follows:

14 POLLING PLACE--MAY BE LOCATED OUTSIDE PRECINCT. Polling places for  
15 the various voting precincts may be located outside the boundaries of  
16 the respective precincts, when the officers conducting the primary or  
17 election shall deem it feasible(~~(:—PROVIDED, That)~~). However, such  
18 polling places (~~(shall)~~) must be located within a reasonable distance  
19 of their respective precincts. The purpose of this section is to  
20 furnish adequate voting facilities at readily accessible and  
21 identifiable locations, and nothing (~~(herein shall be construed as~~  
22 ~~affecting)~~) in this section affects the number, method of selection, or  
23 duties of precinct election officers.

24 **Sec. 408.** RCW 29.48.007 and 1985 c 205 s 14 are each reenacted to  
25 read as follows:

26 POLLING PLACE--USE OF COUNTY, MUNICIPALITY, OR SPECIAL DISTRICT  
27 FACILITIES. The legislative authority of each county, municipality,  
28 and special district shall, at the request of the county auditor, make  
29 their facilities available for use as polling places for primaries,  
30 special elections, and state general elections held within that county.  
31 When, in the judgment of the county auditor, a facility of a county,  
32 municipality, or special district would provide a location for a  
33 polling place that would best satisfy the requirements of chapter 29.57  
34 RCW, he or she shall notify the legislative authority of that county,  
35 municipality, or district of the number of facilities needed for use as

1 polling places. Payment for polling places and any other conditions or  
2 obligations regarding these polling places shall be provided for by  
3 contract between the county auditor and the county, municipality, or  
4 district.

5 **Sec. 409.** RCW 29.57.040 and 1979 ex.s. c 64 s 4 are each reenacted  
6 to read as follows:

7 PUBLIC BUILDINGS USED AS POLLING PLACES--CONDITIONS. Each state  
8 agency and entity of local government shall permit the use of any of  
9 its buildings and the most suitable locations therein as polling places  
10 when required by a county auditor to provide accessible places in each  
11 precinct.

12 **Sec. 410.** RCW 29.57.070 and 1999 c 298 s 14 are each reenacted to  
13 read as follows:

14 INACCESSIBLE POLLING PLACES--AUDITORS' LIST. No later than April  
15 1st of each even-numbered year, each county auditor shall submit to the  
16 secretary of state a list showing the number of polling places in the  
17 county and specifying any that have been found inaccessible. The  
18 auditor shall indicate the reasons for inaccessibility, and what  
19 efforts have been made pursuant to this chapter to locate alternative  
20 polling places or to make the existing facilities temporarily  
21 accessible.

22 If a county auditor's list shows, for two consecutive reporting  
23 periods, that no polling places have been found inaccessible, the  
24 auditor need not submit further reports unless the secretary of state  
25 specifically reinstates the requirement for that county. Notice of  
26 reinstatement must be in writing and delivered at least sixty days  
27 before the reporting date.

28 **Sec. 411.** RCW 29.57.100 and 1999 c 298 s 16 are each reenacted to  
29 read as follows:

30 POLLING PLACES--ACCESSIBILITY REQUIRED, EXCEPTIONS. Each polling  
31 place must be accessible unless:

32 (1) The county auditor has determined that it is inaccessible, that  
33 no alternative accessible polling place is available, that no temporary  
34 modification of that polling place or any alternative polling place is

1 possible, and that the county auditor has complied with the procedures  
2 established under RCW 29.57.090; or

3 (2) The secretary of state determines that a state of emergency  
4 exists that would otherwise interfere with the efficient administration  
5 of the primary or election.

6 **Sec. 412.** RCW 29.57.050 and 1979 ex.s. c 64 s 5 are each reenacted  
7 to read as follows:

8 REVIEW BY AND RECOMMENDATIONS OF DISABLED VOTERS. County auditors  
9 shall, as feasible, solicit and use the assistance of disabled voters  
10 in reviewing sites and recommending inexpensive remedies to improve  
11 accessibility.

12 **Sec. 413.** RCW 29.57.150 and 1999 c 298 s 19 are each reenacted to  
13 read as follows:

14 COUNTY AUDITORS--NOTICE OF ACCESSIBILITY. Each county auditor  
15 shall include a notice of the accessibility of polling places in the  
16 notice of election published under RCW 29.27.030 and 29.27.080.

17 **PART 5**

18 **QUALIFICATIONS, TERMS, AND REQUIREMENTS FOR ELECTIVE OFFICES**

19 **Subpart 5.1**

20 **General**

21 **Sec. 501.** RCW 29.27.090 and 1965 c 9 s 29.27.090 are each amended  
22 to read as follows:

23 PRESERVATION OF DECLARATION OF CANDIDACY. The secretary of  
24 state(~~( )~~) and each county auditor (~~(of each county, and clerks of the~~  
25 ~~several municipal corporations)~~) shall preserve all (~~(certificates of~~  
26 ~~nomination)~~) declarations of candidacy filed in their respective  
27 offices for six months. All (~~(certificates shall)~~) declarations of  
28 candidacy must be open to public inspection (~~(under proper regulations~~  
29 ~~made by the officer with whom they are filed)~~).

30 **Sec. 502.** RCW 29.15.025 and 1999 c 298 s 9 are each amended to  
31 read as follows:

32 QUALIFICATIONS FOR FILING, APPEARANCE ON BALLOT. (1) A person

1 filing a declaration (~~(and affidavit)~~) of candidacy for an office  
2 shall, at the time of filing, be a registered voter and possess the  
3 qualifications specified by law for persons who may be elected to the  
4 office.

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

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

24 (~~(+3)~~) (4) This section does not apply to the office of a member  
25 of the United States Congress.

26 **Sec. 503.** RCW 29.13.050 and 1979 ex.s. c 126 s 14 are each amended  
27 to read as follows:

28 LOCAL OFFICERS, BEGINNING OF TERMS--ORGANIZATION OF DISTRICT BOARDS  
29 OF DIRECTORS. The term of every city, town, and district officer  
30 elected to office on the first Tuesday following the first Monday in  
31 November of the odd-numbered years (~~(shall)~~) begins in accordance with  
32 RCW 29.04.170(~~(: PROVIDED, That any)~~). However, a person elected to  
33 less than a full term shall assume office as soon as the election  
34 returns have been certified and he or she is qualified in accordance  
35 with RCW 29.01.135.

36 Each board of directors of every district shall be organized at the

1 first meeting held after one or more newly elected directors take  
2 office.

3 **Sec. 504.** RCW 29.04.170 and 1999 c 298 s 3 are each amended to  
4 read as follows:

5 LOCAL ELECTED OFFICIALS, COMMENCEMENT OF TERM OF OFFICE--PURPOSE,  
6 1979 EX.S. C 126. (1) The legislature finds that certain laws are in  
7 conflict governing the (~~election~~) assumption of office of various  
8 local officials. The purpose of (~~chapter 126, Laws of 1979 ex.~~  
9 ~~sess.~~) this section is to provide a common date for the assumption of  
10 office for all the elected officials of counties, cities, towns, and  
11 special purpose districts other than school districts where the  
12 ownership of property is not a prerequisite of voting. A person  
13 elected to the office of school director begins his or her term of  
14 office at the first official meeting of the board of directors after  
15 certification of the election results. It is also the purpose of  
16 (~~chapter 126, Laws of 1979 ex. sess.~~) this section to remove these  
17 conflicts and delete old statutory language concerning such elections  
18 which is no longer necessary.

19 (2) For elective offices of counties, cities, towns, and special  
20 purpose districts other than school districts where the ownership of  
21 property is not a prerequisite of voting, the term of incumbents  
22 (~~shall~~) ends and the term of successors (~~shall~~) begins after the  
23 successor is elected and qualified, and the term (~~shall~~) commences  
24 immediately after December 31st following the election, except as  
25 follows:

26 (a) Where the term of office varies from this standard according to  
27 statute; and

28 (b) If the election results have not been certified prior to  
29 January 1st after the election, in which event the time of commencement  
30 for the new term (~~shall~~) occurs when the successor becomes qualified  
31 in accordance with RCW 29.01.135.

32 (3) For elective offices governed by this section, the oath of  
33 office (~~shall~~) must be taken as the last step of qualification as  
34 defined in RCW 29.01.135 but may be taken either:

35 (a) Up to ten days prior to the scheduled date of assuming office;  
36 or



1 (b) At the last regular meeting of the governing body of the  
2 applicable county, city, town, or special district held before the  
3 winner is to assume office.

4 **Subpart 5.2**

5 **Minor Party and Independent Candidate Nominating**

6 **Sec. 505.** RCW 29.24.010 and 1977 ex.s. c 329 s 1 are each amended  
7 to read as follows:

8 DEFINITIONS--"CONVENTION" AND "ELECTION JURISDICTION." A  
9 "convention" for the purposes of this chapter, is an organized  
10 assemblage of registered voters representing an independent candidate  
11 or candidates or a new or minor political party, organization, or  
12 principle. As used in this chapter, the term "election jurisdiction"  
13 shall mean the state or any political subdivision or jurisdiction of  
14 the state from which partisan officials are elected. This term shall  
15 include county commissioner districts or council districts for members  
16 of a county legislative authority, counties for county officials who  
17 are nominated and elected on a county-wide basis, legislative districts  
18 for members of the legislature, congressional districts for members of  
19 Congress, and the state for president and vice president, members of  
20 the United States senate, and state officials who are elected on a  
21 statewide basis.

22 **Sec. 506.** RCW 29.24.020 and 2001 c 30 s 2 are each reenacted to  
23 read as follows:

24 NOMINATION BY CONVENTION OR WRITE-IN--DATES--SPECIAL FILING  
25 PERIOD. (1) Any nomination of a candidate for partisan public office  
26 by other than a major political party may be made only: (a) In a  
27 convention held not earlier than the last Saturday in June and not  
28 later than the first Saturday in July or during any of the seven days  
29 immediately preceding the first day for filing declarations of  
30 candidacy as fixed in accordance with RCW 29.68.080; (b) as provided by  
31 RCW 29.62.180; or (c) as otherwise provided in this section.

32 (2) Nominations of candidates for president and vice president of  
33 the United States other than by a major political party may be made  
34 either at a convention conducted under subsection (1) of this section,  
35 or at a similar convention taking place not earlier than the first

1 Sunday in July and not later than seventy days before the general  
2 election. Conventions held during this time period may not nominate  
3 candidates for any public office other than president and vice  
4 president of the United States, except as provided in subsection (3) of  
5 this section.

6 (3) If a special filing period for a partisan office is opened  
7 under RCW 29.15.230, candidates of minor political parties and  
8 independent candidates may file for office during that special filing  
9 period. The names of those candidates may not appear on the ballot  
10 unless they are nominated by convention held no later than five days  
11 after the close of the special filing period and a certificate of  
12 nomination is filed with the filing officer no later than three days  
13 after the convention. The requirements of RCW 29.24.025 do not apply  
14 to such a convention. If primary ballots or a voters' pamphlet are  
15 ordered to be printed before the deadline for submitting the  
16 certificate of nomination and the certificate has not been filed, then  
17 the candidate's name will be included but may not appear on the general  
18 election ballot unless the certificate is timely filed and the  
19 candidate otherwise qualifies to appear on that ballot.

20 (4) A minor political party may hold more than one convention but  
21 in no case shall any such party nominate more than one candidate for  
22 any one partisan public office or position. For the purpose of  
23 nominating candidates for the offices of president and vice president,  
24 United States senator, or a statewide office, a minor party or  
25 independent candidate holding multiple conventions may add together the  
26 number of signatures of different individuals from each convention  
27 obtained in support of the candidate or candidates in order to obtain  
28 the number required by RCW 29.24.030. For all other offices for which  
29 nominations are made, signatures of the requisite number of registered  
30 voters must be obtained at a single convention.

31 **Sec. 507.** RCW 29.24.025 and 1989 c 215 s 1 are each reenacted to  
32 read as follows:

33 NOTICE OF CONVENTION. Each minor party or independent candidate  
34 must publish a notice in a newspaper of general circulation within the  
35 county in which the party or the candidate intends to hold a  
36 convention. The notice must appear at least ten days before the

1 convention is to be held, and shall state the date, time, and place of  
2 the convention. Additionally, it shall include the mailing address of  
3 the person or organization sponsoring the convention.

4 **Sec. 508.** RCW 29.24.030 and 1989 c 215 s 3 are each reenacted to  
5 read as follows:

6 REQUIREMENTS FOR VALIDITY OF CONVENTION. (1) To be valid, a  
7 convention must be attended by at least twenty-five registered voters.

8 (2) In order to nominate candidates for the offices of president  
9 and vice president of the United States, United States senator, or any  
10 statewide office, a nominating convention shall obtain and submit to  
11 the filing officer the signatures of at least two hundred registered  
12 voters of the state of Washington. In order to nominate candidates for  
13 any other office, a nominating convention shall obtain and submit to  
14 the filing officer the signatures of twenty-five persons who are  
15 registered to vote in the jurisdiction of the office for which the  
16 nominations are made.

17 **Sec. 509.** RCW 29.24.035 and 2001 c 64 s 1 are each reenacted to  
18 read as follows:

19 NOMINATING PETITION--REQUIREMENTS. A nominating petition submitted  
20 under this chapter shall clearly identify the name of the minor party  
21 or independent candidate convention as it appears on the certificate of  
22 nomination as required by RCW 29.24.040(3). The petition shall also  
23 contain a statement that the person signing the petition is a  
24 registered voter of the state of Washington and shall have a space for  
25 the voter to sign his or her name and to print his or her name and  
26 address. No person may sign more than one nominating petition under  
27 this chapter for an office for a primary or election.

28 **Sec. 510.** RCW 29.24.040 and 1989 c 215 s 4 are each amended to  
29 read as follows:

30 CERTIFICATE OF NOMINATION--REQUISITES. A certificate evidencing  
31 nominations made at a convention must:

32 (1) Be in writing;

33 (2) Contain the name of each person nominated, his or her  
34 residence, and the office for which he or she is named, and if the

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

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

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

7 (5) Be accompanied by a nominating petition or petitions bearing  
8 the signatures and addresses of registered voters equal in number to  
9 that required by RCW 29.24.030;

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

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

21 **Sec. 511.** RCW 29.24.045 and 2001 c 30 s 4 are each reenacted to  
22 read as follows:

23 MULTIPLE CERTIFICATES OF NOMINATION. (1) If two or more valid  
24 certificates of nomination are filed purporting to nominate different  
25 candidates for the same position using the same party name, the filing  
26 officer must give effect to both certificates. If conflicting claims  
27 to the party name are not resolved either by mutual agreement or by a  
28 judicial determination of the right to the name, the candidates must be  
29 treated as independent candidates. Disputes over the right to the name  
30 must not be permitted to delay the printing of either ballots or a  
31 voters' pamphlet. Other candidates nominated by the same conventions  
32 may continue to use the partisan affiliation unless a court of  
33 competent jurisdiction directs otherwise.

34 (2) A person affected may petition the superior court of the county  
35 in which the filing officer is located for a judicial determination of  
36 the right to the name of a minor political party, either before or  
37 after documents are filed with the filing officer. The court shall

1 resolve the conflict between competing claims to the use of the same  
2 party name according to the following principles: (a) The prior  
3 established public use of the name during previous elections by a party  
4 composed of or led by the same individuals or individuals in documented  
5 succession; (b) prior established public use of the name earlier in the  
6 same election cycle; (c) the nomination of a more complete slate of  
7 candidates for a number of offices or in a number of different regions  
8 of the state; (d) documented affiliation with a national or statewide  
9 party organization with an established use of the name; (e) the first  
10 date of filing of a certificate of nomination; and (f) such other  
11 indicia of an established right to use of the name as the court may  
12 deem relevant. If more than one filing officer is involved, and one of  
13 them is the secretary of state, the petition must be filed in the  
14 superior court for Thurston county. Upon resolving the conflict  
15 between competing claims, the court may also address any ballot  
16 designation for the candidate who does not prevail.

17 **Sec. 512.** RCW 29.24.055 and 1989 c 215 s 6 are each reenacted to  
18 read as follows:

19 PRESIDENTIAL ELECTORS--SELECTION AT CONVENTION. A minor political  
20 party or independent candidate convention nominating candidates for the  
21 offices of president and vice president of the United States shall, not  
22 later than ten days after the adjournment of the convention, submit a  
23 list of presidential electors to the office of the secretary of state.  
24 The list shall contain the names and the mailing addresses of the  
25 persons selected and shall be verified by the presiding officer of the  
26 convention.

27 **Sec. 513.** RCW 29.24.060 and 1989 c 215 s 7 are each reenacted to  
28 read as follows:

29 CERTIFICATE OF NOMINATION--CHECKING SIGNATURES--APPEAL OF  
30 DETERMINATION. Upon the receipt of the certificate of nomination, the  
31 officer with whom it is filed shall check the certificate and canvass  
32 the signatures on the accompanying nominating petitions to determine if  
33 the requirements of RCW 29.24.030 have been met. Once the  
34 determination has been made, the filing officer shall notify the  
35 presiding officer of the convention and any other persons requesting  
36 the notification, of his or her decision regarding the sufficiency of

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

8 **Sec. 514.** RCW 29.24.070 and 1990 c 59 s 103 are each amended to  
9 read as follows:

10 DECLARATIONS OF CANDIDACY REQUIRED, EXCEPTIONS--PAYMENT OF FEES.  
11 Not later than the Friday immediately preceding the first day for  
12 candidates to file, the secretary of state shall notify the county  
13 auditors of the names and designations of all minor party and  
14 independent candidates who have filed valid convention certificates and  
15 nominating petitions with that office. Except for the offices of  
16 president and vice president, persons nominated under this chapter  
17 shall file declarations of candidacy as provided by RCW 29.15.010 and  
18 29.15.030. The name of a candidate nominated at a convention shall not  
19 be printed upon the primary ballot unless he or she pays the fee  
20 required by law to be paid by candidates for the same office to be  
21 nominated at a primary.

22 **PART 6**  
23 **FILING FOR OFFICE**

24 **Subpart 6.1**  
25 **General**

26 **Sec. 601.** RCW 29.15.130 and 1990 c 59 s 79 are each reenacted to  
27 read as follows:

28 POSITION NUMBERS DESIGNATED, WHEN--EFFECT. Not less than thirty  
29 days before the first day for filing declarations of candidacy under  
30 RCW 29.15.020 for legislative, judicial, county, city, town, or  
31 district office, where more than one position with the same name,  
32 district number, or title will be voted upon at the succeeding  
33 election, the filing officer shall designate the positions to be filled  
34 by number.

1           The positions so designated shall be dealt with as separate offices  
2 for all election purposes. With the exception of the office of justice  
3 of the supreme court, the position numbers shall be assigned, whenever  
4 possible, to reflect the position numbers that were used to designate  
5 the same positions at the last full-term election for those offices.

6           **Sec. 602.** RCW 29.15.140 and 1990 c 59 s 92 are each reenacted to  
7 read as follows:

8           DESIGNATION OF SHORT TERMS, FULL TERMS, AND UNEXPIRED TERMS--FILING  
9 DECLARATIONS--ELECTION TO BOTH SHORT AND FULL TERMS. If at the same  
10 election there are short terms or full terms and unexpired terms of  
11 office to be filled, the filing officer shall distinguish them and  
12 designate the short term, the full term, and the unexpired term, as  
13 such, or by use of the words "short term," "unexpired two year term,"  
14 or "four year term," as the case may be.

15           In filing the declaration of candidacy in such cases the candidate  
16 shall specify that the candidacy is for the short term, the full term,  
17 or the unexpired term. When both a short term and a full term for the  
18 same position are scheduled to be voted upon, or when a short term is  
19 created after the close of the filing period, a single declaration of  
20 candidacy accompanied by a single filing fee shall be construed as a  
21 filing for both the short term and the full term and the name of such  
22 candidate shall appear upon the ballot for the position sought with the  
23 designation "short term and full term." The candidate elected to both  
24 such terms shall be sworn into and assume office for the short term as  
25 soon as the election returns have been certified and shall again be  
26 sworn into office on the second Monday in January following the  
27 election to assume office for the full term.

28           **Sec. 603.** RCW 29.15.010 and 2002 c 140 s 1 are each amended to  
29 read as follows:

30           DECLARATION OF CANDIDACY. A candidate who desires to have his or  
31 her name printed on the ballot for election to an office other than  
32 president of the United States, vice president of the United States, or  
33 an office for which ownership of property is a prerequisite to voting  
34 shall complete and file a declaration (~~and affidavit~~) of candidacy.  
35 The secretary of state shall adopt, by rule, a declaration of candidacy

1 form for the office of precinct committee officer and a separate  
2 standard form for candidates for all other offices filing under this  
3 chapter. Included on the standard form shall be:

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

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

9 (3) A place for the candidate to indicate a party designation, if  
10 applicable;

11 (4) A place for the candidate to indicate the amount of the filing  
12 fee accompanying the declaration of candidacy or for the candidate to  
13 indicate that he or she is filing a nominating petition in lieu of the  
14 filing fee under RCW 29.15.050;

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

20 In the case of a declaration of candidacy filed electronically,  
21 submission of the form constitutes agreement that the information  
22 provided with the filing is true, that he or she will support the  
23 Constitutions and laws of the United States and the state of  
24 Washington, and that he or she agrees to electronic payment of the  
25 filing fee established in RCW 29.15.050.

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

28 **Sec. 604.** RCW 29.15.044 and 2002 c 140 s 2 are each reenacted to  
29 read as follows:

30 ELECTRONIC FILING--AUTHORIZED--PERIOD. A candidate may file his or  
31 her declaration of candidacy for an office by electronic means on a  
32 system specifically designed and authorized by a filing officer to  
33 accept filings.

34 (1) Filings that are received electronically must capture all  
35 information specified in RCW 29.15.010 (1) through (4).

36 (2) Electronic filing may begin at 9:00 a.m. the fourth Monday in  
37 July and continue through 4:00 p.m. the following Friday.



1 (3) In case of special filing periods established in this chapter,  
2 electronic filings may be accepted beginning at 9:00 a.m. on the first  
3 day of the special filing period through 4:00 p.m. the last day of the  
4 special filing period.

5 **Sec. 605.** RCW 29.15.020 and 1990 c 59 s 81 are each reenacted to  
6 read as follows:

7 DECLARATION OF CANDIDACY--CERTAIN OFFICES, WHEN FILED. Except  
8 where otherwise provided by this title, declarations of candidacy for  
9 the following offices shall be filed during regular business hours with  
10 the filing officer no earlier than the fourth Monday in July and no  
11 later than the following Friday in the year in which the office is  
12 scheduled to be voted upon:

13 (1) Offices that are scheduled to be voted upon for full terms or  
14 both full terms and short terms at, or in conjunction with, a state  
15 general election; and

16 (2) Offices where a vacancy, other than a short term, exists that  
17 has not been filled by election and for which an election to fill the  
18 vacancy is required in conjunction with the next state general  
19 election.

20 This section supersedes all other statutes that provide for a  
21 different filing period for these offices.

22 **Sec. 606.** RCW 29.15.090 and 1990 c 59 s 83 are each amended to  
23 read as follows:

24 CANDIDATES' NAMES--NICKNAMES. When filing for office, a candidate  
25 may indicate the manner in which he or she desires his or her name to  
26 be printed on the ballot. For filing purposes, a candidate may use a  
27 nickname by which he or she is commonly known as his or her first name,  
28 but the last name shall be the name under which he or she is registered  
29 to vote.

30 No candidate may:

31 (1) Use a nickname that denotes present or past occupation,  
32 including military rank;

33 (2) Use a nickname that denotes the candidate's position on issues  
34 or political affiliation;

35 (3) Use a nickname designed intentionally to mislead voters.

1       (~~The secretary of state shall adopt rules to resolve those~~  
2 ~~instances when candidates have filed for the same office whose last~~  
3 ~~names are so similar in sound or spelling as to be confusing to the~~  
4 ~~voter.~~)

5       **Sec. 607.** RCW 29.15.030 and 2002 c 140 s 4 are each amended to  
6 read as follows:

7       DECLARATION OF CANDIDACY--WHERE FILED--COPY TO PUBLIC DISCLOSURE  
8 COMMISSION.       Declarations of candidacy shall be filed with the  
9 following filing officers:

10       (1) The secretary of state for declarations of candidacy for  
11 statewide offices, United States senate, and United States house of  
12 representatives;

13       (2) The secretary of state for declarations of candidacy for the  
14 state legislature, the court of appeals, and the superior court when  
15 voters from a district comprising more than one county vote upon the  
16 candidates;

17       (3) The county auditor for all other offices. For any nonpartisan  
18 office, other than judicial offices and school director in joint  
19 districts, where voters from a district comprising more than one county  
20 vote upon the candidates, a declaration of candidacy shall be filed  
21 with the county auditor of the county in which a majority of the  
22 registered voters of the district reside. For school directors in  
23 joint school districts, the declaration of candidacy shall be filed  
24 with the county auditor of the county designated by the state board of  
25 education as the county to which the joint school district is  
26 considered as belonging under RCW 28A.323.040.

27       Each official with whom declarations of candidacy are filed under  
28 this section, within one business day following the closing of the  
29 applicable filing period, shall transmit to the public disclosure  
30 commission the information required in RCW 29.15.010 (1) through (4)  
31 for each declaration of candidacy filed in his or her office during  
32 such filing period or a list containing the name of each candidate who  
33 files such a declaration in his or her office during such filing period  
34 together with a precise identification of the position sought by each  
35 such candidate and the date on which each such declaration was filed.  
36 Such official, within three days following his or her receipt of any

1 letter withdrawing a person's name as a candidate, shall also forward  
2 a copy of such withdrawal letter to the public disclosure commission.

3 **Sec. 608.** RCW 29.15.040 and 1987 c 110 s 2 are each reenacted to  
4 read as follows:

5 DECLARATION--FILING BY MAIL. Any candidate may mail his or her  
6 declaration of candidacy for an office to the filing officer. Such  
7 declarations of candidacy shall be processed by the filing officer in  
8 the following manner:

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

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

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

28 **Sec. 609.** RCW 29.15.050 and 1999 c 298 s 10 are each reenacted to  
29 read as follows:

30 DECLARATION--FEES AND PETITIONS. A filing fee of one dollar shall  
31 accompany each declaration of candidacy for precinct committee officer;  
32 a filing fee of ten dollars shall accompany the declaration of  
33 candidacy for any office with a fixed annual salary of one thousand  
34 dollars or less; a filing fee equal to one percent of the annual salary  
35 of the office at the time of filing shall accompany the declaration of  
36 candidacy for any office with a fixed annual salary of more than one

1 thousand dollars per annum. No filing fee need accompany a declaration  
2 of candidacy for any office for which compensation is on a per diem or  
3 per meeting attended basis.

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

11 When the candidacy is for:

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

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

19 **Sec. 610.** RCW 29.15.060 and 1984 c 142 s 5 are each amended to  
20 read as follows:

21 NOMINATING PETITION--CONTENTS. The nominating petition authorized  
22 by RCW 29.15.050 shall be printed on sheets of uniform color and size,  
23 shall contain no more than twenty numbered lines, and ~~((shall))~~ must be  
24 in substantially the following form:

25 ((WARNING  
26 ~~Any person who signs this petition with any other than his or~~  
27 ~~her true name, or who knowingly (1) signs more than one~~  
28 ~~petition for any single candidate, (2) signs the petition when~~  
29 ~~he or she is not a legal voter, or (3) makes any false~~  
30 ~~statement may be subject to fine, or imprisonment, or both.))  
31 The warning prescribed by RCW 29.79.115; followed by:~~

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



1       **Sec. 612.** RCW 29.15.125 and 1994 c 223 s 7 are each reenacted to  
2 read as follows:

3       NOTICE OF DATE FOR WITHDRAWAL. Each person who files a declaration  
4 of candidacy for an elected office of a city, town, or special district  
5 shall be given written notice of the date by which a candidate may  
6 withdraw his or her candidacy under RCW 29.15.120.

7       **Sec. 613.** RCW 29.15.120 and 1994 c 223 s 6 are each reenacted to  
8 read as follows:

9       WITHDRAWAL OF CANDIDACY. A candidate may withdraw his or her  
10 declaration of candidacy at any time before the close of business on  
11 the Thursday following the last day for candidates to file under RCW  
12 29.15.020 by filing, with the officer with whom the declaration of  
13 candidacy was filed, a signed request that his or her name not be  
14 printed on the ballot. There shall be no withdrawal period for  
15 declarations of candidacy filed during special filing periods held  
16 under this title. The filing officer may permit the withdrawal of a  
17 filing for the office of precinct committee officer at the request of  
18 the candidate at any time if no absentee ballots have been issued for  
19 that office and the general election ballots for that precinct have not  
20 been printed. The filing officer may permit the withdrawal of a filing  
21 for any elected office of a city, town, or special district at the  
22 request of the candidate at any time before a primary if the primary  
23 ballots for that city, town, or special district have not been ordered.  
24 No filing fee may be refunded to any candidate who withdraws under this  
25 section. Notice of the deadline for withdrawal of candidacy and that  
26 the filing fee is not refundable shall be given to each candidate at  
27 the time he or she files.

28       **Sec. 614.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each  
29 reenacted to read as follows:

30       VOID IN CANDIDACY--EXCEPTION. A void in candidacy for a  
31 nonpartisan office occurs when an election for such office, except for  
32 the short term, has been scheduled and no valid declaration of  
33 candidacy has been filed for the position or all persons filing such  
34 valid declarations of candidacy have died or been disqualified.



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

3 **Sec. 618.** RCW 29.15.180 and 2001 c 46 s 2 are each reenacted to  
4 read as follows:

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

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

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

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

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

27 **Sec. 619.** RCW 29.15.190 and 2002 c 108 s 1 are each amended to  
28 read as follows:

29 SCHEDULED ELECTION LAPSES, WHEN. A scheduled election shall be  
30 lapsed, the office deemed stricken from the ballot, no purported write-  
31 in votes counted, and no candidate certified as elected, when:

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



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

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

9 **Sec. 620.** RCW 29.15.200 and 1994 c 223 s 8 are each reenacted to  
10 read as follows:

11 LAPSE OF ELECTION WHEN NO FILING FOR SINGLE POSITIONS--EFFECT. If  
12 after both the normal filing period and special three day filing period  
13 as provided by RCW 29.15.170 and 29.15.180 have passed, no candidate  
14 has filed for any single city, town, or district position to be filled,  
15 the election for such position shall be deemed lapsed, the office  
16 deemed stricken from the ballot and no write-in votes counted. In such  
17 instance, the incumbent occupying such position shall remain in office  
18 and continue to serve until a successor is elected at the next election  
19 when such positions are voted upon.

20 **Sec. 621.** RCW 29.15.230 and 2001 c 46 s 3 are each reenacted to  
21 read as follows:

22 VACANCY IN PARTISAN ELECTIVE OFFICE--SPECIAL FILING PERIOD.  
23 Filings for a partisan elective office shall be opened for a period of  
24 three normal business days whenever, on or after the first day of the  
25 regular filing period and before the sixth Tuesday prior to a primary,  
26 a vacancy occurs in that office, leaving an unexpired term to be filled  
27 by an election for which filings have not been held.

28 Any such special three-day filing period shall be fixed by the  
29 election officer with whom declarations of candidacy for that office  
30 are filed. The election officer shall give notice of the special  
31 three-day filing period by notifying the press, radio, and television  
32 in the county or counties involved, and by such other means as may be  
33 required by law.

34 Candidacies validly filed within the special three-day filing  
35 period shall appear on the primary ballot as if filed during the  
36 regular filing period.



1 the ballot as a candidate for another office, unless one of the two  
2 offices for which he or she is a candidate is precinct committeeperson.  
3 The declaration of candidacy shall be similar to that required by  
4 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be  
5 included in any voter's pamphlet produced under chapter ((29.80)) 29.81  
6 RCW (as recodified by this act) unless that candidate qualifies to have  
7 his or her name printed on the general election ballot. The  
8 legislative authority of any jurisdiction producing a local voter's  
9 pamphlet under chapter 29.81A RCW may provide, by ordinance, for the  
10 inclusion of write-in candidates in such pamphlets.

11 **Sec. 623.** RCW 29.04.190 and 1988 c 181 s 2 are each reenacted to  
12 read as follows:

13 WRITE-IN CANDIDATES--NOTICE TO AUDITORS, BALLOT COUNTERS. The  
14 secretary of state shall notify each county auditor of any declarations  
15 filed with the secretary under RCW 29.04.180 for offices appearing on  
16 the ballot in that county. The county auditor shall ensure that those  
17 persons charged with counting the ballots for a primary or election are  
18 notified of all valid write-in candidates before the tabulation of  
19 those ballots.

20 **PART 7**  
21 **VACANCIES**

22 **Sec. 701.** RCW 29.18.150 and 1990 c 59 s 102 are each amended to  
23 read as follows:

24 ON MAJOR PARTY TICKET CAUSED BY NO FILING--HOW  
25 FILLED. ((Should)) If a place on the ticket of a major political party  
26 ((be)) is vacant because no person has filed for nomination as the  
27 candidate of that major political party, after the last day allowed for  
28 candidates to withdraw as provided by RCW 29.15.120, and if the vacancy  
29 is for a state or county office to be voted on solely by the electors  
30 of a single county, the county central committee of the major political  
31 party may select and certify a candidate to fill the vacancy((+)). If  
32 the vacancy is for any other office the state central committee of the  
33 major political party may select and certify a candidate to fill the  
34 vacancy((+)). The certificate must set forth the cause of the vacancy,  
35 the name of the person nominated, the office for which ((he)) the

1 person is nominated, and other pertinent information required in an  
2 ordinary certificate of nomination and be filed in the proper office no  
3 later than the first Friday after the last day allowed for candidates  
4 to withdraw, together with the candidate's fee applicable to that  
5 office and a declaration of candidacy.

6 **Sec. 702.** RCW 29.18.160 and 2001 c 46 s 4 are each amended to read  
7 as follows:

8 BY DEATH OR DISQUALIFICATION--HOW FILLED--CORRECTING BALLOTS--  
9 COUNTING VOTES ALREADY CAST. A vacancy caused by the death or  
10 disqualification of any candidate or nominee of a major or minor  
11 political party may be filled at any time up to and including the day  
12 prior to the election for that position. For state partisan offices in  
13 any political subdivision voted on solely by electors of a single  
14 county, an individual shall be appointed to fill such vacancy by the  
15 county central committee in the case of a major political party or by  
16 the state central committee or comparable governing body in the case of  
17 a minor political party. For other partisan offices, including federal  
18 or statewide offices, an individual shall be appointed to fill such  
19 vacancy by the state central committee or comparable governing body of  
20 the appropriate political party.

21 ((~~Should such~~)) If the vacancy occurs no later than the sixth  
22 Tuesday prior to the state primary or general election concerned and  
23 the ballots have been printed, it shall be mandatory that they be  
24 corrected by the appropriate election officers. In making such  
25 correction, it shall not be necessary to reprint complete ballots if  
26 any other less expensive technique can be used and the resulting  
27 correction is reasonably clear.

28 ((~~Should such~~)) If the vacancy occurs after the sixth Tuesday prior  
29 to ((~~said~~)) the state primary or general election and time does not  
30 exist in which to correct ballots (including absentee ballots), either  
31 in total or in part, then the votes cast or recorded for the person who  
32 has died or become disqualified shall be counted for the person who has  
33 been named to fill such vacancy.

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

1       (~~In the event that~~) If the secretary of state has already sent  
2 forth (~~his~~) the certificate when the appointment to fill a vacancy is  
3 filed (~~with him~~), (~~he~~) the secretary shall forthwith certify to the  
4 county auditors of the proper counties the name and place of residence  
5 of the person appointed to fill a vacancy, the office for which (~~he~~)  
6 the person is a candidate or nominee, the party (~~he~~) the person  
7 represents, and all other pertinent facts pertaining to the vacancy.

8       **Sec. 703.** RCW 29.68.070 and 1985 c 45 s 3 are each reenacted to  
9 read as follows:

10       UNITED STATES SENATE--TEMPORARY APPOINTMENT. When a vacancy occurs  
11 in the representation of this state in the senate of the United States,  
12 the governor shall make a temporary appointment to that office until  
13 the people fill the vacancy by election as provided in this chapter.

14       **Sec. 704.** RCW 29.68.080 and 1990 c 59 s 105 are each amended to  
15 read as follows:

16       CONGRESS--SPECIAL ELECTION. (1) Whenever a vacancy occurs in the  
17 (~~office of~~) United States house of representatives or the United  
18 States (~~senator~~) senate from this state (~~or any congressional~~  
19 ~~district of this state~~), the governor shall order a special election  
20 to fill the vacancy.

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

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

1 (4) If the vacancy occurs on or after the first day for filing  
2 under RCW 29.15.020 and on or before the second Friday following the  
3 close of the filing period, a special filing period of three normal  
4 business days shall be fixed by the governor and notice thereof given  
5 to all media, including press, radio, and television within the area in  
6 which the vacancy election is to be held, to the end that, insofar as  
7 possible, all interested persons will be aware of such filing period.  
8 The last day of the filing period shall not be later than the third  
9 Tuesday before the primary at which candidates are to be nominated.  
10 The names of candidates who have filed valid declarations of candidacy  
11 during this three-day period shall appear on the approaching primary  
12 ballot.

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

18 ~~((6) As used in this chapter, "county" means, in the case of a  
19 vacancy in the office of United States senator, any or all of the  
20 counties in the state and, in the case of a vacancy in the office of  
21 United States representative, only those counties wholly or partly  
22 within the congressional district in which the vacancy has occurred.))~~

23 **Sec. 705.** RCW 29.68.100 and 1985 c 45 s 5 are each amended to read  
24 as follows:

25 CONGRESS--NOTICES OF SPECIAL PRIMARY AND SPECIAL ELECTION. After  
26 calling a special primary and special vacancy election to fill a  
27 vacancy in the ~~((office of))~~ United States house of representatives or  
28 the United States ~~((senator))~~ senate from this state, the governor  
29 shall immediately notify the secretary of state who shall, in turn,  
30 immediately notify the county auditor of each county wholly or partly  
31 within which the vacancy exists.

32 Each county auditor shall publish notices of the special primary  
33 and the special vacancy election at least once in any legal newspaper  
34 published in the county, as provided by RCW 29.27.030 and 29.27.080  
35 respectively.



1 PRINTING AND DISTRIBUTION. The secretary of state shall, whenever  
2 at least one statewide measure or office is scheduled to appear on the  
3 general election ballot, print and distribute a voters' pamphlet.

4 The secretary of state shall distribute the voters' pamphlet to  
5 each household in the state, to public libraries, and to any other  
6 locations he or she deems appropriate. The secretary of state shall  
7 also produce taped or Braille transcripts of the voters' pamphlet,  
8 publicize their availability, and mail without charge a copy to any  
9 person who requests one.

10 The secretary of state may make the material required to be  
11 distributed by this chapter available to the public in electronic form.  
12 The secretary of state may provide the material in electronic form to  
13 computer bulletin boards, print and broadcast news media, community  
14 computer networks, and similar services at the cost of reproduction or  
15 transmission of the data.

16 **Sec. 802.** RCW 29.04.035 and 1984 c 41 s 1 are each amended to read  
17 as follows:

18 PROHIBITION AGAINST CAMPAIGN MATERIALS DECEPTIVELY SIMILAR TO  
19 VOTERS' PAMPHLET. No person or entity may publish or distribute any  
20 campaign material that is deceptively similar in design or appearance  
21 to a voters' pamphlet (~~((or candidates' pamphlet or combination thereof,~~  
22 ~~which pamphlet or combination))~~ that was published by the secretary of  
23 state during the ten-year period (~~((prior to))~~ before the publication or  
24 distribution of the campaign material by the person or entity. The  
25 secretary of state shall take reasonable measures to prevent or to stop  
26 violations of this section. Such measures may include, among others,  
27 petitioning the superior court for a temporary restraining order or  
28 other appropriate injunctive relief. In addition, the secretary may  
29 request the superior court to impose a civil fine on a violator of this  
30 section. The court is authorized to levy on and recover from each  
31 violator a civil fine not to exceed the greater of: (1) Two dollars  
32 for each copy of the deceptive material distributed, or (2) one  
33 thousand dollars. In addition, the violator (~~((shall be))~~ is liable for  
34 the state's legal expenses and other costs resulting from the  
35 violation. Any funds recovered under this section (~~((shall))~~ must be  
36 transmitted to the state treasurer for deposit in the general fund.



1       **Sec. 803.** RCW 29.81.220 and 1999 c 260 s 2 are each reenacted to  
2 read as follows:

3       CONTENTS. The voters' pamphlet must contain:

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

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

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

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

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

33       (6) In each odd-numbered year immediately before a year in which a  
34 president of the United States is to be nominated and elected,  
35 information explaining the precinct caucus and convention process used  
36 by each major political party to elect delegates to its national  
37 presidential candidate nominating convention. The pamphlet must also

1 provide a description of the statutory procedures by which minor  
2 political parties are formed and the statutory methods used by the  
3 parties to nominate candidates for president;

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

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

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

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

12 **Sec. 804.** RCW 29.81.230 and 1999 c 260 s 3 are each reenacted to  
13 read as follows:

14 EXPLANATORY STATEMENTS. (1) Explanatory statements prepared by the  
15 attorney general under RCW 29.81.250 (3) and (4) must be written in  
16 clear and concise language, avoiding legal and technical terms when  
17 possible, and filed with the secretary of state.

18 (2) When the explanatory statement for a measure initiated by  
19 petition is filed with the secretary of state, the secretary of state  
20 shall immediately provide the text of the explanatory statement to the  
21 person proposing the measure and any others who have made written  
22 request for notification of the exact language of the explanatory  
23 statement. When the explanatory statement for a measure referred to  
24 the ballot by the legislature is filed with the secretary of state, the  
25 secretary of state shall immediately provide the text of the  
26 explanatory statement to the presiding officer of the senate and the  
27 presiding officer of the house of representatives and any others who  
28 have made written request for notification of the exact language of the  
29 explanatory statement.

30 (3) A person dissatisfied with the explanatory statement may appeal  
31 to the superior court of Thurston County within five days of the filing  
32 date. A copy of the petition and a notice of the appeal must be served  
33 on the secretary of state and the attorney general. The court shall  
34 examine the measure, the explanatory statement, and objections, and may  
35 hear arguments. The court shall render its decision and certify to and  
36 file with the secretary of state an explanatory statement it determines  
37 will meet the requirements of this chapter.



1 officers of the senate and house of representatives shall consider  
2 legislators, sponsors of initiatives and referendums, and other  
3 interested groups known to advocate or oppose the ballot measure.

4 The initial two members may select up to four additional members,  
5 and the committee shall elect a chairperson. The remaining committee  
6 member or members may fill vacancies through appointment.

7 After the committee submits its initial argument statements to the  
8 secretary of state, the secretary of state shall transmit the  
9 statements to the opposite committee. The opposite committee may then  
10 prepare rebuttal arguments. Rebuttals may not interject new points.

11 The voters' pamphlet may contain only argument statements prepared  
12 according to this section. Arguments may contain graphs and charts  
13 supported by factual statistical data and pictures or other  
14 illustrations. Cartoons or caricatures are not permitted.

15 **Sec. 807.** RCW 29.81.250 and 2002 c 139 s 2 are each reenacted to  
16 read as follows:

17 **FORMAT, LAYOUT, CONTENTS.** The secretary of state shall determine  
18 the format and layout of the voters' pamphlet. The secretary of state  
19 shall print the pamphlet in clear, readable type on a size, quality,  
20 and weight of paper that in the judgment of the secretary of state best  
21 serves the voters. The pamphlet must contain a table of contents.  
22 Federal and state offices must appear in the pamphlet in the same  
23 sequence as they appear on the ballot. Measures and arguments must be  
24 printed in the order specified by RCW 29.79.300.

25 The voters' pamphlet must provide the following information for  
26 each statewide issue on the ballot:

27 (1) The legal identification of the measure by serial designation  
28 or number;

29 (2) The official ballot title of the measure;

30 (3) A statement prepared by the attorney general explaining the law  
31 as it presently exists;

32 (4) A statement prepared by the attorney general explaining the  
33 effect of the proposed measure if it becomes law;

34 (5) The fiscal impact statement prepared under RCW 29.79.075;

35 (6) The total number of votes cast for and against the measure in  
36 the senate and house of representatives, if the measure has been passed  
37 by the legislature;

1 (7) An argument advocating the voters' approval of the measure  
2 together with any statement in rebuttal of the opposing argument;

3 (8) An argument advocating the voters' rejection of the measure  
4 together with any statement in rebuttal of the opposing argument;

5 (9) Each argument or rebuttal statement must be followed by the  
6 names of the committee members who submitted them, and may be followed  
7 by a telephone number that citizens may call to obtain information on  
8 the ballot measure;

9 (10) The full text of each measure.

10 **Sec. 808.** RCW 29.81.260 and 1999 c 260 s 6 are each reenacted to  
11 read as follows:

12 AMENDATORY STYLE. Statewide ballot measures that amend existing  
13 law must be printed in the voters' pamphlet so that language proposed  
14 for deletion is enclosed by double parentheses and has a line through  
15 it. Proposed new language must be underlined. A statement explaining  
16 the deletion and addition of language must appear as follows: "Any  
17 language in double parentheses with a line through it is existing state  
18 law and will be taken out of the law if this measure is approved by  
19 voters. Any underlined language does not appear in current state law  
20 but will be added to the law if this measure is approved by voters."

21 **Sec. 809.** RCW 29.81.280 and 1999 c 260 s 8 are each reenacted to  
22 read as follows:

23 ARGUMENTS--REJECTION, DISPUTE. (1) If in the opinion of the  
24 secretary of state any argument or statement offered for inclusion in  
25 the voters' pamphlet in support of or opposition to a measure or  
26 candidate contains obscene matter or matter that is otherwise  
27 prohibited by law from distribution through the mail, the secretary may  
28 petition the superior court of Thurston County for a judicial  
29 determination that the argument or statement may be rejected for  
30 publication or edited to delete the matter. The court shall not enter  
31 such an order unless it concludes that the matter is obscene or  
32 otherwise prohibited for distribution through the mail.

33 (2)(a) A person who believes that he or she may be defamed by an  
34 argument or statement offered for inclusion in the voters' pamphlet in  
35 support of or opposition to a measure or candidate may petition the

1 superior court of Thurston County for a judicial determination that the  
2 argument or statement may be rejected for publication or edited to  
3 delete the defamatory statement.

4 (b) The court shall not enter such an order unless it concludes  
5 that the statement is untrue and that the petitioner has a very  
6 substantial likelihood of prevailing in a defamation action.

7 (c) An action under this subsection (2) must be filed and served no  
8 later than the tenth day after the deadline for the submission of the  
9 argument or statement to the secretary of state.

10 (d) If the secretary of state notifies a person named or identified  
11 in an argument or statement of the contents of the argument or  
12 statement within three days after the deadline for submission to the  
13 secretary, then neither the state nor the secretary is liable for  
14 damages resulting from publication of the argument or statement unless  
15 the secretary publishes the argument or statement in violation of an  
16 order entered under this section. Nothing in this section creates a  
17 duty on the part of the secretary of state to identify, locate, or  
18 notify the person.

19 (3) Parties to a dispute under this section may agree to resolve  
20 the dispute by rephrasing the argument or statement, even if the  
21 deadline for submission to the secretary has elapsed, unless the  
22 secretary determines that the process of publication is too far  
23 advanced to permit the change. The secretary shall promptly provide  
24 any such revision to any committee entitled to submit a rebuttal  
25 argument. If that committee has not yet submitted its rebuttal, its  
26 deadline to submit a rebuttal is extended by five days. If it has  
27 submitted a rebuttal, it may revise it to address the change within  
28 five days of the filing of the revised argument with the secretary.

29 (4) In an action under this section the committee or candidate must  
30 be named as a defendant, and may be served with process by certified  
31 mail directed to the address contained in the secretary's records for  
32 that party. The secretary of state shall be a nominal party to an  
33 action brought under subsection (2) of this section, solely for the  
34 purpose of determining the content of the voters' pamphlet. The  
35 superior court shall give such an action priority on its calendar.

36 **Sec. 810.** RCW 29.81.290 and 1999 c 260 s 9 are each reenacted to  
37 read as follows:

1 ARGUMENTS--PUBLIC INSPECTION. (1) An argument or statement  
2 submitted to the secretary of state for publication in the voters'  
3 pamphlet is not available for public inspection or copying until:

4 (a) In the case of candidate statements, (i) all statements by all  
5 candidates who have filed for a particular office have been received,  
6 except those who informed the secretary that they will not submit  
7 statements, or (ii) the deadline for submission of statements has  
8 elapsed;

9 (b) In the case of arguments supporting or opposing a measure, (i)  
10 the arguments on both sides have been received, unless a committee was  
11 not appointed for one side, or (ii) the deadline for submission of  
12 arguments has elapsed; and

13 (c) In the case of rebuttal arguments, (i) the rebuttals on both  
14 sides have been received, unless a committee was not appointed for one  
15 side, or (ii) the deadline for submission of arguments has elapsed.

16 (2) Nothing in this section prohibits the secretary from releasing  
17 information under RCW 29.81.280(2)(d).

18 **Sec. 811.** RCW 29.81.300 and 1999 c 260 s 10 are each reenacted to  
19 read as follows:

20 PHOTOGRAPHS. All photographs of candidates submitted for  
21 publication must conform to standards established by the secretary of  
22 state by rule. No photograph may reveal clothing or insignia  
23 suggesting the holding of a public office.

24 **Sec. 812.** RCW 29.81.310 and 1999 c 260 s 11 are each amended to  
25 read as follows:

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

34 (2) Arguments written by committees under RCW (~~29.81.230~~)  
35 29.81.240 (as recodified by this act) may not exceed two hundred fifty  
36 words in length.

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

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

5 **Subpart 8.2**

6 **Local Voters' Pamphlet**

7 **Sec. 813.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to  
8 read as follows:

9 AUTHORIZATION--CONTENTS--FORMAT. At least ninety days before any  
10 primary or general election, or at least forty days before any special  
11 election held under RCW 29.13.010 or 29.13.020, the legislative  
12 authority of any county or first-class or code city may adopt an  
13 ordinance authorizing the publication and distribution of a local  
14 voters' pamphlet. The pamphlet shall provide information on all  
15 measures within that jurisdiction and may, if specified in the  
16 ordinance, include information on candidates within that jurisdiction.  
17 If both a county and a first-class or code city within that county  
18 authorize a local voters' pamphlet for the same election, the pamphlet  
19 shall be produced jointly by the county and the first-class or code  
20 city. If no agreement can be reached between the county and first-  
21 class or code city, the county and first-class or code city may each  
22 produce a pamphlet. Any ordinance adopted authorizing a local voters'  
23 pamphlet may be for a specific primary, special election, or general  
24 election or for any future primaries or elections. The format of any  
25 local voters' pamphlet shall, whenever applicable, comply with the  
26 provisions of (~~chapters 29.80 and~~) chapter 29.81 RCW regarding the  
27 publication of the state candidates' and voters' pamphlets.

28 **Sec. 814.** RCW 29.81A.020 and 1994 c 191 s 1 are each amended to  
29 read as follows:

30 NOTICE OF PRODUCTION--LOCAL GOVERNMENTS' DECISION TO PARTICIPATE.

31 (1) Not later than ninety days before the publication and distribution  
32 of a local voters' pamphlet by a county, the county auditor shall  
33 notify each city, town, or special taxing district located wholly  
34 within that county that a pamphlet will be produced.



1 (2) If a voters' pamphlet is published by the county for a primary  
2 or general election, the pamphlet shall be published for the elective  
3 offices and ballot measures of the county and for the elective offices  
4 and ballot measures of each unit of local government located entirely  
5 within the county which will appear on the ballot at that primary or  
6 election. However, the offices and measures of a first class or code  
7 city shall not be included in the pamphlet if the city publishes and  
8 distributes its own voters' pamphlet for the primary or election for  
9 its offices and measures. The offices and measures of any other town  
10 or city are not required to appear in the county's pamphlet if the town  
11 or city is obligated by ordinance or charter to publish and distribute  
12 a voters' pamphlet for the primary or election for its offices and  
13 measures and it does so.

14 If the required appearance in a county's voters' pamphlet of the  
15 offices or measures of a unit of local government would create (~~unde~~  
16 ~~undue~~) undue financial hardship for the unit of government, the  
17 legislative authority of the unit may petition the legislative  
18 authority of the county to waive this requirement. The legislative  
19 authority of the county may provide such a waiver if it does so not  
20 later than sixty days before the publication of the pamphlet and it  
21 finds that the requirement would create such hardship.

22 (3) If a city, town, or district is located within more than one  
23 county, the respective county auditors may enter into an interlocal  
24 agreement to permit the distribution of each county's local voters'  
25 pamphlet into those parts of the city, town, or district located  
26 outside of that county.

27 (4) If a first-class or code city authorizes the production and  
28 distribution of a local voters' pamphlet, the city clerk of that city  
29 shall notify any special taxing district located wholly within that  
30 city that a pamphlet will be produced. Notification shall be provided  
31 in the manner required or provided for in subsection (1) of this  
32 section.

33 (5) A unit of local government located within a county and the  
34 county may enter into an interlocal agreement for the publication of a  
35 voters' pamphlet for offices or measures not required by subsection (2)  
36 of this section to appear in a county's pamphlet.

1       **Sec. 815.** RCW 29.81A.030 and 1984 c 106 s 5 are each reenacted to  
2 read as follows:

3       ADMINISTRATIVE RULES. The county auditor or, if applicable, the  
4 city clerk of a first-class or code city shall, in consultation with  
5 the participating jurisdictions, adopt and publish administrative rules  
6 necessary to facilitate the provisions of any ordinance authorizing  
7 production of a local voters' pamphlet. Any amendment to such a rule  
8 shall also be adopted and published. Copies of the rules shall  
9 identify the date they were adopted or last amended and shall be made  
10 available to any person upon request. One copy of the rules adopted by  
11 a county auditor and one copy of any amended rules shall be submitted  
12 to the county legislative authority. One copy of the rules adopted by  
13 a city clerk and one copy of any amended rules shall be submitted to  
14 the city legislative authority. These rules shall include but not be  
15 limited to the following:

16       (1) Deadlines for decisions by cities, towns, or special taxing  
17 districts on being included in the pamphlet;

18       (2) Limits on the length and deadlines for submission of arguments  
19 for and against each measure;

20       (3) The basis for rejection of any explanatory or candidates'  
21 statement or argument deemed to be libelous or otherwise inappropriate.  
22 Any statements by a candidate shall be limited to those about the  
23 candidate himself or herself;

24       (4) Limits on the length and deadlines for submission of  
25 candidates' statements;

26       (5) An appeal process in the case of the rejection of any statement  
27 or argument.

28       **Sec. 816.** RCW 29.81A.040 and 1984 c 106 s 6 are each amended to  
29 read as follows:

30       CONTENTS. The local voters' pamphlet shall include but not be  
31 limited to the following:

32       (1) Appearing on the cover, the words "official local voters'  
33 pamphlet," the name of the jurisdiction producing the pamphlet, (~~the~~  
34 ~~jurisdictions that have measures or candidates in the pamphlet,~~) and  
35 the date of the election or primary;

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

1        (3) Information on how a person may register to vote and obtain an  
2 absentee ballot;

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

11        ~~((4))~~ (5) The arguments for and against each measure submitted by  
12 committees selected pursuant to RCW 29.81A.080.

13        **Sec. 817.** RCW 29.81A.050 and 1984 c 106 s 7 are each reenacted to  
14 read as follows:

15        CANDIDATES, WHEN INCLUDED. If the legislative authority of a  
16 county or first-class or code city provides for the inclusion of  
17 candidates in the local voters' pamphlet, the pamphlet shall include  
18 the statements from candidates and may also include those candidates'  
19 photographs.

20        **Sec. 818.** RCW 29.81A.060 and 1984 c 106 s 8 are each reenacted to  
21 read as follows:

22        MAILING. As soon as practicable before the primary, special  
23 election, or general election, the county auditor, or if applicable,  
24 the city clerk of a first-class or code city, as appropriate, shall  
25 mail the local voters' pamphlet to every residence in each jurisdiction  
26 that has included information in the pamphlet. The county auditor or  
27 city clerk, as appropriate, may choose to mail the pamphlet to each  
28 registered voter in each jurisdiction that has included information in  
29 the pamphlet, if in his or her judgment, a more economical and  
30 effective distribution of the pamphlet would result. If the county or  
31 city chooses to mail the pamphlet to each residence, no notice of  
32 election otherwise required by RCW 29.27.080 need be published.

33        **Sec. 819.** RCW 29.81A.070 and 1984 c 106 s 9 are each reenacted to  
34 read as follows:

1 COST. The cost of a local voters' pamphlet shall be considered an  
2 election cost to those local jurisdictions included in the pamphlet and  
3 shall be prorated in the manner provided in RCW 29.13.045.

4 **Sec. 820.** RCW 29.81A.080 and 1994 c 191 s 2 are each reenacted to  
5 read as follows:

6 ARGUMENTS ADVOCATING APPROVAL AND DISAPPROVAL--PREPARATION BY  
7 COMMITTEES. For each measure from a unit of local government that is  
8 included in a local voters' pamphlet, the legislative authority of that  
9 jurisdiction shall, not later than forty-five days before the  
10 publication of the pamphlet, formally appoint a committee to prepare  
11 arguments advocating voters' approval of the measure and shall formally  
12 appoint a committee to prepare arguments advocating voters' rejection  
13 of the measure. The authority shall appoint persons known to favor the  
14 measure to serve on the committee advocating approval and shall,  
15 whenever possible, appoint persons known to oppose the measure to serve  
16 on the committee advocating rejection. Each committee shall have not  
17 more than three members, however, a committee may seek the advice of  
18 any person or persons. If the legislative authority of a unit of local  
19 government fails to make such appointments by the prescribed deadline,  
20 the county auditor shall whenever possible make the appointments.

21 **PART 9**  
22 **BALLOTS AND OTHER VOTING FORMS**

23 **Sec. 901.** RCW 29.27.020 and 1990 c 59 s 8 are each reenacted to  
24 read as follows:

25 CERTIFYING PRIMARY CANDIDATES. On or before the day following the  
26 last day for political parties to fill vacancies in the ticket as  
27 provided by RCW 29.18.150, the secretary of state shall certify to each  
28 county auditor a list of the candidates who have filed declarations of  
29 candidacy in his or her office for the primary. For each office, the  
30 certificate shall include the name of each candidate, his or her  
31 address, and his or her party designation, if any.

32 **Sec. 902.** RCW 29.27.057 and 2000 c 197 s 7 are each reenacted to  
33 read as follows:

34 CONSTITUTIONAL MEASURES--BALLOT TITLE--FORMULATION, BALLOT DISPLAY,

1 CERTIFICATION. (1) When a proposed constitutional amendment is to be  
2 submitted to the people of the state for statewide popular vote, the  
3 ballot title consists of: (a) A statement of the subject of the  
4 amendment; (b) a concise description of the amendment; and (c) a  
5 question in the form prescribed in this section. The statement of the  
6 subject of a constitutional amendment must be sufficiently broad to  
7 reflect the nature of the amendment, sufficiently precise to give  
8 notice of the amendment's subject matter, and not exceed ten words.  
9 The concise description must contain no more than thirty words, give a  
10 true and impartial description of the amendment's essential contents,  
11 clearly identify the amendment to be voted on, and not, to the extent  
12 reasonably possible, create prejudice either for or against the  
13 amendment.

14 The ballot title for a proposed constitutional amendment must be  
15 displayed on the ballot substantially as follows:

16 "The legislature has proposed a constitutional amendment on  
17 (statement of subject). This amendment would (concise  
18 description). Should this constitutional amendment be:

- 19 Approved .....   
20 Rejected .....

21 (2) When a proposed new constitution is submitted to the people of  
22 the state by a constitutional convention for statewide popular vote,  
23 the ballot title consists of: (a) A concise description of the new  
24 constitution; and (b) a question in the form prescribed in this  
25 section. The concise description must contain no more than thirty  
26 words, give a true and impartial description of the new constitution's  
27 essential contents, clearly identify the proposed constitution to be  
28 voted on, and not, to the extent reasonably possible, create prejudice  
29 either for or against the new constitution.

30 The ballot title for a proposed new constitution must be displayed  
31 on the ballot substantially as follows:

32 "The constitutional convention approved a new proposed state  
33 constitution that (concise description). Should this proposed  
34 constitution be:

1 Approved .....   
2 Rejected .....

3 (3) The legislature may specify the statement of subject or concise  
4 description, or both, in a constitutional amendment that it submits to  
5 the people. If the legislature fails to specify the statement of  
6 subject or concise description, or both, the attorney general shall  
7 prepare the material that was not specified. The statement of subject  
8 and concise description as so provided must be included as part of the  
9 ballot title unless changed on appeal.

10 The attorney general shall specify the concise description for a  
11 proposed new constitution that is submitted to the people by a  
12 constitutional convention, and the concise description as so provided  
13 must be included as part of the ballot title unless changed on appeal.

14 (4) The secretary of state shall certify to the county auditors the  
15 ballot title for a proposed constitution, constitutional amendment, or  
16 other statewide question at the same time and in the same manner as the  
17 ballot titles to initiatives and referendums.

18 **Sec. 903.** RCW 29.27.061 and 2000 c 197 s 8 are each reenacted to  
19 read as follows:

20 CONSTITUTIONAL MEASURES--BALLOT TITLE--FILING. The ballot title  
21 for a constitutional amendment or proposed constitution must be filed  
22 with the secretary of state in the same manner as the ballot title and  
23 summary for a state initiative or referendum are filed.

24 **Sec. 904.** RCW 29.27.065 and 2000 c 197 s 9 are each reenacted to  
25 read as follows:

26 CONSTITUTIONAL, STATEWIDE QUESTIONS--NOTICE OF BALLOT TITLE AND  
27 SUMMARY. Upon the filing of a ballot title under RCW 29.27.057 or  
28 29.27.0653, the secretary of state shall provide notice of the exact  
29 language of the ballot title and summary to the chief clerk of the  
30 house of representatives, the secretary of the senate, and the prime  
31 sponsor of measure.

32 **Sec. 905.** RCW 29.27.0653 and 2000 c 197 s 10 are each reenacted to  
33 read as follows:

34 STATEWIDE QUESTION--BALLOT TITLE--FORMULATION, BALLOT DISPLAY. (1)  
35 If the legislature submits a question to the people for a statewide

1 popular vote that is not governed by RCW 29.79.035 or 29.27.057, the  
2 ballot title on the question consists of: (a) A description of the  
3 subject; and (b) a question in the form prescribed in this section.  
4 The statement of the subject of the question must be sufficiently broad  
5 to reflect the subject of the question, sufficiently precise to give  
6 notice of the question's subject matter, and not exceed ten words. The  
7 question must contain no more than thirty words.

8 The ballot title for such a question must be displayed on the  
9 ballot substantially as follows:

10 "The following question concerning (description of subject) has  
11 been submitted to the voters: (Question as submitted).

12 Yes .....   
13 No .....

14 (2) The legislature may specify the statement of subject for a  
15 question and shall specify the question that it submits to the people.  
16 If the legislature fails to specify the statement of subject, the  
17 attorney general shall prepare the statement of subject. The statement  
18 of subject and question as so provided must be included as part of the  
19 ballot title unless changed on appeal.

20 **Sec. 906.** RCW 29.27.0655 and 2000 c 197 s 11 are each reenacted to  
21 read as follows:

22 CONSTITUTIONAL, STATEWIDE QUESTIONS--BALLOT TITLE--APPEAL. If any  
23 persons are dissatisfied with the ballot title for a proposed  
24 constitution, constitutional amendment, or question submitted under RCW  
25 29.27.0653, they may at any time within ten days from the time of the  
26 filing of the ballot title and summary, not including Saturdays,  
27 Sundays, or legal holidays, appeal to the superior court of Thurston  
28 county by petition setting forth the measure, the ballot title objected  
29 to, their objections to it, and praying for amendment of the ballot  
30 title. The time of the filing of the ballot title, as used in this  
31 section for establishing the time for appeal, is the time the ballot  
32 title is first filed with the secretary of state.

33 A copy of the petition on appeal together with a notice that an  
34 appeal has been taken must be served upon the secretary of state, the  
35 attorney general, the chief clerk of the house of representatives, and

1 the secretary of the senate. Upon the filing of the petition on  
2 appeal, the court shall immediately, or at the time to which a hearing  
3 may be adjourned by consent of the appellants, examine the proposed  
4 measure, the ballot title filed, and the objections to it and may hear  
5 arguments on it, and shall as soon as possible render its decision and  
6 certify to and file with the secretary of state a ballot title that it  
7 determines will meet the requirements of this chapter. The decision of  
8 the superior court is final, and the ballot title so certified will be  
9 the established ballot title. The appeal must be heard without cost to  
10 either party.

11 **Sec. 907.** RCW 29.27.066 and 2000 c 197 s 12 are each reenacted to  
12 read as follows:

13 LOCAL MEASURES--BALLOT TITLE--FORMULATION--ADVERTISING. (1) Except  
14 as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090,  
15 the ballot title of any referendum filed on an enactment or portion of  
16 an enactment of a local government and any other question submitted to  
17 the voters of a local government consists of three elements: (a) An  
18 identification of the enacting legislative body and a statement of the  
19 subject matter; (b) a concise description of the measure; and (c) a  
20 question. The ballot title must conform with the requirements and be  
21 displayed substantially as provided under RCW 29.79.035, except that  
22 the concise description must not exceed seventy-five words. If the  
23 local governmental unit is a city or a town, the concise statement  
24 shall be prepared by the city or town attorney. If the local  
25 governmental unit is a county, the concise statement shall be prepared  
26 by the prosecuting attorney of the county. If the unit is a unit of  
27 local government other than a city, town, or county, the concise  
28 statement shall be prepared by the prosecuting attorney of the county  
29 within which the majority area of the unit is located.

30 (2) A referendum measure on the enactment of a unit of local  
31 government shall be advertised in the manner provided for nominees for  
32 elective office.

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



1       **Sec. 908.** RCW 29.27.0665 and 2000 c 197 s 13 are each reenacted to  
2 read as follows:

3       LOCAL MEASURES--BALLOT TITLE--NOTICE. Upon the filing of a ballot  
4 title of a question to be submitted to the people of a county or  
5 municipality, the county auditor shall provide notice of the exact  
6 language of the ballot title to the persons proposing the measure, the  
7 county or municipality, and to any other person requesting a copy of  
8 the ballot title.

9       **Sec. 909.** RCW 29.27.067 and 2000 c 197 s 14 are each reenacted to  
10 read as follows:

11       LOCAL MEASURES--BALLOT TITLE--APPEAL. If any persons are  
12 dissatisfied with the ballot title for a local ballot measure that was  
13 formulated by the city attorney or prosecuting attorney preparing the  
14 same, they may at any time within ten days from the time of the filing  
15 of the ballot title, not including Saturdays, Sundays, and legal  
16 holidays, appeal to the superior court of the county where the question  
17 is to appear on the ballot, by petition setting forth the measure, the  
18 ballot title objected to, their objections to it, and praying for  
19 amendment of it. The time of the filing of the ballot title, as used  
20 in this section in determining the time for appeal, is the time the  
21 ballot title is first filed with the county auditor.

22       A copy of the petition on appeal together with a notice that an  
23 appeal has been taken shall be served upon the county auditor and the  
24 official preparing the ballot title. Upon the filing of the petition  
25 on appeal, the court shall immediately, or at the time to which a  
26 hearing may be adjourned by consent of the appellants, examine the  
27 proposed measure, the ballot title filed, and the objections to it and  
28 may hear arguments on it, and shall as soon as possible render its  
29 decision and certify to and file with the county auditor a ballot title  
30 that it determines will meet the requirements of this chapter. The  
31 decision of the superior court is final, and the ballot title or  
32 statement so certified will be the established ballot title. The  
33 appeal must be heard without cost to either party.

34       **Sec. 910.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to  
35 read as follows:

36       NAMES ON PRIMARY BALLOT. Except for the candidates for the

1 positions of president and vice president or for a partisan or  
2 nonpartisan office for which no primary is required, the names of all  
3 candidates who ~~((have))~~, under this title, filed ~~((for nomination under~~  
4 ~~chapter 29.18 RCW and those))~~ a declaration of candidacy, were  
5 certified as a candidate to fill a vacancy on a major party ticket, or  
6 were nominated as an independent ~~((candidates and candidates of))~~ or  
7 minor ~~((political parties who have been nominated under chapter 29.24~~  
8 ~~RCW shall))~~ party candidate will appear on the appropriate ballot at  
9 the primary throughout the jurisdiction in which they are to be  
10 nominated.

11 **Sec. 911.** RCW 29.30.010 and 1990 c 59 s 10 are each reenacted to  
12 read as follows:

13 UNIFORMITY, ARRANGEMENT, CONTENTS REQUIRED. Every ballot for a  
14 single combination of issues and offices shall be uniform within a  
15 precinct and shall identify the type of primary or election, the  
16 county, and the date of the primary or election, and the ballot or  
17 voting device shall contain instructions on the proper method of  
18 recording a vote, including write-in votes. Each position, together  
19 with the names of the candidates for that office, shall be clearly  
20 separated from other offices or positions in the same jurisdiction.  
21 The offices in each jurisdiction shall be clearly separated from each  
22 other. No paper ballot or ballot card may be marked in any way that  
23 would permit the identification of the person who voted that ballot.

24 **Sec. 912.** RCW 29.30.020 and 2001 c 30 s 5 are each reenacted to  
25 read as follows:

26 ORDER OF OFFICES AND ISSUES--PARTY INDICATION. (1) The positions  
27 or offices on a primary ballot shall be arranged in substantially the  
28 following order: United States senator; United States representative;  
29 governor; lieutenant governor; secretary of state; state treasurer;  
30 state auditor; attorney general; commissioner of public lands;  
31 superintendent of public instruction; insurance commissioner; state  
32 senator; state representative; county officers; justices of the supreme  
33 court; judges of the court of appeals; judges of the superior court;  
34 and judges of the district court. For all other jurisdictions on the  
35 primary ballot, the offices in each jurisdiction shall be grouped

1 together and be in the order of the position numbers assigned to those  
2 offices, if any.

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

11 (3) The political party or independent candidacy of each candidate  
12 for partisan office shall be indicated next to the name of the  
13 candidate on the primary and election ballot. A candidate shall file  
14 a written notice with the filing officer within three business days  
15 after the close of the filing period designating the political party to  
16 be indicated next to the candidate's name on the ballot if either: (a)  
17 The candidate has been nominated by two or more minor political parties  
18 or independent conventions; or (b) the candidate has both filed a  
19 declaration of candidacy declaring an affiliation with a major  
20 political party and been nominated by a minor political party or  
21 independent convention. If no written notice is filed the filing  
22 officer shall give effect to the party designation shown upon the first  
23 document filed. A candidate may be deemed nominated by a minor party  
24 or independent convention only if all documentation required by chapter  
25 29.24 RCW has been timely filed.

26 **Sec. 913.** RCW 29.30.025 and 1990 c 59 s 80 are each reenacted to  
27 read as follows:

28 ORDER OF CANDIDATES ON BALLOTS. After the close of business on the  
29 last day for candidates to file for office, the filing officer shall,  
30 from among those filings made in person and by mail, determine by lot  
31 the order in which the names of those candidates will appear on all  
32 sample and absentee ballots. In the case of candidates for city, town,  
33 and district office, this procedure shall also determine the order for  
34 candidate names on the official primary ballot used at the polling  
35 place. The determination shall be done publicly and may be witnessed  
36 by the media and by any candidate. If no primary is required for any

1 nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall  
2 appear on the general election ballot in the order determined by lot.

3 **Sec. 914.** RCW 29.30.040 and 1990 c 59 s 94 are each reenacted to  
4 read as follows:

5 PRIMARIES--ROTATING NAMES OF CANDIDATES. At primaries, the names  
6 of candidates for federal, state, and county partisan offices, for the  
7 office of superintendent of public instruction, and for judicial  
8 offices shall, for each office or position, be arranged initially in  
9 the order determined under RCW 29.30.025. Additional sets of ballots  
10 shall be prepared in which the positions of the names of all candidates  
11 for each office or position shall be changed as many times as there are  
12 candidates in the office or position in which there are the greatest  
13 number of names. As nearly as possible an equal number of ballots  
14 shall be prepared after each change. In making the changes of position  
15 between each set of ballots, the candidates for each such office in the  
16 first position under the office heading shall be moved to the last  
17 position under that office heading, and each other name shall be moved  
18 up to the position immediately above its previous position under that  
19 office heading. The effect of this rotation of the order of the names  
20 shall be that the name of each candidate for an office or position  
21 shall appear first, second, and so forth for that office or position on  
22 the ballots of a nearly equal number of registered voters in that  
23 jurisdiction. In a precinct using voting devices, the names of the  
24 candidates for each office shall appear in only one sequence in that  
25 precinct. The names of candidates for city, town, and district office  
26 on the ballot at the primary shall not be rotated.

27 **Sec. 915.** RCW 29.30.060 and 1991 c 363 s 33 are each reenacted to  
28 read as follows:

29 SAMPLE BALLOTS. Except in each county with a population of one  
30 million or more, on or before the fifteenth day before a primary or  
31 election, the county auditor shall prepare a sample ballot which shall  
32 be made readily available to members of the public. The secretary of  
33 state shall adopt rules governing the preparation of sample ballots in  
34 counties with a population of one million or more. The rules shall  
35 permit, among other alternatives, the preparation of more than one  
36 sample ballot by a county with a population of one million or more for

1 a primary or election, each of which lists a portion of the offices and  
2 issues to be voted on in that county. The position of precinct  
3 committee officer shall be shown on the sample ballot for the general  
4 election, but the names of candidates for the individual positions need  
5 not be shown.

6 **Sec. 916.** RCW 29.30.081 and 1990 c 59 s 13 are each amended to  
7 read as follows:

8 ARRANGEMENT OF INSTRUCTIONS, MEASURES, OFFICES--ORDER OF  
9 CANDIDATES--NUMBERING OF BALLOTS. (1) On the top of each ballot there  
10 (~~shall~~) will be printed instructions directing the voters how to mark  
11 the ballot, including write-in votes. After the instructions and  
12 before the offices (~~shall be placed~~), the questions of adopting  
13 constitutional amendments or any other state measure authorized by law  
14 to be submitted to the voters at that election will be placed.

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

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

28 (4) All paper ballots and ballot cards (~~shall~~) 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. 917.** RCW 29.30.085 and 1992 c 181 s 2 are each reenacted to  
32 read as follows:

33 NONPARTISAN CANDIDATES QUALIFIED FOR GENERAL ELECTION. (1) Except  
34 as provided in RCW 29.30.086 and in subsection (2) of this section, on  
35 the ballot at the general election for a nonpartisan office for which  
36 a primary was held, only the names of the candidate who received the

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

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

16 **Sec. 918.** RCW 29.30.086 and 1992 c 181 s 1 are each reenacted to  
17 read as follows:

18 DISQUALIFIED CANDIDATES IN NONPARTISAN ELECTIONS--SPECIAL  
19 PROCEDURES. This section applies if a candidate for an elective office  
20 of a city, town, or special purpose district would, under this chapter,  
21 otherwise qualify to have his or her name printed on the general  
22 election ballot for the office, but the candidate has been declared to  
23 be unqualified to hold the office by a court of competent jurisdiction.

24 (1) In a case in which a primary is conducted for the office:

25 (a) If ballots for the general election for the office have not  
26 been ordered by the county auditor, the candidate who received the  
27 third greatest number of votes for the office at the primary shall  
28 qualify as a candidate for general election and that candidate's name  
29 shall be printed on the ballot for the office in lieu of the name of  
30 the disqualified candidate.

31 (b) If general election ballots for the office have been so  
32 ordered, votes cast for the disqualified candidate at the general  
33 election for the office shall not be counted for that office.

34 (2) In a case in which a primary is not conducted for the office:

35 (a) If ballots for the general election for the office have not  
36 been ordered by the county auditor, the name of the disqualified

1 candidate shall not appear on the general election ballot for the  
2 office.

3 (b) If general election ballots for the office have been so  
4 ordered, votes cast for the disqualified candidate at the general  
5 election for the office shall not be counted for that office.

6 (3) If the disqualified candidate is the only candidate to have  
7 filed for the office during a regular or special filing period for the  
8 office, a void in candidacy for the office exists.

9 **Sec. 919.** RCW 29.30.095 and 1990 c 59 s 96 are each reenacted to  
10 read as follows:

11 PARTISAN CANDIDATES QUALIFIED FOR GENERAL ELECTION. The name of a  
12 candidate for a partisan office for which a primary was conducted shall  
13 not be printed on the ballot for that office at the subsequent general  
14 election unless the candidate receives a number of votes equal to at  
15 least one percent of the total number cast for all candidates for that  
16 position sought and a plurality of the votes cast for the candidates of  
17 his or her party for that office at the preceding primary.

18 **Sec. 920.** RCW 29.30.101 and 1999 c 298 s 11 are each reenacted to  
19 read as follows:

20 NAMES QUALIFIED TO APPEAR ON BALLOT. The names of the persons  
21 certified as nominees by the secretary of state or the county  
22 canvassing board shall be printed on the ballot at the ensuing  
23 election.

24 No name of any candidate whose nomination at a primary is required  
25 by law shall be placed upon the ballot at a general or special election  
26 unless it appears upon the certificate of either (1) the secretary of  
27 state, or (2) the county canvassing board, or (3) a minor party  
28 convention or the state or county central committee of a major  
29 political party to fill a vacancy on its ticket under RCW 29.18.160.

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

34 **Sec. 921.** RCW 29.30.111 and 1999 c 224 s 2 are each reenacted to  
35 read as follows:

1 PROPERTY TAX LEVIES--BALLOT PROPOSITION FORM. (1) The ballot  
2 proposition authorizing a taxing district to impose the regular  
3 property tax levies authorized in RCW 36.69.145, 67.38.130, or  
4 84.52.069 shall contain in substance the following:

5 "Shall the . . . . . (insert the name of the taxing district) be  
6 authorized to impose regular property tax levies of . . . . . (insert  
7 the maximum rate) or less per thousand dollars of assessed valuation  
8 for each of . . . . . (insert the maximum number of years allowable)  
9 consecutive years?

10 Yes . . . . .

11 No . . . . .

12 Each voter shall indicate either "Yes" or "No" on his or her ballot  
13 in accordance with the procedures established under this title.

14 (2) The ballot proposition authorizing a taxing district to impose  
15 a permanent regular tax levy under RCW 84.52.069 shall contain the  
16 following:

17 "Shall the . . . . . (insert the name of the taxing district) be  
18 authorized to impose a PERMANENT regular property levy of . . . . .  
19 (insert the maximum rate) or less per thousand dollars of assessed  
20 valuation?

21 Yes . . . . .

22 No . . . . .

23 **Sec. 922.** RCW 29.30.130 and 1990 c 59 s 16 are each reenacted to  
24 read as follows:

25 EXPENSE OF PRINTING AND DISTRIBUTING BALLOT MATERIALS. The cost of  
26 printing ballots, ballot cards, and instructions and the delivery of  
27 this material to the precinct election officers shall be an election  
28 cost that shall be borne as determined under RCW 29.13.045 and  
29 29.13.047, as appropriate.

30 **PART 10**  
31 **ABSENTEE VOTING**

32 **Sec. 1001.** RCW 29.36.210 and 2001 c 241 s 1 are each reenacted to  
33 read as follows:

34 WHEN PERMITTED. Any registered voter of the state or any out-of-  
35 state voter, overseas voter, or service voter may vote by absentee



1 ballot in any general election, special election, or primary in the  
2 manner provided in this chapter. Out-of-state voters, overseas voters,  
3 and service voters are authorized to cast the same ballots, including  
4 those for special elections, as a registered voter of the state would  
5 receive under this chapter.

6 **Sec. 1002.** RCW 29.36.220 and 2001 c 241 s 2 are each amended to  
7 read as follows:

8 REQUEST FOR SINGLE ABSENTEE BALLOT. (1) Except as otherwise  
9 provided by law, a registered voter or out-of-state voter, overseas  
10 voter, or service voter desiring to cast an absentee ballot at a single  
11 election or primary must request the absentee ballot from his or her  
12 county auditor no earlier than ninety days nor later than the day  
13 before the election or primary at which the person seeks to vote.  
14 Except as otherwise provided by law, the request may be made orally in  
15 person, by telephone, electronically, or in writing. An application or  
16 request for an absentee ballot made under the authority of a federal  
17 statute or regulation will be considered and given the same effect as  
18 a request for an absentee ballot under this chapter.

19 (2) A voter requesting an absentee ballot for a primary may also  
20 request an absentee ballot for the following general election. A  
21 request by an out-of-state voter, overseas voter, or service voter for  
22 an absentee ballot for a primary election will be considered as a  
23 request for an absentee ballot for the following general election.

24 (3) In requesting an absentee ballot, the voter shall state the  
25 address to which the absentee ballot should be sent. A request for an  
26 absentee ballot from an out-of-state voter, overseas voter, or service  
27 voter must include the address of the last residence in the state of  
28 Washington and either a written application or the oath on the return  
29 envelope must include a declaration of the other qualifications of the  
30 applicant as an elector of this state. A request for an absentee  
31 ballot from any other voter must state the address at which that voter  
32 is currently registered to vote in the state of Washington or the  
33 county auditor shall verify that information from the voter  
34 registration records of the county.

35 (4) A request for an absentee ballot from a registered voter who is  
36 within this state must be made directly to the auditor of the county in  
37 which the voter is registered. An absentee ballot request from a

1 registered voter who is temporarily outside this state or from an out-  
2 of-state voter, overseas voter, or service voter may be made either to  
3 the appropriate county auditor or to the secretary of state, who shall  
4 promptly forward the request to the appropriate county auditor.

5 (5) No person, organization, or association may distribute absentee  
6 ballot applications within this state that contain a return address  
7 other than that of the appropriate county auditor.

8 **Sec. 1003.** RCW 29.36.230 and 2001 c 241 s 3 are each reenacted to  
9 read as follows:

10 REQUEST ON BEHALF OF FAMILY MEMBER. A member of a registered  
11 voter's family may request an absentee ballot on behalf of and for use  
12 by the voter. As a means of ensuring that a person who requests an  
13 absentee ballot is requesting the ballot for only that person or a  
14 member of the person's immediate family, an auditor may require a  
15 person who requests an absentee ballot to identify the date of birth of  
16 the voter for whom the ballot is requested and deny a request that is  
17 not accompanied by this information.

18 **Sec. 1004.** RCW 29.36.240 and 2001 c 241 s 4 are each reenacted to  
19 read as follows:

20 ONGOING ABSENTEE STATUS--REQUEST--TERMINATION. Any registered  
21 voter may apply, in writing, for status as an ongoing absentee voter.  
22 Each qualified applicant shall automatically receive an absentee ballot  
23 for each ensuing election or primary for which the voter is entitled to  
24 vote and need not submit a separate request for each election. Ballots  
25 received from ongoing absentee voters shall be validated, processed,  
26 and tabulated in the same manner as other absentee ballots.

27 Status as an ongoing absentee voter shall be terminated upon any of  
28 the following events:

- 29 (1) The written request of the voter;
- 30 (2) The death or disqualification of the voter;
- 31 (3) The cancellation of the voter's registration record;
- 32 (4) The return of an ongoing absentee ballot as undeliverable; or
- 33 (5) Upon placing a voter on inactive status under RCW 29.10.071.

34 **Sec. 1005.** RCW 29.36.250 and 2001 c 241 s 5 are each amended to  
35 read as follows:

1 SPECIAL ABSENTEE BALLOTS. (1) As provided in this section, county  
2 auditors shall provide special absentee ballots to be used for state  
3 primary or state general elections. An auditor shall provide a special  
4 absentee ballot only to a registered voter who completes an application  
5 stating that she or he will be unable to vote and return a regular  
6 absentee ballot by normal mail delivery within the period provided for  
7 regular absentee ballots.

8 The application for a special absentee ballot may not be filed  
9 earlier than ninety days before the applicable state primary or general  
10 election. The special absentee ballot will list the offices and  
11 measures, if known, scheduled to appear on the state primary or general  
12 election ballot. The voter may use the special absentee ballot to  
13 write in the name of any eligible candidate for each office and vote on  
14 any measure.

15 (2) With any special absentee ballot issued under this section, the  
16 county auditor shall include a listing of any candidates who have filed  
17 before the time of the application for offices that will appear on the  
18 ballot at that primary or election and a list of any issues that have  
19 been referred to the ballot before the time of the application.

20 (3) Write-in votes on special absentee ballots must be counted in  
21 the same manner provided by law for the counting of other write-in  
22 votes. The county auditor shall process and canvass the special  
23 absentee ballots provided under this section in the same manner as  
24 other absentee ballots under (~~chapters 29.36~~) this chapter and  
25 chapter 29.62 RCW (as recodified by this act).

26 (4) A voter who requests a special absentee ballot under this  
27 section may also request an absentee ballot under RCW 29.36.220(4). If  
28 the regular absentee ballot is properly voted and returned, the special  
29 absentee ballot is void, and the county auditor shall reject it in  
30 whole when special absentee ballots are canvassed.

31 **Sec. 1006.** RCW 29.36.260 and 2001 c 241 s 6 are each amended to  
32 read as follows:

33 ISSUANCE OF BALLOT AND OTHER MATERIALS. (1) The county auditor  
34 shall issue an absentee ballot for the primary or election for which it  
35 was requested, or for the next occurring primary or election when  
36 ongoing absentee status has been requested if the information contained  
37 in a request for an absentee ballot or ongoing absentee status received

1 by the county auditor is complete and correct and the applicant is  
2 qualified to vote under federal or state law. Otherwise, the county  
3 auditor shall notify the applicant of the reason or reasons why the  
4 request cannot be accepted. Whenever two or more candidates have filed  
5 for the position of precinct committee officer for the same party in  
6 the same precinct at a general election held in an even-numbered year,  
7 the contest for that position must be presented to absentee voters from  
8 that precinct by either including the contest on the regular absentee  
9 ballot or a separate absentee ballot. The ballot must provide space  
10 designated for writing in the name of additional candidates.

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

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

24 **Sec. 1007.** RCW 29.36.270 and 1987 c 54 s 1 are each reenacted to  
25 read as follows:

26 DATE BALLOTS READY. Except where a recount or litigation under RCW  
27 29.04.030 is pending, the county auditor shall have sufficient absentee  
28 ballots ready to mail to absentee voters of that county at least twenty  
29 days before any primary, general election, or special election.

30 **Sec. 1008.** RCW 29.36.280 and 2001 c 241 s 7 are each reenacted to  
31 read as follows:

32 DELIVERY OF BALLOT, QUALIFICATIONS FOR. The delivery of an  
33 absentee ballot for any primary or election shall be subject to the  
34 following qualifications:

35 (1) Only the registered voter personally, or a member of the  
36 registered voter's immediate family may pick up an absentee ballot for

1 the voter at the office of the issuing officer unless the voter is a  
2 resident of a health care facility, as defined by RCW 70.37.020(3), on  
3 election day and applies by messenger for an absentee ballot. In this  
4 latter case, the messenger may pick up the voter's absentee ballot.

5 (2) Except as noted in subsection (1) of this section, the issuing  
6 officer shall mail or deliver the absentee ballot directly to each  
7 applicant.

8 **Sec. 1009.** RCW 29.36.290 and 2001 c 241 s 8 are each reenacted to  
9 read as follows:

10 ENVELOPES AND INSTRUCTIONS. The county auditor shall send each  
11 absentee voter a ballot, a security envelope in which to seal the  
12 ballot after voting, a larger envelope in which to return the security  
13 envelope, and instructions on how to mark the ballot and how to return  
14 it to the county auditor. The larger return envelope must contain a  
15 declaration by the absentee voter reciting his or her qualifications  
16 and stating that he or she has not voted in any other jurisdiction at  
17 this election, together with a summary of the penalties for any  
18 violation of any of the provisions of this chapter. The return  
19 envelope must provide space for the voter to indicate the date on which  
20 the ballot was voted and for the voter to sign the oath. A summary of  
21 the applicable penalty provisions of this chapter must be printed on  
22 the return envelope immediately adjacent to the space for the voter's  
23 signature. The signature of the voter on the return envelope must  
24 affirm and attest to the statements regarding the qualifications of  
25 that voter and to the validity of the ballot. For out-of-state voters,  
26 overseas voters, and service voters, the signed declaration on the  
27 return envelope constitutes the equivalent of a voter registration for  
28 the election or primary for which the ballot has been issued. The  
29 voter must be instructed to either return the ballot to the county  
30 auditor by whom it was issued or attach sufficient first class postage,  
31 if applicable, and mail the ballot to the appropriate county auditor no  
32 later than the day of the election or primary for which the ballot was  
33 issued.

34 If the county auditor chooses to forward absentee ballots, he or  
35 she must include with the ballot a clear explanation of the  
36 qualifications necessary to vote in that election and must also advise  
37 a voter with questions about his or her eligibility to contact the

1 county auditor. This explanation may be provided on the ballot  
2 envelope, on an enclosed insert, or printed directly on the ballot  
3 itself. If the information is not included, the envelope must clearly  
4 indicate that the ballot is not to be forwarded and that return postage  
5 is guaranteed.

6 **Sec. 1010.** RCW 29.36.300 and 2001 c 241 s 9 are each reenacted to  
7 read as follows:

8 OBSERVERS. County auditors must request that observers be  
9 appointed by the major political parties to be present during the  
10 processing of absentee ballots. The absence of the observers will not  
11 prevent the processing of absentee ballots if the county auditor has  
12 requested their presence.

13 **Sec. 1011.** RCW 29.36.310 and 2001 c 241 s 10 are each reenacted to  
14 read as follows:

15 PROCESSING INCOMING BALLOTS. (1) The opening and subsequent  
16 processing of return envelopes for any primary or election may begin on  
17 or after the tenth day before the primary or election. The tabulation  
18 of absentee ballots must not commence until after 8:00 p.m. on the day  
19 of the primary or election.

20 (2) After opening the return envelopes, the county canvassing board  
21 shall place all of the ballots in secure storage until after 8:00 p.m.  
22 of the day of the primary or election. Absentee ballots that are to be  
23 tabulated on an electronic vote tallying system may be taken from the  
24 inner envelopes and all the normal procedural steps may be performed to  
25 prepare these ballots for tabulation.

26 (3) Before opening a returned absentee ballot, the canvassing  
27 board, or its designated representatives, shall examine the postmark,  
28 statement, and signature on the return envelope that contains the  
29 security envelope and absentee ballot. They shall verify that the  
30 voter's signature on the return envelope is the same as the signature  
31 of that voter in the registration files of the county. For registered  
32 voters casting absentee ballots, the date on the return envelope to  
33 which the voter has attested determines the validity, as to the time of  
34 voting for that absentee ballot if the postmark is missing or is  
35 illegible. For out-of-state voters, overseas voters, and service  
36 voters, the date on the return envelope to which the voter has attested

1 determines the validity as to the time of voting for that absentee  
2 ballot. For any absentee ballot, a variation between the signature of  
3 the voter on the return envelope and the signature of that voter in the  
4 registration files due to the substitution of initials or the use of  
5 common nicknames is permitted so long as the surname and handwriting  
6 are clearly the same.

7 **Sec. 1012.** RCW 29.36.320 and 2001 c 241 s 11 are each reenacted to  
8 read as follows:

9 REPORT OF COUNT. The absentee ballots must be reported at a  
10 minimum on a congressional and legislative district basis. Absentee  
11 ballots may be counted by congressional or legislative district or by  
12 individual precinct, except as required under RCW 29.62.090(2).

13 These returns must be added to the total of the votes cast at the  
14 polling places.

15 **Sec. 1013.** RCW 29.36.340 and 1991 c 81 s 33 are each reenacted to  
16 read as follows:

17 RECORD OF REQUESTS--PUBLIC ACCESS. Each county auditor shall  
18 maintain in his or her office, open for public inspection, a record of  
19 the requests he or she has received for absentee ballots under this  
20 chapter.

21 The information from the requests shall be recorded and lists of  
22 this information shall be available no later than twenty-four hours  
23 after their receipt.

24 This information about absentee voters shall be available according  
25 to the date of the requests and by legislative district. It shall  
26 include the name of each applicant, the address and precinct in which  
27 the voter maintains a voting residence, the date on which an absentee  
28 ballot was issued to this voter, if applicable, the type of absentee  
29 ballot, and the address to which the ballot was or is to be mailed, if  
30 applicable.

31 The auditor shall make copies of these records available to the  
32 public for the actual cost of production or copying.

33 **Sec. 1014.** RCW 29.36.350 and 2001 c 241 s 13 are each reenacted to  
34 read as follows:

35 CHALLENGES. The qualifications of any absentee voter may be

1 challenged at the time the signature on the return envelope is verified  
2 and the ballot is processed by the canvassing board. The board has the  
3 authority to determine the legality of any absentee ballot challenged  
4 under this section. Challenged ballots must be handled in accordance  
5 with chapter 29.10 RCW.

6 **Sec. 1015.** RCW 29.36.360 and 1993 c 417 s 7 are each amended to  
7 read as follows:

- 8 ~~((The secretary of state shall adopt rules to:~~  
9 ~~(1) Establish standards and procedures to prevent fraud and to~~  
10 ~~facilitate the accurate processing and canvassing of absentee ballots~~  
11 ~~and mail ballots;~~  
12 ~~(2) Establish standards and procedures to guarantee the secrecy of~~  
13 ~~absentee ballots and mail ballots;~~  
14 ~~(3) Provide uniformity among the counties of the state in the~~  
15 ~~conduct of absentee voting and mail ballot elections; and~~  
16 ~~(4) Facilitate the operation of the provisions of this chapter~~  
17 ~~regarding out-of-state voters, overseas voters, and service voters.))~~

18 The secretary of state shall produce and furnish envelopes and  
19 instructions for out-of-state voters, overseas voters, and service  
20 voters to the county auditors.

21 **PART 11**

22 **POLLING PLACE ELECTIONS AND POLL WORKERS**

23 **Subpart 11.1**

24 **General Provisions**

25 **Sec. 1101.** RCW 29.51.010 and 1990 c 59 s 39 are each reenacted to  
26 read as follows:

27 INTERFERENCE WITH VOTER PROHIBITED. No person may interfere with  
28 a voter in any way within the polling place. This does not prevent the  
29 voter from receiving assistance in preparing his or her ballot as  
30 provided in RCW 29.51.200.

31 **Sec. 1102.** RCW 29.51.125 and 1977 ex.s. c 361 s 83 are each  
32 amended to read as follows:

33 DETERMINATION OF WHO HAS AND WHO HAS NOT VOTED. At any election,



1 general or special, or at any primary, any political party or committee  
2 may designate a person other than a precinct election officer, for each  
3 polling place to check a list of registered voters of the precinct to  
4 determine who has and who has not voted(~~(: PROVIDED, That such)~~). The  
5 lists (~~shall~~) must be furnished by the party or committee concerned.

6 **Sec. 1103.** RCW 29.51.180 and 1990 c 59 s 47 are each reenacted to  
7 read as follows:

8 TAKING PAPERS INTO VOTING BOOTH. Any voter may take into the  
9 voting booth or voting device any printed or written material to assist  
10 in casting his or her vote. The voter shall not use this material to  
11 electioneer and shall remove the material when he or she leaves the  
12 polls.

13 **Sec. 1104.** RCW 29.51.190 and 1990 c 59 s 48 are each reenacted to  
14 read as follows:

15 OFFICIAL BALLOTS--VOTE ONLY ONCE--INCORRECTLY MARKED BALLOTS. No  
16 ballots may be used in any polling place other than those prepared by  
17 the county auditor. No voter is entitled to vote more than once at a  
18 primary or a general or special election, except that if a voter  
19 incorrectly marks a ballot, he or she may return it and be issued a new  
20 ballot. The precinct election officers shall void the incorrectly  
21 marked ballot and return it to the county auditor.

22 **Sec. 1105.** RCW 29.54.037 and 1999 c 158 s 10 are each reenacted to  
23 read as follows:

24 BALLOT PICK UP, DELIVERY, AND TRANSPORTATION. (1) At the direction  
25 of the county auditor, a team or teams composed of a representative of  
26 at least two major political parties shall stop at designated polling  
27 places and pick up the sealed containers of voted, untallied ballots  
28 for delivery to the counting center. There may be more than one  
29 delivery from each polling place. Two precinct election officials,  
30 representing two major political parties, shall seal the voted ballots  
31 in containers furnished by the county auditor and properly identified  
32 with his or her address with uniquely prenumbered seals.

33 (2) At the counting center or the collection stations where the  
34 sealed ballot containers are delivered by the designated  
35 representatives of the major political parties, the county auditor or

1 a designated representative of the county auditor shall receive the  
2 sealed ballot containers, record the time, date, precinct name or  
3 number, and seal number of each ballot container.

4 **Sec. 1106.** RCW 29.48.010 and 1999 c 158 s 4 are each reenacted to  
5 read as follows:

6 VOTING BOOTHS. The county auditor shall provide in each polling  
7 place a sufficient number of voting booths or voting devices along with  
8 any supplies necessary to enable the voter to mark or register his or  
9 her choices on the ballot and within which the voters may cast their  
10 votes in secrecy.

11 **Sec. 1107.** RCW 29.13.080 and 1973 c 78 s 1 are each reenacted to  
12 read as follows:

13 OPENING AND CLOSING POLLS. At all primaries and elections, general  
14 or special, in all counties the polls must be kept open from seven  
15 o'clock a.m. to eight o'clock p.m. All qualified electors who are at  
16 the polling place at eight o'clock p.m., shall be allowed to cast their  
17 votes.

18 **Sec. 1108.** RCW 29.51.240 and 1990 c 59 s 50 are each reenacted to  
19 read as follows:

20 POLLS OPEN CONTINUOUSLY--ANNOUNCEMENT OF CLOSING. The polls for a  
21 precinct shall remain open continuously until the time specified under  
22 RCW 29.13.080. At that time, the precinct election officers shall  
23 announce that the polls for that precinct are closed.

24 **Sec. 1109.** RCW 29.51.185 and 1987 c 346 s 13 are each amended to  
25 read as follows:

26 DOUBLE VOTING PROHIBITED. A registered voter shall not be allowed  
27 to vote in the precinct in which he or she is registered at any  
28 election or primary for which that voter has cast an absentee ballot.  
29 A registered voter who has requested an absentee ballot for a primary  
30 or special or general election but chooses to vote at the voter's  
31 precinct polling place in that primary or election shall cast a  
32 provisional ballot (~~in the manner prescribed by RCW 29.10.127 for~~  
33 ~~challenged ballots~~). The canvassing board shall not count the ballot

1 if it finds that the voter has also voted by absentee ballot in that  
2 primary or election.

3 **Subpart 11.2**

4 **Procedures**

5 **Sec. 1110.** RCW 29.48.030 and 1990 c 59 s 36 are each reenacted to  
6 read as follows:

7 DELIVERY OF SUPPLIES. No later than the day before a primary or  
8 election, the county auditor shall provide to the inspector or one of  
9 the judges of each precinct or to one of the inspectors of a polling  
10 place where more than one precinct will be voting, all of the ballots,  
11 precinct lists of registered voters, and other supplies necessary for  
12 conducting the election or primary.

13 **Sec. 1111.** RCW 29.07.170 and 1994 c 57 s 19 are each reenacted to  
14 read as follows:

15 DELIVERY OF PRECINCT LISTS TO POLLS. Upon closing of the  
16 registration files preceding an election, the county auditor shall  
17 deliver the precinct lists of registered voters to the inspector or one  
18 of the judges of each precinct or group of precincts located at the  
19 polling place before the polls open.

20 **Sec. 1112.** RCW 29.48.035 and 1977 ex.s. c 361 s 82 are each  
21 amended to read as follows:

22 ADDITIONAL SUPPLIES FOR PAPER BALLOTS. In precincts where votes  
23 are cast on paper ballots, the following supplies, in addition to those  
24 specified in RCW 29.48.030 (~~(as now or hereafter amended, shall)~~), must  
25 be provided:

26 (1) Two tally books in which the names of the candidates (~~(shall)~~)  
27 will be listed in the order in which they appear on the sample ballots  
28 and in each case have the proper party designation at the head thereof;

29 (2) Two certificates or two sample ballots prepared as blanks, for  
30 recording of the unofficial results by the precinct election officers.

31 **Sec. 1113.** RCW 29.57.130 and 1999 c 298 s 17 are each reenacted to  
32 read as follows:

33 VOTING AND REGISTRATION INSTRUCTIONS AND INFORMATION. (1) Each

1 county auditor shall provide voting and registration instructions,  
2 printed in large type, to be conspicuously displayed at each polling  
3 place and permanent registration facility.

4 (2) The county auditor shall make information available for deaf  
5 persons throughout the state by telecommunications.

6 **Sec. 1114.** RCW 29.48.020 and 1977 ex.s. c 361 s 80 are each  
7 reenacted to read as follows:

8 TIME FOR ARRIVAL OF OFFICERS. The precinct election officers for  
9 each precinct shall meet at the designated polling place at the time  
10 set by the county auditor.

11 **Sec. 1115.** RCW 29.48.070 and 1990 c 59 s 37 are each reenacted to  
12 read as follows:

13 INSPECTION OF VOTING EQUIPMENT. Before opening the polls for a  
14 precinct, the voting equipment shall be inspected to determine if it  
15 has been properly prepared for voting. If the voting equipment is  
16 capable of direct tabulation of each voter's choices, the precinct  
17 election officers shall verify that no votes have been registered for  
18 any issue or office to be voted on at that primary or election. Any  
19 ballot box shall be carefully examined by the judges of election to  
20 determine that it is empty. The ballot box shall then be sealed or  
21 locked. The ballot box shall not be opened before the certification of  
22 the primary or election except in the manner and for the purposes  
23 provided under this title.

24 **Sec. 1116.** RCW 29.48.090 and 1965 c 9 s 29.48.090 are each  
25 reenacted to read as follows:

26 DISPLAY OF FLAG. At all primaries and elections the flag of the  
27 United States shall be conspicuously displayed in front of each polling  
28 place.

29 **Sec. 1117.** RCW 29.48.100 and 1990 c 59 s 38 are each reenacted to  
30 read as follows:

31 ANNOUNCEMENT OPENING THE POLLS. The precinct election officers,  
32 immediately before they start to issue ballots or permit a voter to  
33 vote, shall announce at the place of voting that the polls for that  
34 precinct are open.

1       **Sec. 1118.** RCW 29.51.150 and 1990 c 59 s 45 are each reenacted to  
2 read as follows:

3       VOTING DEVICES--PERIODIC EXAMINATION.       The precinct election  
4 officers shall periodically examine the voting devices to determine if  
5 they have been tampered with.

6       **Sec. 1119.** RCW 29.51.050 and 1990 c 59 s 40 are each amended to  
7 read as follows:

8       ISSUING BALLOT TO VOTER--CHALLENGE. A voter desiring to vote shall  
9 give his or her name to the precinct election officer who has the  
10 precinct list of registered voters. This officer shall announce the  
11 name to the precinct election officer who has the copy of the  
12 inspector's poll book for that precinct. If the right of this voter to  
13 participate in the primary or election is not challenged, the voter  
14 (~~shall~~) must be issued a ballot or permitted to enter a voting booth  
15 or to operate a voting device. The number of the ballot or the voter  
16 (~~shall~~) must be recorded by the precinct election officers. If the  
17 right of the voter to participate is challenged, RCW 29.10.125 and  
18 29.10.127 apply to that voter.

19       **Sec. 1120.** RCW 29.51.060 and 1990 c 59 s 41 are each amended to  
20 read as follows:

21       SIGNATURE REQUIRED TO VOTE--PROCEDURE IF VOTER UNABLE TO SIGN  
22 NAME. (~~If any person appears~~) Any person desiring to vote at any  
23 primary or election (~~as a registered voter in the jurisdiction where~~  
24 ~~the primary or election is being held, the precinct election officers~~  
25 ~~shall require the voter~~) is required to sign his or her name (~~and~~  
26 ~~current address subject to penalties of perjury in one of~~) on the  
27 appropriate precinct list(~~s~~) of registered voters. If the (~~person~~)  
28 voter registered using a mark, or can no longer sign his or her name,  
29 the election officers shall require the (~~person offering to vote~~)  
30 voter to be identified by another registered voter.

31       (~~As soon as it is determined that the person is qualified to vote,~~  
32 ~~one of~~) The precinct election officers shall (~~enter~~) then record the  
33 voter's name (~~in a second poll book~~).

34       **Sec. 1121.** RCW 29.51.100 and 1990 c 59 s 43 are each amended to  
35 read as follows:

1 CASTING VOTE. On signing the precinct list of registered voters or  
2 being issued a ballot, the voter shall, without leaving the polling  
3 place, proceed to one of the voting booths or voting devices to cast  
4 his or her vote. (~~If the voter was issued a ballot~~) When the voter  
5 has finished, he or she shall either (1) remove the (~~number~~) numbered  
6 stub from the ballot, place the ballot in the ballot box, and return  
7 the number to the precinct election officers, or (~~shall~~) (2) deliver  
8 (~~it~~) the entire ballot to the precinct election officers, who shall  
9 remove the (~~number~~) numbered stub from the ballot and place the  
10 ballot in the ballot box.

11 **Sec. 1122.** RCW 29.51.070 and 1990 c 59 s 42 are each reenacted to  
12 read as follows:

13 RECORD OF PARTICIPATION. As each voter casts his or her vote, the  
14 precinct election officers shall insert in the poll books or precinct  
15 list of registered voters opposite that voter's name, a notation to  
16 credit the voter with having participated in that primary or election.  
17 The precinct election officers shall record the voter's name so that a  
18 separate record is kept.

19 **Sec. 1123.** RCW 29.51.200 and 1981 c 34 s 1 are each amended to  
20 read as follows:

21 DISABLED VOTERS. Voting shall be secret except to the extent  
22 necessary to assist sensory or physically (~~handicapped~~) disabled  
23 voters.

24 If any voter declares in the presence of the election officers that  
25 because of sensory or physical (~~handicap~~) disability he or she is  
26 unable to register or record his or her vote, he or she may designate  
27 a person of his or her choice or two election officers from opposite  
28 political parties to enter the voting machine booth with him or her and  
29 record his or her vote as he or she directs.

30 **Sec. 1124.** RCW 29.54.018 and 1990 c 59 s 54 are each amended to  
31 read as follows:

32 TABULATION OF PAPER BALLOTS BEFORE CLOSE OF POLLS. (1) Paper  
33 ballots may be tabulated at the precinct polling place before the  
34 closing of the polls (~~under rules adopted by the secretary of state~~).  
35 The tabulation of ballots, paper or otherwise, shall be open to the

1 public, but no persons except those employed and authorized by the  
2 county auditor may touch a ballot card or ballot container or operate  
3 vote tallying equipment.

4 (2) The results of the tabulation of paper ballots at the polls  
5 shall be delivered to the county auditor as soon as the tabulation is  
6 complete.

7 **Sec. 1125.** RCW 29.51.250 and 1990 c 59 s 51 are each reenacted to  
8 read as follows:

9 VOTERS IN POLLING PLACE AT CLOSING TIME. If at the time of closing  
10 the polls, there are any voters in the polling place who have not  
11 voted, they shall be allowed to vote after the polls have been closed.

12 **Sec. 1126.** RCW 29.54.010 and 1990 c 59 s 52 are each amended to  
13 read as follows:

14 UNUSED BALLOTS. At each precinct immediately after the last  
15 qualified voter has cast his or her vote, the precinct election  
16 officers shall (~~identify and seal~~) render unusable and secure in a  
17 container all unused ballots for that precinct and (~~seal them in a~~  
18 ~~container to be returned~~) return them to the county auditor.

19 **Sec. 1127.** RCW 29.54.015 and 1990 c 59 s 53 are each amended to  
20 read as follows:

21 DUTIES OF ELECTION OFFICERS AFTER SECURING BALLOTS. Immediately  
22 after the (~~close of the polls and the completion of voting~~) unused  
23 ballots are secure, the precinct election officers shall count the  
24 number of voted ballots and make a record of any discrepancy between  
25 this number and the number of voters who signed the poll book for that  
26 precinct or polling place, complete the certifications in the poll  
27 book, prepare the ballots for transfer to the counting center if  
28 necessary, and seal the voting devices.

29 **Sec. 1128.** RCW 29.07.180 and 1994 c 57 s 20 are each reenacted to  
30 read as follows:

31 RETURN OF PRECINCT LISTS AFTER ELECTION--PUBLIC RECORDS. The  
32 precinct list of registered voters for each precinct or group of  
33 precincts delivered to the precinct election officers for use on the  
34 day of an election held in that precinct shall be returned by them to

1 the county auditor upon the completion of the count of the votes cast  
2 in the precinct at that election. While in possession of the county  
3 auditor they shall be open to public inspection under such reasonable  
4 rules and regulations as may be prescribed therefor.

5 **Subpart 11.3**

6 **Poll-site Ballot Counting Devices**

7 **Sec. 1129.** RCW 29.48.080 and 1999 c 158 s 6 are each reenacted to  
8 read as follows:

9 INITIALIZATION. In precincts where poll-site ballot counting  
10 devices are used the election officers, before initializing the device  
11 for voting, shall proceed as follows:

12 (1) They shall see that the device is placed where it can be  
13 conveniently attended by the election officers and conveniently  
14 operated by the voters;

15 (2) They shall see whether the number or other designating mark on  
16 the device's seal agrees with the control number provided by the  
17 elections department. If they do not agree they shall at once notify  
18 the elections department and delay initializing the device. The polls  
19 may be opened pending reexamination of the device;

20 (3) If the numbers do agree, they shall proceed to initialize the  
21 device and see whether the public counter registers "000." If the  
22 counter is found to register a number other than "000," one of the  
23 judges shall at once set the counter at "000" and confirm that the  
24 ballot box is empty;

25 (4) Before processing any ballots through a poll-site ballot  
26 counting device a zero report must be produced. The inspector and at  
27 least one of the judges shall carefully verify that zero ballots have  
28 been run through the poll-site ballot counting device and that all vote  
29 totals for each office are zero. If the totals are not zero, the  
30 inspector shall either reset the device to zero or contact the  
31 elections department to reset the device and allow voting to continue  
32 using the auxiliary or emergency device.

33 **Sec. 1130.** RCW 29.48.045 and 1999 c 158 s 5 are each reenacted to  
34 read as follows:

35 DELIVERY AND SEALING. Whenever poll-site ballot counting devices



1 are used, the devices may either be included with the supplies required  
2 in RCW 29.48.030 or they may be delivered to the polling place  
3 separately. All poll-site ballot counting devices must be sealed with  
4 a unique numbered seal at the time of final preparation and logic and  
5 accuracy testing. A log must be made of all seal numbers and device  
6 numbers used.

7 **Sec. 1131.** RCW 29.54.093 and 1999 c 158 s 11 are each reenacted to  
8 read as follows:

9 MEMORY PACKS. The programmed memory pack for each poll-site ballot  
10 counting device must be sealed into the device during final preparation  
11 and logic and accuracy testing. Except in the case of a device  
12 breakdown, the memory pack must remain sealed in the device until after  
13 the polls have closed and all reports and telephonic or electronic  
14 transfer of results are completed. After all reporting is complete the  
15 precinct election officers responsible for transferring the sealed  
16 voted ballots under RCW 29.54.075 shall ensure that the memory pack is  
17 returned to the elections department. If the entire poll-site ballot  
18 counting device is returned, the memory pack must remain sealed in the  
19 device. If the poll-site ballot counting device is to remain at the  
20 polling place, the precinct election officer shall break the seal on  
21 the device and remove the memory pack and seal and return it along with  
22 the irregularly voted ballots and special ballots to the elections  
23 department on election day.

24 **Sec. 1132.** RCW 29.51.115 and 1999 c 158 s 7 are each reenacted to  
25 read as follows:

26 INCORRECTLY MARKED BALLOTS. Each poll-site ballot counting device  
27 must be programmed to return all blank ballots and overvoted ballots to  
28 the voter for private reexamination. The election officer shall take  
29 whatever steps are necessary to ensure that the secrecy of the ballot  
30 is maintained. The precinct election officer shall provide information  
31 and instruction on how to properly mark the ballot. The voter may  
32 remark the original ballot, may request a new ballot under RCW  
33 29.51.190, or may choose to complete a special ballot envelope and  
34 return the ballot as a special ballot.



1 (3) If the number of persons whose names are on the official  
2 nomination list for a political party is not sufficient to satisfy the  
3 requirements of subsection (4) of this section as it applies to that  
4 political party or is otherwise insufficient to provide the number of  
5 precinct election officials required from that political party, the  
6 auditor shall notify the chair of the party's county central committee  
7 regarding the deficiency. The chair may, within five business days of  
8 being notified by the auditor, add to the party's nomination list the  
9 names of additional persons belonging to that political party who are  
10 qualified to serve on the election boards. To the extent that,  
11 following this procedure, the number of persons whose names appear on  
12 the official nomination lists of the political parties is insufficient  
13 to provide the number of election inspectors and judges required for a  
14 primary or election, the auditor may appoint a properly trained person  
15 whose name does not appear on such a list as an inspector or judge of  
16 election for a precinct.

17 (4) The county auditor shall designate the inspector and one judge  
18 in each precinct from that political party which polled the highest  
19 number of votes in the county for its candidate for president at the  
20 last preceding presidential election and one judge from that political  
21 party polling the next highest number of votes in the county for its  
22 candidate for president at the same election. The provisions of this  
23 subsection apply only if the number of names on the official nomination  
24 list for inspectors and judges of election for a political party is  
25 sufficient to satisfy the requirements imposed by this subsection.

26 (5) Except as provided in RCW 29.45.040 for the filling of  
27 vacancies, this shall be the exclusive method for the appointment of  
28 inspectors and judges to serve as precinct election officers at any  
29 primary or election, general or special, and shall supersede the  
30 provisions of any and all other statutes, whether general or special in  
31 nature, having different requirements.

32 **Sec. 1135.** RCW 29.45.020 and 1965 ex.s. c 101 s 2 are each amended  
33 to read as follows:

34 APPOINTMENT OF CLERKS--PARTY REPRESENTATION--HOUR TO REPORT. At  
35 the same time the officer having jurisdiction of the election appoints  
36 the inspector and two judges as provided in RCW 29.45.010, he or she  
37 may appoint one or more persons to act as clerks if in his or her

1 judgment such additional persons are necessary, except that in  
2 precincts in which voting machines are used, the judges of election  
3 shall perform the duties required to be performed by clerks.

4 Each clerk appointed shall represent a major political party(~~(+~~  
5 ~~PROVIDED, That~~)). The political party representation of a single set  
6 of precinct election officers shall, whenever possible, be equal but,  
7 in any event, no single political party shall be represented by more  
8 than a majority of one at each polling place.

9 The election officer having jurisdiction of the election may  
10 designate at what hour the clerks shall report for duty. The hour may  
11 vary among the precincts according to the judgment of the appointing  
12 officer.

13 **Sec. 1136.** RCW 29.45.030 and 1991 c 106 s 2 are each amended to  
14 read as follows:

15 NOMINATION. The precinct committee officer of each major political  
16 party shall certify to the officer's county chair a list of those  
17 persons belonging to the officer's political party qualified to act  
18 upon the election board in the officer's precinct.

19 By the first day of June each year, the chair of the county central  
20 committee of each major political party shall certify to the officer  
21 having jurisdiction of the election a list of those persons belonging  
22 to the county chair's political party in each precinct who are  
23 qualified to act on the election board therein.

24 The county chair shall compile this list from the names certified  
25 by the various precinct committee officers unless no names or not  
26 (~~(a)~~) a sufficient (~~(number of)~~) number of names have been  
27 certified from a precinct, in which event the county chair may include  
28 therein the names of qualified members of the county chair's party  
29 selected by the county chair. The county chair shall also have the  
30 authority to substitute names of persons recommended by the precinct  
31 committee officers if in the judgment of the county chair such persons  
32 are not qualified to serve as precinct election officers.

33 **Sec. 1137.** RCW 29.45.040 and 1965 c 9 s 29.45.040 are each  
34 reenacted to read as follows:

35 VACANCIES--HOW FILLED--INSPECTOR'S AUTHORITY. If no election  
36 officers have been appointed for a precinct, or if at the hour for

1 opening the polls none of those appointed is present at the polling  
2 place therein, the voters present may appoint the election board for  
3 that precinct. One of the judges may perform the duties of clerk of  
4 election. The inspector shall have the power to fill any vacancy that  
5 may occur in the board of judges, or by absence or refusal to serve of  
6 either of the clerks after the polls shall have been opened.

7 **Sec. 1138.** RCW 29.45.050 and 1994 c 223 s 91 are each amended to  
8 read as follows:

9 ONE SET OF PRECINCT ELECTION OFFICERS, EXCEPTIONS--COUNTING BOARD--  
10 RECEIVING BOARD. There shall be but one set of election officers at  
11 any one time in each precinct except as provided in this section.

12 In every precinct using paper ballots having two hundred or more  
13 registered voters there shall be appointed, and in every precinct  
14 having less than two hundred registered voters there may be appointed,  
15 at a state primary or state general election, two or more sets of  
16 precinct election officers as provided in RCW 29.04.020 and 29.45.010.  
17 The officer in charge of the election may appoint one or more counting  
18 boards at his or her discretion, when he or she decides that because of  
19 a long or complicated ballot or because of the number of expected  
20 voters, there is need of additional counting board or boards to improve  
21 the speed and accuracy of the count.

22 In making such appointments, one or more sets of precinct election  
23 officers shall be designated as the counting board or boards, the first  
24 of which shall consist of an inspector, two judges, and a clerk and the  
25 second set, if activated, shall consist of two judges and two clerks.  
26 The duties of the counting board or boards shall be the count of  
27 ballots cast and the return of the election records and supplies to the  
28 officer having jurisdiction of the election.

29 One set of precinct election officers shall be designated as the  
30 receiving board which shall have all other powers and duties imposed by  
31 law for such elections. Nothing in this section prevents the county  
32 auditor from appointing relief or replacement precinct election  
33 officers at any time during election day. Relief or replacement  
34 precinct election officers must be of the same political party as the  
35 officer they are relieving or replacing.

1       **Sec. 1139.** RCW 29.45.060 and 1990 c 59 s 74 are each reenacted to  
2 read as follows:

3       DUTIES--GENERALLY. The inspector and judges of election in each  
4 precinct shall conduct the elections therein and receive, deposit, and  
5 count the ballots cast thereat and make returns to the proper  
6 canvassing board or officer except that when two or more sets of  
7 precinct election officers are appointed as provided in RCW 29.45.050,  
8 the ballots shall be counted by the counting board or boards as  
9 provided in RCW 29.54.015, 29.54.018, and 29.85.225.

10       **Sec. 1140.** RCW 29.45.065 and 1973 c 102 s 5 are each reenacted to  
11 read as follows:

12       APPLICATION TO OTHER PRIMARIES OR ELECTIONS. All of the provisions  
13 of RCW 29.45.050 and 29.45.060 relating to counting boards may be  
14 applied on an optional basis to any other primary or election, regular  
15 or special, at the discretion of the officer in charge of the election.

16       **Sec. 1141.** RCW 29.45.070 and 1965 c 9 s 29.45.070 are each amended  
17 to read as follows:

18       INSPECTOR AS CHAIR--AUTHORITY. The inspector shall be (~~chairman~~)  
19 the chair of the board and after its organization (~~shall have power~~  
20 ~~to~~) administer all necessary oaths (~~which~~) that may be required in  
21 the progress of the election.

22       **Sec. 1142.** RCW 29.45.080 and 1965 c 9 s 29.45.080 are each  
23 reenacted to read as follows:

24       OATHS OF OFFICERS REQUIRED. The inspector, judges, and clerks of  
25 election, before entering upon the duties of their offices, shall take  
26 and subscribe the prescribed oath or affirmation which shall be  
27 administered to them by any person authorized to administer oaths and  
28 verified under the hand of the person by whom such oath or affirmation  
29 is administered. If no such person is present, the inspector shall  
30 administer the same to the judges and clerks, and one of the judges  
31 shall administer the oath to the inspector.

32       The county auditor shall furnish two copies of the proper form of  
33 oath to each precinct election officer, one copy thereof, after  
34 execution, to be placed and transmitted with the election returns.

1       **Sec. 1143.** RCW 29.45.090 and 1965 c 9 s 29.45.090 are each  
2 reenacted to read as follows:

3       OATH OF INSPECTORS, FORM. The following shall be the form of the  
4 oath or affirmation to be taken by each inspector:

5       "I, A B, do swear (or affirm) that I will duly attend to the  
6 ensuing election, during the continuance thereof, as an inspector, and  
7 that I will not receive any ballot or vote from any person other than  
8 such as I firmly believe to be entitled to vote at such election,  
9 without requiring such evidence of the right to vote as is directed by  
10 law; nor will I vexatiously delay the vote of, or refuse to receive, a  
11 ballot from any person whom I believe to be entitled to vote; but that  
12 I will in all things truly, impartially, and faithfully perform my duty  
13 therein to the best of my judgment and abilities; and that I am not,  
14 directly nor indirectly, interested in any bet or wager on the result  
15 of this election."

16       **Sec. 1144.** RCW 29.45.100 and 1965 c 9 s 29.45.100 are each  
17 reenacted to read as follows:

18       OATH OF JUDGES, FORM. The following shall be the oath or  
19 affirmation of each judge:

20       "We, A B, do swear (or affirm) that we will as judges duly attend  
21 the ensuing election, during the continuance thereof, and faithfully  
22 assist the inspector in carrying on the same; that we will not give our  
23 consent to the receipt of any vote or ballot from any person, other  
24 than one whom we firmly believe to be entitled to vote at such  
25 election; and that we will make a true and perfect return of the said  
26 election and will in all things truly, impartially, and faithfully  
27 perform our duty respecting the same to the best of our judgment and  
28 abilities; and that we are not directly nor indirectly interested in  
29 any bet or wager on the result of this election."

30       **Sec. 1145.** RCW 29.45.110 and 1965 c 9 s 29.45.110 are each  
31 reenacted to read as follows:

32       OATH OF CLERKS, FORM. The following shall be the form of the oath  
33 to be taken by the clerks:

34       "We, and each of us, A B, do swear (or affirm) that we will  
35 impartially and truly write down the name of each elector who votes at  
36 the ensuing election, and also the name of the county and precinct

1 wherein the elector resides; that we will carefully and truly write  
2 down the number of votes given for each candidate at the election as  
3 often as his name is read to us by the inspector and in all things  
4 truly and faithfully perform our duty respecting the same to the best  
5 of our judgment and abilities, and that we are not directly nor  
6 indirectly interested in any bet or wager on the result of this  
7 election."

8 **Sec. 1146.** RCW 29.45.120 and 1971 ex.s. c 124 s 2 are each amended  
9 to read as follows:

10 COMPENSATION. The fees of officers of election shall be as  
11 follows:

12 To the judges and clerks of an election not less than the minimum  
13 hourly wage per hour as provided under RCW 49.46.020 (~~as now or~~  
14 ~~hereafter amended~~), the exact amount to be fixed by the respective  
15 boards of county commissioners for each county. To inspectors, the  
16 rate paid to judges and clerks plus an additional two hours'  
17 compensation. The precinct election officer picking up the election  
18 supplies and returning the election returns to the county auditor shall  
19 be entitled to additional compensation, the exact amount to be  
20 determined by the respective boards of county commissioners for each  
21 county.

22 **PART 12**

23 **VOTE BY MAIL BALLOTS**

24 **Sec. 1201.** RCW 29.38.010 and 2001 c 241 s 15 are each reenacted to  
25 read as follows:

26 MAIL BALLOT PRECINCTS. The county auditor may designate any  
27 precinct having fewer than two hundred active registered voters at the  
28 time of closing of voter registration as provided in RCW 29.07.160 as  
29 a mail ballot precinct. The county auditor shall notify each  
30 registered voter by mail that for all future primaries and elections  
31 the voting in his or her precinct will be by mail ballot only. In  
32 determining the number of registered voters in a precinct for the  
33 purposes of this section, persons who are ongoing absentee voters under  
34 RCW 29.36.240 shall not be counted. Nothing in this section may be  
35 construed as altering the vote tallying requirements of RCW 29.62.090.



1 As soon as ballots are available, the county auditor shall mail or  
2 deliver a ballot and an envelope, preaddressed to the issuing officer,  
3 to each active registered voter. The auditor shall send each inactive  
4 voter either a ballot or an application to receive a ballot. The  
5 auditor shall determine which of the two is to be sent. If the  
6 inactive voter returns a voted ballot, the ballot shall be counted and  
7 the voter's status restored to active. If the inactive voter completes  
8 and returns an application, a ballot shall be sent and the voter's  
9 status restored to active.

10 If the precinct exceeds two hundred registered voters, or the  
11 auditor determines to return to a polling place election environment,  
12 the auditor shall notify each registered voter, by mail, of this and  
13 shall provide the address of the polling place to be used.

14 **Sec. 1202.** RCW 29.38.020 and 2001 c 241 s 16 are each reenacted to  
15 read as follows:

16 SPECIAL ELECTIONS. At any nonpartisan special election not being  
17 held in conjunction with a state primary or general election, the  
18 county, city, town, or district requesting the election pursuant to RCW  
19 29.13.010 or 29.13.020 may also request that the special election be  
20 conducted by mail ballot. The county auditor may honor the request or  
21 may determine that the election is not to be conducted by mail ballot.  
22 The decision of the county auditor in this regard is final.

23 For all special elections not being held in conjunction with a  
24 state primary or state general election where voting is conducted by  
25 mail ballot, the county auditor shall, not less than twenty days before  
26 the date of such election, make available to each registered voter a  
27 mail ballot. The auditor shall handle inactive voters in the same  
28 manner as inactive voters in mail ballot precincts.

29 **Sec. 1203.** RCW 29.38.030 and 2001 c 241 s 17 are each reenacted to  
30 read as follows:

31 ODD-YEAR PRIMARIES. In an odd-numbered year, the county auditor  
32 may conduct a primary or a special election by mail ballot concurrently  
33 with the primary:

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

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

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

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

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

15 To the extent they are not inconsistent with other provisions of  
16 law, the laws governing the conduct of mail ballot special elections  
17 apply to nonpartisan primaries conducted by mail ballot.

18 **Sec. 1204.** RCW 29.38.040 and 2001 c 241 s 18 are each amended to  
19 read as follows:

20 DEPOSITING BALLOTS--REPLACEMENT BALLOTS. (1) If a county auditor  
21 conducts an election by mail, the county auditor shall designate one or  
22 more places for the deposit of ballots not returned by mail. The  
23 places designated under this section shall be open on the date of the  
24 election for a period of thirteen hours, beginning at 7:00 a.m. and  
25 ending at 8:00 p.m.

26 (2) A registered voter may obtain a replacement ballot as provided  
27 in this subsection (~~((if the ballot is destroyed, damaged, lost, or not  
28 received by the voter))~~). A voter may request a replacement mail ballot  
29 in person, by mail, by telephone, or by other electronic transmission  
30 for himself or herself and for any member of his or her immediate  
31 family. The request must be received by the auditor before 8:00 p.m.  
32 on election day. The county auditor shall keep a record of each  
33 replacement ballot issued, including the date of the request.  
34 Replacement mail ballots may be counted in the final tabulation of  
35 ballots only if the original ballot is not received by the county  
36 auditor and the replacement ballot meets all requirements for  
37 tabulation necessary for the tabulation of regular mail ballots.



1 election shall be held in the odd-numbered year if, after the last day  
2 allowed for candidates to withdraw, either of the following  
3 circumstances exist:

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

7 (2) No more than two candidates have filed a declaration of  
8 candidacy for a single nonpartisan office to be filled.

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

15 **Subpart 13.2**  
16 **Partisan Primaries**

17 **Sec. 1302.** RCW 29.18.010 and 1990 c 59 s 78 are each reenacted to  
18 read as follows:

19 APPLICATION OF CHAPTER. Candidates for the following offices shall  
20 be nominated at partisan primaries held pursuant to the provisions of  
21 this chapter:

22 (1) Congressional offices;

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

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

27 **Sec. 1303.** RCW 29.18.120 and 1990 c 59 s 87 are each reenacted to  
28 read as follows:

29 GENERAL ELECTION LAWS GOVERN PRIMARIES. So far as applicable, the  
30 provisions of this title relating to conducting general elections shall  
31 govern the conduct of primaries.

32 **Sec. 1304.** RCW 29.18.200 and 1990 c 59 s 88 are each reenacted to  
33 read as follows:

34 BLANKET PRIMARY AUTHORIZED. Except as provided otherwise in

1 chapter 29.19 RCW, all properly registered voters may vote for their  
2 choice at any primary held under this title, for any candidate for each  
3 office, regardless of political affiliation and without a declaration  
4 of political faith or adherence on the part of the voter.

5 **Subpart 13.3**

6 **Nonpartisan Primaries**

7 **Sec. 1305.** RCW 29.21.010 and 1990 c 59 s 89 are each reenacted to  
8 read as follows:

9 LOCAL PRIMARIES. All city and town primaries shall be nonpartisan.  
10 Primaries for special purpose districts, except those districts that  
11 require ownership of property within the district as a prerequisite to  
12 voting, shall be nonpartisan. City, town, and district primaries shall  
13 be held as provided in RCW 29.13.070.

14 The purpose of this section is to establish the holding of a  
15 primary, subject to the exemptions in RCW 29.21.015, as a uniform  
16 procedural requirement to the holding of city, town, and district  
17 elections. These provisions supersede any and all other statutes,  
18 whether general or special in nature, having different election  
19 requirements.

20 **Sec. 1306.** RCW 29.21.015 and 1998 c 19 s 1 are each reenacted to  
21 read as follows:

22 WHEN NO LOCAL PRIMARY PERMITTED--PROCEDURE. (1) No primary may be  
23 held for any single position in any city, town, district, or district  
24 court, as required by RCW 29.21.010, if, after the last day allowed for  
25 candidates to withdraw, there are no more than two candidates filed for  
26 the position. The county auditor shall, as soon as possible, notify  
27 all the candidates so affected that the office for which they filed  
28 will not appear on the primary ballot.

29 (2) No primary may be held for the office of commissioner of a park  
30 and recreation district or for the office of cemetery district  
31 commissioner.

32 (3) Names of candidates for offices that do not appear on the  
33 primary ballot shall be printed upon the general election ballot in the  
34 manner specified by RCW 29.30.025.



1 place(~~(:—PROVIDED, That)~~). The names of all candidates for  
2 nonpartisan offices (~~(shall)~~) must be published separately with  
3 designation of the offices for which they are candidates but without  
4 party designation. This (~~(shall be)~~) is the only notice required for  
5 the holding of any primary (~~(election)~~).

6 **Sec. 1310.** RCW 29.27.050 and 1990 c 59 s 9 are each reenacted to  
7 read as follows:

8 CERTIFICATION OF NOMINEES. No later than the day following the  
9 certification of the returns of any primary, the secretary of state  
10 shall certify to the appropriate county auditors, the names of all  
11 persons nominated for offices, the returns of which have been canvassed  
12 by the secretary of state.

13 **Sec. 1311.** RCW 29.27.072 and 1997 c 405 s 1 are each reenacted to  
14 read as follows:

15 NOTICE OF CONSTITUTIONAL AMENDMENTS AND STATE MEASURES--  
16 METHOD. Subject to the availability of funds appropriated specifically  
17 for that purpose, the secretary of state shall publish notice of the  
18 proposed constitutional amendments and other state measures that are to  
19 be submitted to the people at a state general election up to four times  
20 during the four weeks immediately preceding that election in every  
21 legal newspaper in the state. The secretary of state shall supplement  
22 this publication with an equivalent amount of radio and television  
23 advertisements.

24 **Sec. 1312.** RCW 29.27.074 and 1997 c 405 s 2 are each reenacted to  
25 read as follows:

26 NOTICE OF CONSTITUTIONAL AMENDMENTS AND STATE MEASURES--CONTENTS.  
27 The newspaper and broadcast notice required by Article XXIII, section  
28 1, of the state Constitution and RCW 29.27.072 may set forth all or  
29 some of the following information:

- 30 (1) A legal identification of the state measure to be voted upon.
- 31 (2) The official ballot title of such state measure.
- 32 (3) A brief statement explaining the constitutional provision or  
33 state law as it presently exists.
- 34 (4) A brief statement explaining the effect of the state measure  
35 should it be approved.

1 (5) The total number of votes cast for and against the measure in  
2 both the state senate and house of representatives.

3 No individual candidate or incumbent public official may be  
4 referred to or identified in these notices or advertisements.

5 **Sec. 1313.** RCW 29.27.080 and 1999 c 4 s 1 are each amended to read  
6 as follows:

7 NOTICE OF ELECTION--CERTIFICATION OF MEASURES. (~~(1)~~) Except as  
8 provided in RCW 29.81A.060, notice for any state, county, district, or  
9 municipal election, whether special or general, (~~shall~~) must be given  
10 by at least one publication not more than ten nor less than three days  
11 (~~prior to~~) before the election by the county auditor or the officer  
12 conducting the election as the case may be, in one or more newspapers  
13 of general circulation within the county. (~~Said~~) The legal notice  
14 (~~shall~~) must contain the title of each office under the proper party  
15 designation, the names and addresses of all officers who have been  
16 nominated for an office to be voted upon at that election, together  
17 with the ballot titles of all measures, the hours during which the  
18 polls will be open, and (~~that the election will be held in the~~  
19 ~~regular~~) the polling places (~~in~~) for each precinct, giving the  
20 address of each polling place(~~:- PROVIDED, That~~). The names of all  
21 candidates for nonpartisan offices (~~shall~~) must be published  
22 separately with designation of the offices for which they are  
23 candidates but without party designation. This (~~shall be~~) is the  
24 only notice required for a state, county, district, or municipal  
25 general or special election and (~~shall~~) supersedes the provisions of  
26 any and all other statutes, whether general or special in nature,  
27 having different requirements for the giving of notice of any general  
28 or special elections.

29 (~~(2) All school district elections held on February 5, 1980, at~~  
30 ~~which the number and proportion of persons required by law voted to~~  
31 ~~authorize bonds or tax levies, are hereby validated regardless of any~~  
32 ~~failure to publish notice of such election. No action challenging the~~  
33 ~~validity of any such election may be brought later than April 15, 1980,~~  
34 ~~or thirty days from June 12, 1980, whichever is later. Notice of~~  
35 ~~provisions of this subsection shall be published within five days after~~  
36 ~~February 28, 1980, in a newspaper of general circulation within each~~



1 county where a school district election was held on February 5, 1980,  
2 and where notice of such election was not published as provided in  
3 subsection (1) of this section.

4 ~~(3) All school district elections held on May 19, 1998, at which  
5 the number and proportion of persons required by law voted to authorize  
6 bonds or tax levies, are hereby validated regardless of any failure to  
7 publish notice of such election. No action challenging the validity of  
8 any such election may be brought later than thirty days after January  
9 29, 1999. Notice of provisions of this subsection shall be published  
10 within five days after January 29, 1999, in a newspaper of general  
11 circulation within each county where a school district election was  
12 held on May 19, 1998, and where notice of such election was not  
13 published as provided in subsection (1) of this section.)~~

14 **Sec. 1314.** RCW 29.27.100 and 1965 c 9 s 29.27.100 are each amended  
15 to read as follows:

16 CERTIFICATES OF ELECTION TO OFFICERS ELECTED IN SINGLE COUNTY OR  
17 LESS. Immediately after the ascertainment of the result of an election  
18 for an office to be filled by the voters of a single county, or of a  
19 precinct, or of a constituency within a county for which ~~((he))~~ the  
20 county auditor serves as supervisor of elections, the county auditor  
21 shall notify the person elected, and ~~((upon his demand))~~ issue to  
22 ~~((him))~~ the person a certificate of ~~((his))~~ election.

23 **Sec. 1315.** RCW 29.27.110 and 1965 c 9 s 29.27.110 are each amended  
24 to read as follows:

25 CERTIFICATES OF ELECTION TO OTHER OFFICERS. Except as provided in  
26 the state Constitution, the governor shall issue certificates of  
27 election to those elected as senator or representative in the Congress  
28 of the United States and to state offices. The secretary of state  
29 shall issue certificates of election to those elected to the office of  
30 judge of the superior court in judicial districts comprising more than  
31 one county and to those elected to either branch of the state  
32 legislature in legislative districts comprising more than one county.

33 **PART 14**



1 later than the first day of August of the year before the year in which  
2 a president is to be nominated and elected.

3 (2) No later than the first day of September of the year before the  
4 year in which a presidential nominee is selected, the state committee  
5 of any major political party that will use the primary results for  
6 candidates of that party may propose an alternative date for that  
7 primary.

8 (3) If an alternative date is proposed under subsection (1) or (2)  
9 of this section, a committee consisting of the chair and the vice-chair  
10 of the state committee of each major political party, the secretary of  
11 state, the majority leader and minority leader of the senate, and the  
12 speaker and the minority leader of the house of representatives shall  
13 meet and, if affirmed by a two-thirds vote of the members of the  
14 committee, the date of the primary shall be changed. The committee  
15 shall meet and decide on the proposed alternate date not later than the  
16 first day of October of the year before the year in which a  
17 presidential nominee is selected. The secretary of state shall convene  
18 and preside over the meeting of the committee. A committee member  
19 other than a legislator may appoint, in writing, a designee to serve on  
20 his or her behalf. A legislator who is a member of the committee may  
21 appoint, in writing, another legislator to serve on his or her behalf.

22 (4) If an alternate date is approved under this section, the  
23 secretary of state shall adopt rules under RCW 29.19.070 to adjust the  
24 deadlines in RCW 29.19.030 and related provisions of this chapter to  
25 correspond with the date that has been approved.

26 **Sec. 1403.** RCW 29.19.030 and 1989 c 4 s 3 are each reenacted to  
27 read as follows:

28 **BALLOT--NAMES INCLUDED.** The name of any candidate for a major  
29 political party nomination for president of the United States shall be  
30 printed on the presidential preference primary ballot of a major  
31 political party only:

32 (1) By direction of the secretary of state, who in the secretary's  
33 sole discretion has determined that the candidate's candidacy is  
34 generally advocated or is recognized in national news media; or

35 (2) If members of the political party of the candidate have  
36 presented a petition for nomination of the candidate that has attached  
37 to the petition a sheet or sheets containing the signatures of at least

1 one thousand registered voters who declare themselves in the petition  
2 as being affiliated with the same political party as the presidential  
3 candidate. The petition shall be filed with the secretary of state not  
4 later than the thirty-ninth day before the presidential preference  
5 primary. The signature sheets shall also contain the residence address  
6 and name or number of the precinct of each registered voter whose  
7 signature appears thereon and shall be certified in the manner  
8 prescribed in RCW 29.79.200 and 29.79.210.

9 The secretary of state shall place the name of the candidate on the  
10 ballot unless the candidate, at least thirty-five days before the  
11 presidential preference primary, executes and files with the secretary  
12 of state an affidavit stating without qualification that he or she is  
13 not now and will not become a candidate for the office of president of  
14 the United States at the forthcoming presidential election. The  
15 secretary of state shall certify the names of all candidates who will  
16 appear on the presidential preference primary ballot to the respective  
17 county auditors on or before the fourth Tuesday in April of each  
18 presidential election year.

19 **Sec. 1404.** RCW 29.19.045 and 1995 1st sp.s. c 20 s 2 are each  
20 reenacted to read as follows:

21 PROCEDURES--BALLOT FORM AND ARRANGEMENT. (1) Except where  
22 necessary to accommodate the national or state rules of a major  
23 political party or where this chapter specifically provides otherwise,  
24 the presidential primary must be conducted in substantially the same  
25 manner as a state partisan primary under this title.

26 (2) Except as provided under this chapter or by rule of the  
27 secretary of state adopted under RCW 29.19.070, the arrangement and  
28 form of presidential primary ballots must be substantially as provided  
29 for a partisan primary under this title. Whenever requested by a major  
30 political party, a separate ballot containing only the candidates of  
31 that party who have qualified under RCW 29.19.030 must be provided for  
32 a voter who requests a ballot of that party. A primary ballot,  
33 containing the names of all the candidates who have qualified for a  
34 place on the ballot under RCW 29.19.030, must be provided for  
35 nonaffiliated voters.

36 (3) The ballot must list alphabetically the names of all candidates  
37 for the office of president. The ballot must indicate the political

1 party of each candidate adjacent to the name of that candidate. Each  
2 ballot must include a blank space to allow the voter to write in the  
3 name of any other candidate.

4 (4) A presidential primary ballot with votes for more than one  
5 candidate is void, and notice to this effect, stated in clear, simple  
6 language and printed in large type, must appear on the face of each  
7 presidential primary ballot or on or about each voting device.

8 **Sec. 1405.** RCW 29.19.055 and 1995 1st sp.s. c 20 s 3 are each  
9 reenacted to read as follows:

10 ALLOCATION OF DELEGATES--PARTY DECLARATIONS. (1) A major political  
11 party may, under national or state party rules, base the allocation of  
12 delegates from this state to the national nominating convention of that  
13 party in whole or in part on the participation in precinct caucuses and  
14 conventions conducted under the rules of that party.

15 (2) If requested by a major political party, the secretary of state  
16 shall adopt rules under RCW 29.19.070 to provide for any declaration  
17 required by that party.

18 (3) Voters who subscribe to a specific political party declaration  
19 under this section must be given ballots that are readily  
20 distinguishable from those given to other voters. Votes cast by  
21 persons making these declarations must be tabulated and reported  
22 separately from other votes cast at the primary and may be used by a  
23 major political party in its allocation of delegates under the rules of  
24 that party.

25 (4) For a political party that requires a specific voter  
26 declaration under this section, the secretary of state shall prescribe  
27 rules for providing, to the state and county committees of that  
28 political party, a copy of the declarations or a list of the voters who  
29 participated in the presidential nominating process of that party.

30 **Sec. 1406.** RCW 29.19.080 and 1995 1st sp.s. c 20 s 5 are each  
31 reenacted to read as follows:

32 COSTS. Subject to available funds specifically appropriated for  
33 this purpose, whenever a presidential primary is held as provided by  
34 this chapter, the state of Washington shall assume all costs of holding  
35 the primary if it is held alone. If any other election or elections  
36 are held at the same time, the state is liable only for a prorated

1 share of the costs. The county auditor shall determine the costs,  
2 including the state's prorated share, if applicable, in the same manner  
3 as provided under RCW 29.13.045 and shall file a certified claim with  
4 the secretary of state. The secretary of state shall include in his or  
5 her biennial budget requests sufficient funds to carry out this  
6 section. Reimbursements for primary costs must be from appropriations  
7 specifically provided by law for that purpose.

8 **Subpart 14.2**  
9 **Recall**

10 **Sec. 1407.** RCW 29.82.010 and 1984 c 170 s 1 are each amended to  
11 read as follows:

12 INITIATING PROCEEDINGS--STATEMENT--CONTENTS--VERIFICATION--  
13 DEFINITIONS. Whenever any legal voter of the state or of any political  
14 subdivision thereof, either individually or on behalf of an  
15 organization, desires to demand the recall and discharge of any  
16 elective public officer of the state or of such political subdivision,  
17 as the case may be, under the provisions of sections 33 and 34 of  
18 Article 1 of the Constitution, (~~he or they~~) the voter shall prepare  
19 a typewritten charge, reciting that such officer, naming him or her and  
20 giving the title of (~~his~~) the office, has committed an act or acts of  
21 malfeasance, or an act or acts of misfeasance while in office, or has  
22 violated (~~his~~) the oath of office, or has been guilty of any two or  
23 more of the acts specified in the Constitution as grounds for recall.  
24 The charge shall state the act or acts complained of in concise  
25 language, give a detailed description including the approximate date,  
26 location, and nature of each act complained of, be signed by the person  
27 or persons making the charge, give their respective post office  
28 addresses, and be verified under oath that (~~he or they~~) the person or  
29 persons believe the charge or charges to be true and have knowledge of  
30 the alleged facts upon which the stated grounds for recall are based.

31 For the purposes of this chapter:

32 (1) "Misfeasance" or "malfeasance" in office means any wrongful  
33 conduct that affects, interrupts, or interferes with the performance of  
34 official duty;

35 (a) Additionally, "misfeasance" in office means the performance of  
36 a duty in an improper manner; and

1 (b) Additionally, "malfeasance" in office means the commission of  
2 an unlawful act;

3 (2) "Violation of the oath of office" means the (~~wilful~~) neglect  
4 or knowing failure by an elective public officer to perform faithfully  
5 a duty imposed by law.

6 **Sec. 1408.** RCW 29.82.015 and 1984 c 170 s 2 are each reenacted to  
7 read as follows:

8 PETITION--WHERE FILED. Any person making a charge shall file it  
9 with the elections officer whose duty it is to receive and file a  
10 declaration of candidacy for the office concerning the incumbent of  
11 which the recall is to be demanded. The officer with whom the charge  
12 is filed shall promptly (1) serve a copy of the charge upon the officer  
13 whose recall is demanded, and (2) certify and transmit the charge to  
14 the preparer of the ballot synopsis provided in RCW 29.82.021. The  
15 manner of service shall be the same as for the commencement of a civil  
16 action in superior court.

17 **Sec. 1409.** RCW 29.82.021 and 1984 c 170 s 3 are each amended to  
18 read as follows:

19 BALLOT SYNOPSIS. (1) Within fifteen days after receiving a charge,  
20 the officer specified below shall formulate a ballot synopsis of the  
21 charge of not more than two hundred words.

22 (a) Except as provided in (b) of this subsection, if the recall is  
23 demanded of an elected public officer whose political jurisdiction  
24 encompasses an area in more than one county, the attorney general shall  
25 be the preparer, except if the recall is demanded of the attorney  
26 general, the chief justice of the supreme court shall be the preparer.

27 (b) If the recall is demanded of an elected public officer whose  
28 political jurisdiction lies wholly in one county, or if the recall is  
29 demanded of an elected public officer of a district whose jurisdiction  
30 encompasses more than one county but whose declaration of candidacy is  
31 filed with a county auditor in one of the counties, the prosecuting  
32 attorney of that county shall be the preparer, except that if the  
33 prosecuting attorney is the officer whose recall is demanded, the  
34 attorney general shall be the preparer.

35 (2) The synopsis shall set forth the name of the person charged,  
36 the title of (~~his~~) the office, and a concise statement of the

1 elements of the charge. Upon completion of the ballot synopsis, the  
2 preparer shall certify and transmit the exact language of the ballot  
3 synopsis to the persons filing the charge and the officer subject to  
4 recall. The preparer shall additionally certify and transmit the  
5 charges and the ballot synopsis to the superior court of the county in  
6 which the officer subject to recall resides and shall petition the  
7 superior court to approve the synopsis and to determine the sufficiency  
8 of the charges.

9 **Sec. 1410.** RCW 29.82.023 and 1984 c 170 s 4 are each reenacted to  
10 read as follows:

11 DETERMINATION BY SUPERIOR COURT--CORRECTION OF BALLOT  
12 SYNOPSIS. Within fifteen days after receiving the petition, the  
13 superior court shall have conducted a hearing on and shall have  
14 determined, without cost to any party, (1) whether or not the acts  
15 stated in the charge satisfy the criteria for which a recall petition  
16 may be filed, and (2) the adequacy of the ballot synopsis. The clerk  
17 of the superior court shall notify the person subject to recall and the  
18 person demanding recall of the hearing date. Both persons may appear  
19 with counsel. The court may hear arguments as to the sufficiency of  
20 the charges and the adequacy of the ballot synopsis. The court shall  
21 not consider the truth of the charges, but only their sufficiency. An  
22 appeal of a sufficiency decision shall be filed in the supreme court as  
23 specified by RCW 29.82.160. The superior court shall correct any  
24 ballot synopsis it deems inadequate. Any decision regarding the ballot  
25 synopsis by the superior court is final. The court shall certify and  
26 transmit the ballot synopsis to the officer subject to recall, the  
27 person demanding the recall, and either the secretary of state or the  
28 county auditor, as appropriate.

29 **Sec. 1411.** RCW 29.82.025 and 1984 c 170 s 5 are each amended to  
30 read as follows:

31 FILING SIGNATURES--TIME LIMITS. (1) The sponsors of a recall  
32 demanded of any public officer shall stop circulation of and file all  
33 petitions with the appropriate elections officer not less than six  
34 months before the next general election in which the officer whose  
35 recall is demanded is subject to reelection.



1 (2) The sponsors of a recall demanded of an officer elected to a  
2 statewide position shall have a maximum of two hundred seventy days,  
3 and the sponsors of a recall demanded of any other officer shall have  
4 a maximum of one hundred eighty days, in which to obtain and file  
5 supporting signatures after the issuance of a ballot synopsis by the  
6 superior court. If the decision of the superior court regarding the  
7 sufficiency of the charges is not appealed, the one hundred eighty or  
8 two hundred seventy day period for the circulation of signatures begins  
9 on the sixteenth day following the decision of the superior court. If  
10 the decision of the superior court regarding the sufficiency of the  
11 charges is appealed, the one hundred eighty or two hundred seventy day  
12 period for the circulation of signatures begins on the day following  
13 the issuance of the decision by the supreme court.

14 **Sec. 1412.** RCW 29.82.030 and 1984 c 170 s 6 are each amended to  
15 read as follows:

16 PETITION--FORM. Recall petitions (~~shall~~) must be printed on  
17 single sheets of paper of good writing quality (including but not  
18 limited to newsprint) not less than eleven inches in width and not less  
19 than fourteen inches in length. No petition may be circulated or  
20 signed prior to the first day of the one hundred eighty or two hundred  
21 seventy day period established by RCW 29.82.025 for that recall  
22 petition. (~~Such~~) The petitions (~~shall~~) must be substantially in  
23 the following form:

24 ((WARNING

25 ~~Every person who signs this petition with any other than his true~~  
26 ~~name, or who knowingly (1) signs more than one of these petitions, (2)~~  
27 ~~signs this petition when he is not a legal voter, or (3) makes herein~~  
28 ~~any false statement, may be fined, or imprisoned, or both.)) The  
29 warning prescribed by RCW 29.79.115; followed by:~~

30 Petition for the recall of (here insert the name of the office and  
31 of the person whose recall is petitioned for) to the Honorable (here  
32 insert the name and title of the officer with whom the charge is  
33 filed).

34 We, the undersigned citizens and legal voters of (the state of  
35 Washington or the political subdivision in which the recall is to be  
36 held), respectfully direct that a special election be called to  
37 determine whether or not (here insert the name of the person charged

1 and the office which he or she holds) be recalled and discharged from  
 2 his or her office, for and on account of (his or her having committed  
 3 the act or acts of malfeasance or misfeasance while in office, or  
 4 having violated his or her oath of office, as the case may be), in the  
 5 following particulars: (here insert the synopsis of the charge); and  
 6 each of us for himself or herself says: I have personally signed this  
 7 petition; I am a legal voter of the State of Washington in the precinct  
 8 and city (or town) and county written after my name, and my residence  
 9 address is correctly stated, and to my knowledge, have signed this  
 10 petition only once.

11  
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20  
21

((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
-----------------------------	--	--	--------------------	--------

(Here follow 20 numbered lines divided into columns as below.)

1--	---	---	---	---
2--	---	---	---	---
3--	---	---	---	---
etc.))				

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

25 **Sec. 1413.** RCW 29.82.040 and 1965 c 9 s 29.82.040 are each amended  
 26 to read as follows:

27 PETITION--SIZE. Each recall petition at the time of circulating,  
 28 signing, and filing with the officer with whom it is to be filed,  
 29 (~~shall~~) must consist of not more than five sheets with numbered lines  
 30 for not more than twenty signatures on each sheet, with the prescribed  
 31 warning, title, and form of petition on each sheet, and a full, true,  
 32 and correct copy of the original statement of the charges against the  
 33 officer referred to therein, printed on sheets of paper of like size  
 34 and quality as the petition, firmly fastened together.

1       **Sec. 1414.** RCW 29.82.060 and 1991 c 363 s 36 are each reenacted to  
2 read as follows:

3       NUMBER OF SIGNATURES REQUIRED. When the person, committee, or  
4 organization demanding the recall of a public officer has secured  
5 sufficient signatures upon the recall petition the person, committee,  
6 or organization may submit the same to the officer with whom the charge  
7 was filed for filing in his or her office. The number of signatures  
8 required shall be as follows:

9       (1) In the case of a state officer, an officer of a city of the  
10 first class, a member of a school board in a city of the first class,  
11 or a county officer of a county with a population of forty thousand or  
12 more--signatures of legal voters equal to twenty-five percent of the  
13 total number of votes cast for all candidates for the office to which  
14 the officer whose recall is demanded was elected at the preceding  
15 election.

16       (2) In the case of an officer of any political subdivision, city,  
17 town, township, precinct, or school district other than those mentioned  
18 in subsection (1) of this section, and in the case of a state senator  
19 or representative--signatures of legal voters equal to thirty-five  
20 percent of the total number of votes cast for all candidates for the  
21 office to which the officer whose recall is demanded was elected at the  
22 preceding election.

23       **Sec. 1415.** RCW 29.82.080 and 1965 c 9 s 29.82.080 are each amended  
24 to read as follows:

25       CANVASSING PETITION FOR SUFFICIENCY OF SIGNATURES--TIME OF--  
26 NOTICE. Upon the filing of a recall petition (~~(in his office)~~), the  
27 officer with whom the charge was filed shall stamp on each petition the  
28 date of filing, and shall notify the persons filing them and the  
29 officer whose recall is demanded of the date when the petitions will be  
30 canvassed, which date (~~(shall)~~) must be not less than five or more than  
31 ten days from the date of its filing.

32       **Sec. 1416.** RCW 29.82.090 and 1984 c 170 s 7 are each reenacted to  
33 read as follows:

34       VERIFICATION AND CANVASS OF SIGNATURES--PROCEDURE--STATISTICAL  
35 SAMPLING. (1) Upon the filing of a recall petition, the elections

1 officer shall proceed to verify and canvass the names of legal voters  
2 on the petition.

3 (2) The verification and canvass of signatures on the petition may  
4 be observed by persons representing the advocates and opponents of the  
5 proposed recall so long as they make no record of the names, addresses,  
6 or other information on the petitions or related records during the  
7 verification process except upon the order of the superior court. The  
8 elections officer may limit the number of observers to not fewer than  
9 two on each side, if in his or her opinion a greater number would cause  
10 undue delay or disruption of the verification process. Any such  
11 limitation shall apply equally to both sides. If the elections officer  
12 finds the same name signed to more than one petition, he or she shall  
13 reject all but the first such valid signature.

14 (3) Where the recall of a statewide elected official is sought, the  
15 secretary of state may use any statistical sampling techniques for  
16 verification and canvassing which have been adopted by rule for  
17 canvassing initiative petitions under RCW 29.79.200. No petition will  
18 be rejected on the basis of any statistical method employed. No  
19 petition will be accepted on the basis of any statistical method  
20 employed if such method indicates that the petition contains less than  
21 the number of signatures of legal voters required by Article I, section  
22 33 (Amendment 8) of the state Constitution.

23 **Sec. 1417.** RCW 29.82.100 and 1984 c 170 s 8 are each reenacted to  
24 read as follows:

25 FIXING DATE FOR RECALL ELECTION--NOTICE. If, at the conclusion of  
26 the verification and canvass, it is found that a petition for recall  
27 bears the required number of signatures of certified legal voters, the  
28 officer with whom the petition is filed shall promptly certify the  
29 petitions as sufficient and fix a date for the special election to  
30 determine whether or not the officer charged shall be recalled and  
31 discharged from office. The special election shall be held not less  
32 than forty-five nor more than sixty days from the certification and,  
33 whenever possible, on one of the dates provided in RCW 29.13.020, but  
34 no recall election may be held between the date of the primary and the  
35 date of the general election in any calendar year. Notice shall be  
36 given in the manner as required by law for special elections in the  
37 state or in the political subdivision, as the case may be.

1       **Sec. 1418.** RCW 29.82.105 and 1984 c 170 s 9 are each reenacted to  
2 read as follows:

3       RESPONSE TO PETITION CHARGES. When a date for a special recall  
4 election is set the certifying officer shall serve a notice of the date  
5 of the election to the officer whose recall is demanded and the person  
6 demanding recall. The manner of service shall be the same as for the  
7 commencement of a civil action in superior court. After having been  
8 served a notice of the date of the election and the ballot synopsis,  
9 the officer whose recall is demanded may submit to the certifying  
10 officer a response, not to exceed two hundred fifty words in length, to  
11 the charge contained in the ballot synopsis. Such response shall be  
12 submitted by the seventh consecutive day after service of the notice.  
13 The certifying officer shall promptly send a copy of the response to  
14 the person who filed the petition.

15       **Sec. 1419.** RCW 29.82.110 and 1965 c 9 s 29.82.110 are each amended  
16 to read as follows:

17       DESTRUCTION OF INSUFFICIENT RECALL PETITION. If it is found that  
18 the recall petition does not contain the requisite number of signatures  
19 of certified legal voters, the officer shall so notify the persons  
20 filing the petition, and at the expiration of thirty days from the  
21 conclusion of the count ((he)) the officer shall destroy the petitions  
22 unless prevented therefrom by the injunction or mandate of a court.

23       **Sec. 1420.** RCW 29.82.120 and 1965 c 9 s 29.82.120 are each amended  
24 to read as follows:

25       FRAUDULENT NAMES--RECORD OF. The officer making the canvass of a  
26 recall petition shall keep a record of all names appearing ((~~thereon~~  
27 ~~which~~)) on it that are not certified to be legal voters of the state or  
28 of the political subdivision, as the case may be, and of all names  
29 appearing more than once ((~~thereon~~)), and ((he)) shall report the same  
30 to the prosecuting attorneys of the respective counties where ((~~such~~))  
31 the names appear to have been signed, to the end that prosecutions may  
32 be had for ((~~such~~)) the violation of this chapter.

33       **Sec. 1421.** RCW 29.82.130 and 1990 c 59 s 71 are each reenacted to  
34 read as follows:

35       CONDUCT OF ELECTION--CONTENTS OF BALLOT. The special election for

1 the recall of an officer shall be conducted in the same manner as a  
2 special election for that jurisdiction. The county auditor shall  
3 conduct the recall election. The ballots at any recall election shall  
4 contain a full, true, and correct copy of the ballot synopsis of the  
5 charge and the officer's response to the charge if one has been filed.

6 **Sec. 1422.** RCW 29.82.140 and 1977 ex.s. c 361 s 109 are each  
7 amended to read as follows:

8 ASCERTAINING THE RESULT--WHEN RECALL EFFECTIVE. The votes on a  
9 recall election (~~((shall))~~) must be counted, canvassed, and the results  
10 certified in the manner provided by law for counting, canvassing, and  
11 certifying the results of an election for the office from which the  
12 officer is being recalled(~~((:—PROVIDED, That))~~). However, if the  
13 officer whose recall is demanded is the officer to whom, under the law,  
14 returns of elections are made, (~~((such))~~) the returns (~~((shall))~~) must be  
15 made to the officer with whom the charge is filed, and who called the  
16 special election(~~((:—and))~~). In the case of an election for the recall  
17 of a state officer, the county canvassing boards of the various  
18 counties shall canvass and return the result of (~~((such))~~) the election  
19 to the officer calling (~~((such))~~) the special election. If a majority of  
20 all votes cast at the recall election is for the recall of the officer  
21 charged, (~~((he shall))~~) the officer is thereupon (~~((be))~~) recalled and  
22 discharged from (~~((his))~~) the office, and the office (~~((shall))~~) thereupon  
23 (~~((become and be))~~) is vacant.

24 **Sec. 1423.** RCW 29.82.160 and 1988 c 202 s 30 are each reenacted to  
25 read as follows:

26 ENFORCEMENT PROVISIONS--MANDAMUS--APPELLATE REVIEW. The superior  
27 court of the county in which the officer subject to recall resides has  
28 original jurisdiction to compel the performance of any act required of  
29 any public officer or to prevent the performance by any such officer of  
30 any act in relation to the recall not in compliance with law.

31 The supreme court has like original jurisdiction in relation to  
32 state officers and revisory jurisdiction over the decisions of the  
33 superior courts. Any proceeding to compel or prevent the performance  
34 of any such act shall be begun within ten days from the time the cause  
35 of complaint arises, and shall be considered an emergency matter of  
36 public concern and take precedence over other cases, and be speedily

1 heard and determined. Appellate review of a decision of any superior  
2 court shall be begun and perfected within fifteen days after its  
3 decision in a recall election case and shall be considered an emergency  
4 matter of public concern by the supreme court, and heard and determined  
5 within thirty days after the decision of the superior court.

6 **Subpart 14.3**  
7 **Presidential Electors**

8 **Sec. 1424.** RCW 29.71.010 and 1965 c 9 s 29.71.010 are each amended  
9 to read as follows:

10 DATE OF ELECTION--NUMBER. On the Tuesday (~~(next)~~) after the first  
11 Monday of November in the year in which a president of the United  
12 States is to be elected, there shall be elected as many electors of  
13 president and vice president of the United States as there are senators  
14 and representatives in Congress allotted to this state.

15 **Sec. 1425.** RCW 29.71.020 and 1990 c 59 s 69 are each reenacted to  
16 read as follows:

17 NOMINATION--PLEDGE BY ELECTORS--WHAT NAMES ON BALLOTS--HOW  
18 COUNTED. In the year in which a presidential election is held, each  
19 major political party and each minor political party or independent  
20 candidate convention held under chapter 29.24 RCW that nominates  
21 candidates for president and vice president of the United States shall  
22 nominate presidential electors for this state. The party or convention  
23 shall file with the secretary of state a certificate signed by the  
24 presiding officer of the convention at which the presidential electors  
25 were chosen, listing the names and addresses of the presidential  
26 electors. Each presidential elector shall execute and file with the  
27 secretary of state a pledge that, as an elector, he or she will vote  
28 for the candidates nominated by that party. The names of presidential  
29 electors shall not appear on the ballots. The votes cast for  
30 candidates for president and vice president of each political party  
31 shall be counted for the candidates for presidential electors of that  
32 political party.

33 **Sec. 1426.** RCW 29.71.030 and 1965 c 9 s 29.71.030 are each amended  
34 to read as follows:

1           CANVASSING THE RETURNS. The votes for candidates for president and  
2 vice president (~~((shall be given, received, returned and))~~) must be  
3 canvassed (~~((as the same are given, returned, and canvassed for~~  
4 ~~candidates for congress))~~) under chapter 29.62 RCW (as recodified by  
5 this act). The secretary of state shall prepare three lists of names  
6 of electors elected and affix the seal of the state (~~((to the same.~~  
7 ~~Such lists shall))~~). The lists must be signed by the governor and  
8 secretary of state and by the latter delivered to the college of  
9 electors at the hour of their meeting.

10           **Sec. 1427.** RCW 29.71.040 and 1977 ex.s. c 238 s 2 are each amended  
11 to read as follows:

12           MEETING--TIME--PROCEDURE--VOTING FOR NOMINEE OF OTHER PARTY,  
13 PENALTY. The electors of the president and vice president shall  
14 convene at the seat of government on the day fixed by federal statute,  
15 at the hour of twelve o'clock noon of that day. If there is any  
16 vacancy in the office of an elector occasioned by death, refusal to  
17 act, neglect to attend, or otherwise, the electors present shall  
18 immediately proceed to fill it by (~~((viva voce))~~) voice vote, and  
19 plurality of votes. When all of the electors have appeared and the  
20 vacancies have been filled they shall constitute the college of  
21 electors of the state of Washington, and shall proceed to perform the  
22 duties required of them by the Constitution and laws of the United  
23 States. Any elector who votes for a person or persons not nominated by  
24 the party of which he or she is an elector (~~((shall be))~~) is subject to  
25 a civil penalty of up to (~~((a fine of))~~) one thousand dollars.

26           **Sec. 1428.** RCW 29.71.050 and 1965 c 9 s 29.71.050 are each amended  
27 to read as follows:

28           COMPENSATION. Every presidential elector who attends at the time  
29 and place appointed, and gives his or her vote for president and vice  
30 president, (~~((shall be))~~) is entitled to receive from this state, five  
31 dollars for each day's attendance at the meeting of the college of  
32 electors, and ten cents per mile for travel by the usually traveled  
33 route in going to and returning from the place where the electors meet.

34           **Sec. 1429.** RCW 29.27.140 and 2001 c 30 s 1 are each reenacted to  
35 read as follows:



1 SLATE OF PRESIDENTIAL ELECTORS. In a year in which the president  
2 and vice president of the United States are to be elected, the  
3 secretary of state shall include in the certification prepared under  
4 RCW 29.27.050 the names of all candidates for president and vice  
5 president who, at least fifty days before the general election, have  
6 certified a slate of electors to the secretary of state under RCW  
7 29.71.020 and have been nominated either (1) by a major political  
8 party, as certified by the appropriate authority under party rules, or  
9 (2) by a minor party or as independent candidates under chapter 29.24  
10 RCW. Major or minor political parties or independent presidential  
11 candidates may substitute a different candidate for vice president for  
12 the one whose name appears on the party's certification or nominating  
13 petition at any time before forty-five days before the general  
14 election, by certifying the change to the secretary of state.  
15 Substitutions must not be permitted to delay the printing of either  
16 ballots or a voters' pamphlet. Substitutions are valid only if  
17 submitted under oath and signed by the same individual who originally  
18 certified the nomination, or his or her documented successor, and only  
19 if the substitute candidate consents in writing.

#### 20 Subpart 14.4

#### 21 Constitutional Amendment Conventions

22 **Sec. 1430.** RCW 29.74.010 and 1965 c 9 s 29.74.010 are each amended  
23 to read as follows:

24 GOVERNOR'S PROCLAMATION CALLING CONVENTION--WHEN. Within thirty  
25 days after the state is officially notified that the Congress of the  
26 United States has submitted to the several states a proposed amendment  
27 to the Constitution of the United States to be ratified or rejected by  
28 a convention, the governor shall issue a proclamation fixing the time  
29 and place for holding the convention and fixing the time for holding an  
30 election to elect delegates to the convention.

31 **Sec. 1431.** RCW 29.74.020 and 1965 c 9 s 29.74.020 are each  
32 reenacted to read as follows:

33 GOVERNOR'S PROCLAMATION--PUBLICATION. The proclamation shall be  
34 published once each week for two successive weeks in one newspaper  
35 published and of general circulation in each of the congressional

1 districts of the state. The first publication of the proclamation  
2 shall be within thirty days of the receipt of official notice by the  
3 state of the submission of the amendment.

4 **Sec. 1432.** RCW 29.74.030 and 1965 c 9 s 29.74.030 are each amended  
5 to read as follows:

6 ELECTION OF CONVENTION DELEGATES--DATE FOR, HOW FIXED. The date  
7 for holding the election of delegates (~~((shall))~~) must be not less than  
8 one month nor more than six weeks (~~((prior to))~~) before the date of  
9 holding the convention(~~((:—PROVIDED, That))~~). If a general (~~((state))~~)  
10 election is to be held not more than six months nor less than three  
11 months from the date of official notice of submission to the state of  
12 the proposed amendment, the governor must fix the date of the general  
13 election as the date for the election of delegates to the convention.

14 **Sec. 1433.** RCW 29.74.040 and 1965 c 9 s 29.74.040 are each  
15 reenacted to read as follows:

16 TIME AND PLACE FOR HOLDING CONVENTION. The convention shall be  
17 held not less than five nor more than eight months from the date of the  
18 first publication of the proclamation provided for in RCW 29.74.020.  
19 It shall be held in the chambers of the state house of representatives  
20 unless the governor shall select some other place at the state capitol.

21 **Sec. 1434.** RCW 29.74.050 and 1965 c 9 s 29.74.050 are each  
22 reenacted to read as follows:

23 DELEGATES--NUMBER AND QUALIFICATIONS. Each state representative  
24 district shall be entitled to as many delegates in the convention as it  
25 has members in the house of representatives of the state legislature.  
26 No person shall be qualified to act as a delegate in said convention  
27 who does not possess the qualifications required of representatives in  
28 the state legislature from the same district.

29 **Sec. 1435.** RCW 29.74.060 and 1965 c 9 s 29.74.060 are each amended  
30 to read as follows:

31 DELEGATES--DECLARATIONS OF CANDIDACY. Anyone desiring to file as  
32 a candidate for election as a delegate to (~~((said))~~) the convention  
33 shall, not less than thirty nor more than sixty days (~~((prior to))~~)  
34 before the date fixed for holding the election, file (~~((his))~~) a

1 declaration of candidacy with the secretary of state. Filing (~~shall~~)  
2 must be made on a form to be prescribed by the secretary of state and  
3 (~~shall~~) include a sworn statement of the candidate (~~that he is~~) as  
4 being either for or against(~~, as the case may be,~~) the amendment  
5 (~~which~~) that will be submitted to a vote of the convention and that  
6 (~~he~~) the candidate will, if elected as a delegate, vote in accordance  
7 with (~~his~~) the declaration. The form (~~shall~~) must be so worded  
8 that the candidate must give a plain unequivocal statement of his or  
9 her views as either for or against the proposal upon which he or she  
10 will, if elected, be called upon to vote. No candidate (~~shall~~) may  
11 in any such filing make any statement or declaration as to (~~his~~)  
12 party politics or political faith or beliefs. The fee for filing as a  
13 candidate (~~shall be~~) is ten dollars and (~~shall~~) must be transmitted  
14 to the secretary of state with the filing papers and be by the  
15 secretary of state transmitted to the state treasurer for the use of  
16 the general fund.

17 **Sec. 1436.** RCW 29.74.070 and 1965 c 9 s 29.74.070 are each amended  
18 to read as follows:

19 ELECTION OF CONVENTION DELEGATES--GENERAL PROCEDURE. The election  
20 of delegates to (~~such~~) the convention (~~shall~~) must as far as  
21 practicable, be (~~called, held and conducted~~) administered, except as  
22 otherwise provided in this chapter (~~provided~~), in the same manner as  
23 a general election under the election laws of this state.

24 **Sec. 1437.** RCW 29.74.080 and 1990 c 59 s 70 are each reenacted to  
25 read as follows:

26 ELECTION OF CONVENTION DELEGATES--BALLOTS. The issue shall be  
27 identified as, "Delegates to a convention for ratification or rejection  
28 of a proposed amendment to the United States Constitution, relating  
29 . . . . . (stating briefly the substance of amendment  
30 proposed for adoption or rejection)." The names of all candidates who  
31 have filed in a district shall be printed on the ballots for that  
32 district in two separate groups under the headings, "For the amendment"  
33 and "Against the amendment." The names of the candidates in each group  
34 shall be printed in alphabetical order.

1       **Sec. 1438.** RCW 29.74.100 and 1965 c 9 s 29.74.100 are each amended  
2 to read as follows:

3       ELECTION OF CONVENTION DELEGATES--ASCERTAINING ELECTION RESULT.

4 The election officials shall count and determine the number of votes  
5 cast for each individual; and shall also count and determine the  
6 aggregate number of votes cast for all candidates whose names appear  
7 under each of the respective headings. Where more than the required  
8 number have been voted for, the ballot (~~((shall))~~) must be rejected. The  
9 figures determined by the various counts (~~((shall))~~) must be entered in  
10 the poll books of the respective precincts. The vote (~~((shall))~~) must be  
11 canvassed in each county by the county canvassing board, and  
12 certificate of results (~~((shall))~~) must within (~~((twelve))~~) fifteen days  
13 after the election be transmitted to the secretary of state. Upon  
14 receiving (~~((such))~~) the certificate, the secretary of state (~~((shall have~~  
15 ~~power to))~~) may require returns or poll books from any county precinct  
16 to be forwarded for (~~((his))~~) the secretary's examination.

17       Where a district embraces precincts of more than one county, the  
18 secretary of state shall combine the votes from all the precincts  
19 included in each district. The delegates elected in each district  
20 (~~((shall))~~) will be the number of candidates(~~((7))~~) corresponding to the  
21 number of state representatives from the district, who receive the  
22 highest number of votes in the group (either "for" or "against")(~~((7~~  
23 ~~which))~~) that received an aggregate number of votes for all candidates  
24 in the group greater than the aggregate number of votes for all the  
25 candidates in the other group(~~((7 and))~~). The secretary of state shall  
26 issue certificates of election(~~((7))~~) to the delegates so elected.

27       **Sec. 1439.** RCW 29.74.110 and 1965 c 9 s 29.74.110 are each amended  
28 to read as follows:

29       MEETING--ORGANIZATION. The convention shall meet at the time and  
30 place fixed in the governor's proclamation. (~~((It shall be called to~~  
31 ~~order by))~~) The secretary of state shall call it to order, who shall  
32 then call the roll of the delegates and preside over the convention  
33 until its president is elected. The chief justice of the supreme court  
34 shall administer the oath of office (~~((shall then be administered))~~) to  
35 the delegates (~~((by the chief justice of the supreme court))~~). As far as  
36 practicable, the convention shall proceed under the rules adopted by  
37 the last preceding session of the state senate. The convention shall

1 elect a president and a secretary and shall thereafter and thereupon  
2 proceed (~~((to))~~) with a publicly recorded voice vote (~~((viva-voce))~~) upon  
3 the proposition submitted by the Congress of the United States.

4 **Sec. 1440.** RCW 29.74.120 and 1965 c 9 s 29.74.120 are each  
5 reenacted to read as follows:

6 QUORUM--PROCEEDINGS--RECORD. Two-thirds of the elected members of  
7 said convention shall constitute a quorum to do business, and a  
8 majority of those elected shall be sufficient to adopt or reject any  
9 proposition coming before the convention. If such majority votes in  
10 favor of the ratification of the amendment submitted to the convention,  
11 the said amendment shall be deemed ratified by the state of Washington;  
12 and if a majority votes in favor of rejecting or not ratifying the  
13 amendment, the same shall be deemed rejected by the state of  
14 Washington.

15 **Sec. 1441.** RCW 29.74.130 and 1965 c 9 s 29.74.130 are each amended  
16 to read as follows:

17 CERTIFICATION AND TRANSMITTAL OF RESULT. The vote of each member  
18 shall be recorded in the journal of the convention, which shall be  
19 preserved by the secretary of state as a public document. The action  
20 of the convention shall be enrolled, signed by its president and  
21 secretary and filed with the secretary of state and it shall be the  
22 duty of the secretary of state to properly certify the action of the  
23 convention to the Congress of the United States as provided by general  
24 law.

25 **Sec. 1442.** RCW 29.74.140 and 1965 c 9 s 29.74.140 are each  
26 reenacted to read as follows:

27 EXPENSES--HOW PAID--DELEGATES RECEIVE FILING FEE. The delegates  
28 attending the convention shall be paid the amount of their filing fee,  
29 upon vouchers approved by the president and secretary of the convention  
30 and state warrants issued thereon and payable from the general fund of  
31 the state treasury. The delegates shall receive no other compensation  
32 or mileage. All other necessary expenses of the convention shall be  
33 payable from the general fund of the state upon vouchers approved by  
34 the president and secretary of the convention.



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

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

20 **Sec. 1503.** RCW 29.54.042 and 1990 c 59 s 58 are each reenacted to  
21 read as follows:

22 TABULATION CONTINUOUS. Except as provided by rule under RCW  
23 29.04.210, on the day of the primary or election, the tabulation of  
24 ballots at the polling place or at the counting center shall proceed  
25 without interruption or adjournment until all of the ballots cast at  
26 the polls at that primary or election have been tabulated.

27 **Sec. 1504.** RCW 29.54.050 and 1999 c 158 s 13 and 1999 c 157 s 4  
28 are each reenacted to read as follows:

29 REJECTION OF BALLOTS OR PARTS--WRITE-IN VOTES. A ballot is invalid  
30 and no votes on that ballot may be counted if it is found folded  
31 together with another ballot or it is marked so as to identify the  
32 voter.

33 Those parts of a ballot are invalid and no votes may be counted for  
34 those issues or offices where more votes are cast for the office or  
35 issue than are permitted by law; write-in votes do not contain all of  
36 the information required under RCW 29.62.180; or that issue or office

1 is not marked with sufficient definiteness to determine the voter's  
2 choice or intention. No write-in vote may be rejected due to a  
3 variation in the form of the name if the election board or the  
4 canvassing board can determine the issue for or against which or the  
5 person and the office for which the voter intended to vote.

6 **Sec. 1505.** RCW 29.54.060 and 1990 c 59 s 57 are each reenacted to  
7 read as follows:

8 QUESTIONS ON LEGALITY OF BALLOT--PRESERVATION AND RETURN. Whenever  
9 the precinct election officers or the counting center personnel have a  
10 question about the validity of a ballot or the votes for an office or  
11 issue that they are unable to resolve, they shall prepare and sign a  
12 concise record of the facts in question or dispute. These ballots  
13 shall be delivered to the canvassing board for processing. All ballots  
14 shall be preserved in the same manner as valid ballots for that primary  
15 or election.

16 **Sec. 1506.** RCW 29.54.097 and 1999 c 158 s 12 are each reenacted to  
17 read as follows:

18 POLL-SITE BALLOT COUNTING DEVICES--RESULTS. After the close of the  
19 polls, counties employing poll-site ballot counting devices may  
20 telephonically or electronically transmit the accumulated tally for  
21 each device to a central reporting location. Before making a  
22 telephonic or electronic transmission the precinct election officer  
23 must create a printed record of the results of the election for that  
24 poll site. During the canvassing period the results transmitted  
25 telephonically or electronically must be considered unofficial until a  
26 complete reconciliation of the results has been performed. This  
27 reconciliation may be accomplished by a direct loading of the results  
28 from the memory pack into the central accumulator, or a comparison of  
29 the report produced at the poll site on election night with the results  
30 received by the central accumulating device.

31 **Sec. 1507.** RCW 29.54.105 and 1990 c 59 s 60 are each reenacted to  
32 read as follows:

33 RETURNS, PRECINCT AND CUMULATIVE--DELIVERY TO CANVASSING BOARD.  
34 The county auditor shall produce cumulative and precinct returns for



1 each primary and election and deliver them to the canvassing board for  
2 verification and certification. The precinct and cumulative returns of  
3 any primary or election are public records under chapter 42.17 RCW.

4 **Sec. 1508.** RCW 29.54.121 and 1990 c 59 s 24 are each reenacted to  
5 read as follows:

6 SEALING OF VOTING DEVICES--EXCEPTIONS. Except for reopening to  
7 make a recanvass, the registering mechanism of each mechanical voting  
8 device used in any primary or election shall remain sealed until ten  
9 days after the completion of the canvass of that primary or election in  
10 that county. Except where provided by a rule adopted under RCW  
11 29.04.210, voting devices used in a primary or election shall remain  
12 sealed until ten days after the completion of the canvass of that  
13 primary or election in that county.

14 **Sec. 1509.** RCW 29.54.170 and 1990 c 59 s 61 are each reenacted to  
15 read as follows:

16 VOTING SYSTEMS--MAINTENANCE OF DOCUMENTS. In counties using voting  
17 systems, the county auditor shall maintain the following documents for  
18 at least sixty days after the primary or election:

- 19 (1) Sample ballot formats together with a record of the format or  
20 formats assigned to each precinct;
- 21 (2) All programming material related to the control of the vote  
22 tallying system for that primary or election; and
- 23 (3) All test materials used to verify the accuracy of the  
24 tabulating equipment as required by RCW 29.33.350.

25 **Sec. 1510.** RCW 29.51.175 and 1990 c 59 s 46 are each reenacted to  
26 read as follows:

27 VOTES BY STICKERS, PRINTED LABELS, REJECTED. Votes cast by  
28 stickers or printed labels are not valid for any purpose and shall be  
29 rejected. Votes cast by sticker or label shall not affect the validity  
30 of other offices or issues on the voter's ballot.

31 **Sec. 1511.** RCW 29.54.075 and 1999 c 158 s 14 are each amended to  
32 read as follows:

33 BALLOT CONTAINERS, SEALING, OPENING. Immediately after their  
34 tabulation, all ballots counted at a ballot counting center must be

1 sealed in containers that identify the primary or election and be  
2 retained for at least sixty days or according to federal law, whichever  
3 is longer. All ballots tallied by poll-site ballot counting devices  
4 must be returned to the elections department in sealed ballot  
5 containers on election day. Counties composed entirely of islands or  
6 portions of counties composed of islands shall collect the ballots  
7 within twenty-four hours of the close of the polls.

8 Ballots tabulated in poll-site ballot counting devices must be  
9 sealed by two of the election precinct officers at the polling place,  
10 and a log of the seal and the names of the people sealing the container  
11 must be completed. One copy of this log must be retained by the  
12 inspector, one copy must be placed in the ballot transfer case, and one  
13 copy must be transported with the ballots to the elections department,  
14 where the seal number must be verified by the county auditor or a  
15 designated representative. Ballots may be transported by one election  
16 employee if the container is sealed at the poll and then verified when  
17 returned to the elections department. Auditors using poll-site ballot  
18 counting devices may conduct early pickup of counted ballots on  
19 election day.

20 In the presence of major party observers who are available, ballots  
21 may be removed from the sealed containers at the elections department  
22 and consolidated into one sealed container for storage purposes. The  
23 containers may only be opened by the canvassing board as part of the  
24 canvass, or to conduct recounts, or under RCW 29.54.025(3), or by order  
25 of the superior court in a contest or election dispute. If the  
26 canvassing board opens a ballot container, it shall make a full record  
27 of the additional tabulation or examination made of the ballots. This  
28 record (~~shall~~) must be added to any other record of the canvassing  
29 process in that county.

30 **Sec. 1512.** RCW 29.54.085 and 1999 c 158 s 15 are each amended to  
31 read as follows:

32 COUNTING BALLOTS--OFFICIAL RETURNS. (1) The ballots picked up from  
33 the precincts during the polling hours may be counted only at the  
34 counting center before the polls have closed. Election returns from  
35 the count of these ballots must be held in secrecy until the polls have  
36 been closed (~~as provided by RCW 29.54.018~~).

1           (2) Upon breaking the seals and opening the ballot containers from  
2 the precincts, all voted ballots (~~(shall)~~) must be manually inspected  
3 for damage, write-in votes, and incorrect or incomplete marks. If it  
4 is found that any ballot is damaged so that it cannot properly be  
5 counted by the vote tallying system, a true duplicate copy (~~(shall)~~)  
6 must be made of the damaged ballot in the presence of witnesses and  
7 substituted for the damaged ballot. All damaged ballots (~~(shall)~~) must  
8 be kept by the county auditor until sixty days after the primary or  
9 election or according to federal law, whichever is longer.

10           (3) The returns produced by the vote tallying system, to which have  
11 been added the counts of questioned ballots, write-in votes, and  
12 absentee votes, constitute the official returns of the primary or  
13 election in that county.

14           **Sec. 1513.** RCW 29.27.120 and 1965 c 9 s 29.27.120 are each  
15 reenacted to read as follows:

16           CERTIFICATE NOT WITHHELD FOR INFORMALITY IN RETURNS. No  
17 certificate shall be withheld on account of any defect or informality  
18 in the returns of any election, if it can with reasonable certainty be  
19 ascertained from such return what office is intended, and who is  
20 entitled to such certificate, nor shall any commission be withheld by  
21 the governor on account of any defect or informality of any return made  
22 to the office of the secretary of state.

23           NEW SECTION. **Sec. 1514.** COUNTY CANVASSING BOARD--MEMBERSHIP--  
24 AUTHORITY--DELEGATION OF AUTHORITY--RULE MAKING. (1) Members of the  
25 county canvassing board are the county auditor, who is the chair, the  
26 county prosecuting attorney, and the chair of the county legislative  
27 body. If a member of the board is not available to carry out the  
28 duties of the board, then the auditor may designate a deputy auditor,  
29 the prosecutor may designate a deputy prosecuting attorney, and the  
30 chair of the county legislative body may designate another member of  
31 the county legislative body. Any such designation may be made on an  
32 election-by-election basis or may be on a permanent basis until revoked  
33 by the designating authority. Any such designation must be in writing,  
34 and if for a specific election, must be filed with the county auditor  
35 not later than the day before the first day duties are to be undertaken  
36 by the canvassing board. If the designation is permanent until revoked

1 by the designating authority, then the designation must be on file in  
2 the county auditor's office no later than the day before the first day  
3 the designee is to undertake the duties of the canvassing board.

4 (2) The county canvassing board may adopt rules that delegate in  
5 writing to the county auditor or the county auditor's staff the  
6 performance of any task assigned by law to the canvassing board.

7 (3) The county canvassing board may not delegate the responsibility  
8 of certifying the returns of a primary or election, of determining the  
9 validity of challenged ballots, or of determining the validity of  
10 provisional ballots referred to the board by the county auditor.

11 (4) The county canvassing board shall adopt administrative rules to  
12 facilitate and govern the canvassing process in that jurisdiction.

13 (5) Meetings of the county canvassing board are public meetings  
14 under chapter 42.30 RCW. All rules adopted by the county canvassing  
15 board must be adopted in a public meeting under chapter 42.30 RCW, and  
16 once adopted must be available to the public to review and copy under  
17 chapter 42.17 RCW.

18 **Sec. 1515.** RCW 29.62.030 and 1995 c 139 s 3 are each amended to  
19 read as follows:

20 PROCEDURE WHEN MEMBER A CANDIDATE. The members of the county  
21 canvassing board may not include individuals who are candidates for an  
22 office to be voted upon at the primary or election. If no individual  
23 is available to serve on the canvassing board who is not a candidate at  
24 the primary or election ((is one at which a member, or the officer  
25 designating a member, of the canvassing board is a candidate for an  
26 office,)) the individual who is a candidate must not make decisions  
27 regarding the determination of a voter's intent with respect to a vote  
28 cast for that specific office ((shall)); the decision must be made by  
29 the other two members of the board ((not designated by that officer)).  
30 If the two disagree, the vote ((shall)) must not be counted unless the  
31 number of those votes could affect the result of the primary or  
32 election, in which case the secretary of state or a designee shall make  
33 the decision on those votes. This section does not restrict  
34 participation in decisions as to the acceptance or rejection of entire  
35 ballots, unless the office in question is the only one for which the  
36 voter cast a vote.

1       **Sec. 1516.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to  
2 read as follows:

3       COUNTY CANVASSING BOARD--PROCEDURE FOR ABSENTEE BALLOTS.   (~~(1)~~)  
4 At least every third day after a (~~special election~~) primary(~~)~~ or  
5 (~~general~~) election and before certification of the election results,  
6 except Saturdays, Sundays, and legal holidays, the county auditor, as  
7 delegated by the county canvassing board, shall (~~convene the county~~  
8 ~~canvassing board or their designees to~~) process absentee ballots and  
9 canvass the votes cast at that (~~special election~~) primary(~~)~~ or  
10 (~~general~~) election, if the county auditor is in possession of more  
11 than twenty-five ballots that have yet to be canvassed. The county  
12 auditor, as delegated by the county canvassing board, may use his or  
13 her discretion in determining when to (~~convene the canvassing board or~~  
14 ~~their designees~~) process the remaining absentee ballots and canvass  
15 the votes during the final four days before the certification of  
16 election results in order to protect the secrecy of any ballot. In  
17 counties where this process has not been delegated to the county  
18 auditor, the county auditor shall convene the county canvassing board  
19 to process absentee ballots and canvass the votes cast at the primary  
20 or election as set forth in this section.

21       Each absentee ballot previously not canvassed that was received by  
22 the county auditor two days or more before (~~the convening of the~~  
23 ~~canvassing board or their designees and~~) processing absentee ballots  
24 and canvassing the votes as delegated by or processed by the county  
25 canvassing board, that either was received by the county auditor before  
26 the closing of the polls on the day of the (~~special election~~)  
27 primary(~~)~~ or (~~general~~) election for which it was issued, or that  
28 bears a (~~date of mailing~~) postmark on or before the (~~special~~  
29 ~~election~~) primary(~~)~~ or (~~general~~) election for which it was  
30 issued, must be processed at that time. The tabulation of votes that  
31 results from that day's canvass must be made available to the general  
32 public immediately upon completion of the canvass.

33       (~~(2) On the tenth day after a special election or a primary and on~~  
34 ~~the fifteenth day after a general election, the canvassing board shall~~  
35 ~~complete the canvass and certify the results. Each absentee ballot~~  
36 ~~that was returned before the closing of the polls on the date of the~~  
37 ~~primary or election for which it was issued, and each absentee ballot~~  
38 ~~with a date of mailing on or before the date of the primary or election~~

1 for which it was issued and received on or before the date on which the  
2 primary or election is certified, shall be included in the canvass  
3 report.

4 ~~(3) At the request of any caucus of the state legislature, the  
5 county auditor shall transmit copies of all unofficial returns of state  
6 and legislative primaries or elections prepared by or for the county  
7 canvassing board to either the secretary of the senate or the chief  
8 clerk of the house.)~~

9 **Sec. 1517.** RCW 29.54.025 and 1999 c 158 s 9 are each amended to  
10 read as follows:

11 COUNTING CENTER, DIRECTION AND OBSERVATION OF PROCEEDINGS--MANUAL  
12 COUNT OF CERTAIN PRECINCTS. (1) The counting center in a county using  
13 voting systems (~~shall be~~) is under the direction of the county  
14 auditor and (~~shall~~) must be observed by one representative from each  
15 major political party, if representatives have been appointed by the  
16 respective major political parties and these representatives are  
17 present while the counting center is operating. The proceedings  
18 (~~shall~~) must be open to the public, but no persons except those  
19 employed and authorized by the county auditor may touch any ballot or  
20 ballot container or operate a vote tallying system.

21 (2) In counties in which ballots are not counted at the polling  
22 place, the official political party observers, upon mutual agreement,  
23 may request that a precinct be selected at random on receipt of the  
24 ballots from the polling place and that a manual count be made of the  
25 number of ballots and of the votes cast on any office or issue. The  
26 ballots for that precinct (~~shall~~) must then be counted by the vote  
27 tallying system, and this result (~~shall~~) will be compared to the  
28 results of the manual count. This may be done as many as three times  
29 during the tabulation of ballots on the day of the primary or election.

30 (3) In counties using poll-site ballot counting devices, the  
31 political party observers, upon mutual agreement, may choose as many as  
32 three precincts and request that a manual count be made of the number  
33 of ballots and the votes cast on any office or issue. The results of  
34 this count will be compared to the count of the precinct made by the  
35 poll-site ballot counting device. These selections must be made no  
36 later than thirty minutes after the close of the polls. The manual  
37 count must be completed within forty-eight hours after the close of the

1 polls. The process must take place at a location designated by the  
2 county auditor for that purpose. The political party observers must  
3 receive timely notice of the time and location, and have the right to  
4 be present. However, the process must proceed as scheduled if the  
5 observers are unable to attend.

6 **Sec. 1518.** RCW 29.36.330 and 2001 c 241 s 12 are each reenacted to  
7 read as follows:

8 CREDIT FOR VOTING--RETENTION OF BALLOTS. Each registered voter  
9 casting an absentee ballot will be credited with voting on his or her  
10 voter registration record. Absentee ballots must be retained for the  
11 same length of time and in the same manner as ballots cast at the  
12 precinct polling places.

13 NEW SECTION. **Sec. 1519.** CERTIFICATION OF ELECTION RESULTS--  
14 UNOFFICIAL RETURNS. (1) On the tenth day after a special election or  
15 primary and on the fifteenth day after a general election, the county  
16 canvassing board shall complete the canvass and certify the results.  
17 Each absentee ballot that was returned before the closing of the polls  
18 on the date of the primary or election for which it was issued, and  
19 each absentee ballot with a postmark on or before the date of the  
20 primary or election for which it was issued and received on or before  
21 the date on which the primary or election is certified, must be  
22 included in the canvass report.

23 (2) At the request of a caucus of the state legislature, the county  
24 auditor shall transmit copies of all unofficial returns of state and  
25 legislative primaries or elections prepared by or for the county  
26 canvassing board to either the secretary of the senate or the chief  
27 clerk of the house or representatives.

28 **Sec. 1520.** RCW 29.62.040 and 1990 c 59 s 63 are each amended to  
29 read as follows:

30 COUNTY CANVASSING BOARD--CANVASSING PROCEDURE--PENALTY. Before  
31 canvassing the returns of a primary or election, the (~~chairman~~) chair  
32 of the county legislative authority or the chair's designee shall  
33 administer an oath to the county auditor or the auditor's designee  
34 attesting to the authenticity of the information presented to the

1 canvassing board. This oath must be signed by the county auditor or  
2 designee and filed with the returns of the primary or election.

3 The county canvassing board shall proceed to verify the results  
4 from the precincts and the absentee ballots. The board shall execute  
5 a certificate of the results of the primary or election signed by all  
6 members of the board or their designees. Failure to certify the  
7 returns, if they can be ascertained with reasonable certainty, is a  
8 (~~misdemeanor~~) crime under RCW 29.85.170.

9 **Sec. 1521.** RCW 29.62.050 and 1990 c 59 s 64 are each amended to  
10 read as follows:

11 RECANVASS--GENERALLY. Whenever the canvassing board finds that  
12 there is an apparent discrepancy or an inconsistency in the returns of  
13 a primary or election, the board may recanvass the ballots or voting  
14 devices in any precincts of the county. The canvassing board shall  
15 conduct any necessary recanvass activity on or before the last day to  
16 certify the primary or election and correct any error and document the  
17 correction of any error that it finds.

18 **Sec. 1522.** RCW 29.62.080 and 1965 c 9 s 29.62.080 are each amended  
19 to read as follows:

20 TIE VOTES IN PRIMARY OR FINAL ELECTION. (1) If the requisite  
21 number of any federal, state, county, city, or district offices have  
22 not been nominated in a primary by reason of two or more persons having  
23 an equal and requisite number of votes for being placed on the general  
24 election ballot, the official empowered by state law to certify  
25 candidates for the general election ballot shall give notice to the  
26 several persons so having the equal and requisite number of votes to  
27 attend at the appropriate office at the time designated by that  
28 official, who shall then and there proceed publicly to decide by lot  
29 which of those persons will be declared nominated and placed on the  
30 general election ballot.

31 (2) If the requisite number of any federal, state, county, city,  
32 district, or precinct officers (~~shall not be~~) have not been elected  
33 by reason of two or more persons having an equal and highest number of  
34 votes for one and the same office, the official empowered by state law  
35 to issue the original certificate of election shall give notice to the  
36 several persons so having the highest and equal number of votes to



1 attend at the appropriate office at the time to be appointed by  
2 ~~((said))~~ that official, who shall then and there proceed publicly to  
3 decide by lot which of ~~((the))~~ those persons ~~((so having an equal  
4 number of votes shall))~~ will be declared duly elected, and the ~~((said))~~  
5 official shall make out and deliver to the person thus duly declared  
6 elected a certificate of ~~((his))~~ election ~~((as hereinbefore provided))~~.

7 **Sec. 1523.** RCW 29.62.090 and 2001 c 225 s 2 are each amended to  
8 read as follows:

9 ABSTRACT BY ELECTION OFFICER--TRANSMITTAL TO SECRETARY OF STATE.

10 (1) Immediately after the official results of a state primary or  
11 general election in a county are ascertained, the county auditor or  
12 other election officer shall make an abstract of the number of  
13 registered voters in each precinct and of all the votes cast in the  
14 county at such state primary or general election for and against state  
15 measures and for each candidate for federal, state, and legislative  
16 office or for any other office which the secretary of state is required  
17 by law to canvass. The ~~((abstract must be entered on blanks furnished  
18 by the secretary of state or on compatible computer printouts approved  
19 by the secretary of state, and the))~~ cumulative report of the election  
20 and a copy of the certificate of the election must be transmitted to  
21 the secretary of state immediately, through electronic means and mailed  
22 with the abstract of votes no later than the next business day  
23 following the certification by the county canvassing board.

24 (2) After each general election, the county auditor or other  
25 election officer shall provide to the secretary of state a report of  
26 the number of absentee ballots cast in each precinct for and against  
27 state measures and for each candidate for federal, state, and  
28 legislative office or for any other office which the secretary of state  
29 is required by law to canvass. The report may be included in the  
30 abstract required by this section or may be transmitted to the  
31 secretary of state separately, but in no event later than March 31st of  
32 the year following the election. Absentee ballot results may be  
33 incorporated into votes cast at the polls for each precinct or may be  
34 reported separately on a precinct-by-precinct basis.

35 (3) If absentee ballot results are not incorporated into votes cast  
36 at the polls, the county auditor or other election official may  
37 aggregate results from more than one precinct if the auditor, pursuant

1 to rules adopted by the secretary of state, finds that reporting a  
2 single precinct's absentee ballot results would jeopardize the secrecy  
3 of a person's ballot. To the extent practicable, precincts for which  
4 absentee results are aggregated must be contiguous.

5 **Sec. 1524.** RCW 29.62.100 and 1977 ex.s. c 361 s 97 are each  
6 amended to read as follows:

7 SECRETARY OF STATE--PRIMARY RETURNS--STATE OFFICES, ETC. The  
8 secretary of state shall, as soon as possible but in any event not  
9 later than the third Tuesday following the primary, canvass and certify  
10 the returns of all primary elections as to candidates for state  
11 offices, United States senators and representatives in Congress, and  
12 all other candidates whose district extends beyond the limits of a  
13 single county.

14 **Sec. 1525.** RCW 29.62.120 and 1965 c 9 s 29.62.120 are each amended  
15 to read as follows:

16 SECRETARY OF STATE TO CANVASS FINAL RETURNS--SCOPE. As soon as the  
17 returns have been received from all the counties of the state, but not  
18 later than the thirtieth day after the election, the secretary of state  
19 shall make a canvass of such of the returns as are not required to be  
20 canvassed by the legislature and make out a statement thereof, file it  
21 in his or her office, and transmit a certified copy (~~((thereof))~~) to the  
22 governor.

23 **Sec. 1526.** RCW 29.62.130 and 1965 c 9 s 29.62.130 are each amended  
24 to read as follows:

25 CANVASS OF VOTE ON STATEWIDE MEASURES. The votes on proposed  
26 amendments to the state Constitution, recommendations for the calling  
27 of constitutional conventions and other questions submitted to the  
28 people (~~((shall))~~) must be counted, canvassed, and returned by (~~((the~~  
29 ~~regular precinct election officers and by the county auditors and))~~)  
30 each county canvassing board(~~((s))~~) in the manner provided by law for  
31 counting, canvassing, and returning votes for candidates for state  
32 offices. (~~((It shall be the duty of))~~) The secretary of state shall, in  
33 the presence of the governor, within thirty days after (~~((any such))~~) the  
34 election, (~~((to))~~) canvass the votes upon each question and certify to  
35 the governor the result (~~((thereof, and))~~). The governor shall forthwith

1 issue ((his)) a proclamation giving the whole number of votes cast in  
2 the state for and against such measure and declaring the result((+  
3 PROVIDED, That)). If the vote cast upon an initiative or referendum  
4 measure is equal to less than one-third of the total vote cast at the  
5 election, the governor shall proclaim the measure to have failed ((for  
6 that reason)).

7 **PART 16**  
8 **RECOUNTS**

9 **Sec. 1601.** RCW 29.64.010 and 2001 c 225 s 3 are each amended to  
10 read as follows:

11 APPLICATION FOR RECOUNT--REQUIREMENTS--APPLICATION OF CHAPTER. An  
12 officer of a political party or any person for whom votes were cast in  
13 a primary who was not declared nominated may file a written application  
14 for a recount of the votes or a portion of the votes cast at that  
15 primary for all persons for whom votes were cast for nomination to that  
16 office.

17 An officer of a political party or any person for whom votes were  
18 cast at any election may file a written application for a recount of  
19 the votes or a portion of the votes cast at that election for all  
20 candidates for election to that office.

21 Any group of five or more registered voters may file a written  
22 application for a recount of the votes or a portion of the votes cast  
23 upon any question or issue. They shall designate one of the members of  
24 the group as ((chairman)) chair and shall indicate the voting residence  
25 of each member of the group.

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

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

34 An application for a recount ((shall)) must be filed within three  
35 business days after the county canvassing board or secretary of state

1 has declared the official results of the primary or election for the  
2 office or issue for which the recount is requested.

3 This chapter applies to the recounting of votes cast by paper  
4 ballots and to the recounting of votes recorded on ballots counted by  
5 a vote tally system.

6 **Sec. 1602.** RCW 29.64.015 and 2001 c 225 s 4 are each reenacted to  
7 read as follows:

8 MANDATORY RECOUNT. (1) If the official canvass of all of the  
9 returns for any office at any primary or election reveals that the  
10 difference in the number of votes cast for a candidate apparently  
11 nominated or elected to any office and the number of votes cast for the  
12 closest apparently defeated opponent is less than two thousand votes  
13 and also less than one-half of one percent of the total number of votes  
14 cast for both candidates, the county canvassing board shall conduct a  
15 recount of all votes cast on that position.

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

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

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

31 (3) The apparent winner and closest apparently defeated opponent  
32 for an office for which a manual recount is required under subsection  
33 (1)(b) of this section may select an alternative method of conducting  
34 the recount. To select such an alternative, the two candidates shall  
35 agree to the alternative in a signed, written statement filed with the  
36 election official for the office. The recount shall be conducted using  
37 the alternative method if: It is suited to the balloting system that

1 was used for casting the votes for the office; it involves the use of  
2 a vote tallying system that is approved for use in this state by the  
3 secretary of state; and the vote tallying system is readily available  
4 in each county required to conduct the recount. If more than one  
5 balloting system was used in casting votes for the office, an  
6 alternative to a manual recount may be selected for each system.

7 **Sec. 1603.** RCW 29.64.020 and 2001 c 225 s 5 are each reenacted to  
8 read as follows:

9 DEPOSIT OF FEES--NOTICE--PUBLIC PROCEEDING. An application for a  
10 recount shall state the office for which a recount is requested and  
11 whether the request is for all or only a portion of the votes cast in  
12 that jurisdiction of that office. The person filing an application for  
13 a manual recount shall, at the same time, deposit with the county  
14 canvassing board or secretary of state, in cash or by certified check,  
15 a sum equal to twenty-five cents for each ballot cast in the  
16 jurisdiction or portion of the jurisdiction for which the recount is  
17 requested as security for the payment of any costs of conducting the  
18 recount. If the application is for a machine recount, the deposit must  
19 be equal to fifteen cents for each ballot. These charges shall be  
20 determined by the county canvassing board or boards under RCW  
21 29.64.060.

22 The county canvassing board shall determine a time and a place or  
23 places at which the recount will be conducted. This time shall be less  
24 than three business days after the day upon which: The application was  
25 filed with the board; the request for a recount or directive ordering  
26 a recount was received by the board from the secretary of state; or the  
27 returns are certified which indicate that a recount is required under  
28 RCW 29.64.015 for an issue or office voted upon only within the county.  
29 Not less than two days before the date of the recount, the county  
30 auditor shall mail a notice of the time and place of the recount to the  
31 applicant or affected parties and, if the recount involves an office,  
32 to any person for whom votes were cast for that office. The county  
33 auditor shall also notify the affected parties by either telephone,  
34 fax, e-mail, or other electronic means at the time of mailing. At  
35 least three attempts must be made over a two-day period to notify the  
36 affected parties or until the affected parties have received the  
37 notification. Each attempt to notify affected parties must request a

1 return response indicating that the notice has been received. Each  
2 person entitled to receive notice of the recount may attend, witness  
3 the recount, and be accompanied by counsel.

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

8 **Sec. 1604.** RCW 29.64.030 and 2001 c 225 s 6 are each reenacted to  
9 read as follows:

10 RECOUNTING THE VOTES--OBSERVERS--REQUEST TO STOP. (1) At the time  
11 and place established for a recount, the canvassing board or its duly  
12 authorized representatives, in the presence of all witnesses who may be  
13 in attendance, shall open the sealed containers containing the ballots  
14 to be recounted, and shall recount the votes for the offices or issues  
15 for which the recount has been ordered. Ballots shall be handled only  
16 by the members of the canvassing board or their duly authorized  
17 representatives.

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

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

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

35 **Sec. 1605.** RCW 29.64.035 and 2001 c 225 s 7 are each reenacted to  
36 read as follows:

1 PARTIAL RECOUNT REQUIRING COMPLETE RECOUNT. When a partial recount  
2 of votes cast for an office or issue changes the result of the  
3 election, the canvassing board or the secretary of state, if the office  
4 or issue is being recounted at his or her direction, shall order a  
5 complete recount of all ballots cast for the office or issue for the  
6 jurisdiction in question.

7 This recount will be conducted in a manner consistent with RCW  
8 29.64.015.

9 **Sec. 1606.** RCW 29.64.040 and 2001 c 225 s 8 are each reenacted to  
10 read as follows:

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

16 If the nomination, election, or issue for which the recount was  
17 conducted was submitted only to the voters of a county, the canvassing  
18 board shall file the amended abstract with the original results of that  
19 election or primary.

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

27 **Sec. 1607.** RCW 29.64.051 and 2001 c 225 s 9 are each reenacted to  
28 read as follows:

29 LIMITATION ON RECOUNTS. After the original count, canvass, and  
30 certification of results, the votes cast in any single precinct may not  
31 be recounted and the results recertified more than twice.

32 **Sec. 1608.** RCW 29.64.060 and 2001 c 225 s 10 are each reenacted to  
33 read as follows:

34 EXPENSES OF RECOUNT--CHARGES. The canvassing board shall determine  
35 the expenses for conducting a recount of votes.

1 The cost of the recount shall be deducted from the amount deposited  
2 by the applicant for the recount at the time of filing the request for  
3 the recount, and the balance shall be returned to the applicant. If  
4 the costs of the recount exceed the deposit, the applicant shall pay  
5 the difference. No charges may be deducted by the canvassing board  
6 from the deposit for a recount if the recount changes the result of the  
7 nomination or election for which the recount was ordered.

8 **Sec. 1609.** RCW 29.64.080 and 2001 c 225 s 11 are each reenacted to  
9 read as follows:

10 STATEWIDE MEASURES--MANDATORY RECOUNT--COST AT STATE EXPENSE. When  
11 the official canvass of returns of any election reveals that the  
12 difference in the number of votes cast for the approval of a statewide  
13 measure and the number of votes cast for the rejection of such measure  
14 is less than two thousand votes and also less than one-half of one  
15 percent of the total number of votes cast on such measure, the  
16 secretary of state shall direct that a recount of all votes cast on  
17 such measure be made on such measure, in the manner provided by RCW  
18 29.64.030 and 29.64.040, and the cost of such recount will be at state  
19 expense.

20 **Sec. 1610.** RCW 29.64.090 and 1977 ex.s. c 144 s 5 are each amended  
21 to read as follows:

22 STATEWIDE MEASURES--MANDATORY RECOUNT--FUNDS FOR ADDITIONAL  
23 EXPENSES. Each county auditor shall file with the secretary of state  
24 a statement listing only the additional expenses incurred whenever a  
25 mandatory recount of the votes cast on a state measure is made as  
26 provided in RCW 29.64.080. The secretary of state shall include in his  
27 or her biennial budget request a provision for sufficient funds to  
28 carry out the provisions of this section. Payments hereunder shall be  
29 from appropriations specifically provided for such purpose by law.

30 **PART 17**

31 **CONTESTING AN ELECTION**

32 **Sec. 1701.** RCW 29.04.030 and 1977 ex.s. c 361 s 3 are each  
33 reenacted to read as follows:

34 PREVENTION AND CORRECTION OF ELECTION FRAUDS AND ERRORS. Any



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

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

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

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

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

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

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

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

1       **Sec. 1702.** RCW 29.65.010 and 1983 1st ex.s. c 30 s 6 are each  
2 amended to read as follows:

3       COMMENCEMENT BY REGISTERED VOTER--CAUSES FOR. Any registered voter  
4 may contest the right of any person declared elected to an office to be  
5 issued a certificate of election for any of the following causes:

6       (1) For misconduct on the part of any member of any precinct  
7 election board involved therein;

8       (2) Because the person whose right is being contested was not at  
9 the time ((he)) the person was declared elected eligible to that  
10 office;

11       (3) Because the person whose right is being contested was previous  
12 to the election convicted of a felony by a court of competent  
13 jurisdiction, ((his)) the conviction not having been reversed nor  
14 ((his)) the person's civil rights restored after the conviction;

15       (4) Because the person whose right is being contested gave a bribe  
16 or reward to a voter or to an inspector or judge of election for the  
17 purpose of procuring ((his)) the election, or offered to do so;

18       (5) On account of illegal votes.

19       (a) Illegal votes include but are not limited to the following:

20       (i) More than one vote cast by a single voter;

21       (ii) A vote cast by a person disqualified under Article VI, section  
22 3 of the state Constitution.

23       (b) Illegal votes do not include votes cast by improperly  
24 registered voters who were not properly challenged ((pursuant to))  
25 under RCW 29.10.125 and 29.10.127.

26       All election contests ((shall)) must proceed under RCW 29.04.030.

27       **Sec. 1703.** RCW 29.65.020 and 1977 ex.s. c 361 s 102 are each  
28 amended to read as follows:

29       AFFIDAVIT OF ERROR OR OMISSION--TIME FOR FILING--CONTENTS--  
30 WITNESSES. An affidavit of an elector with respect to RCW 29.04.030(6)  
31 must be filed with the appropriate court no later than ten days  
32 following the issuance of a certificate of election and ((shall)) must  
33 set forth specifically:

34       (1) The name of the contestant and that he or she is a registered  
35 voter in the county, district or precinct, as the case may be, in which  
36 the office is to be exercised;

37       (2) The name of the person whose right is being contested;

1 (3) The office;

2 (4) The particular causes of the contest.

3 No statement of contest (~~shall~~) may be dismissed for want of form  
4 if the particular causes of contest are alleged with sufficient  
5 certainty. The person charged with the error or omission (~~shall~~)  
6 must be given the opportunity to call any witness, including the  
7 candidate to whom he or she has issued or intends to issue the  
8 certificate of election.

9 **Sec. 1704.** RCW 29.65.040 and 1977 ex.s. c 361 s 103 are each  
10 amended to read as follows:

11 HEARING DATE--ISSUANCE OF CITATION--SERVICE. Upon such affidavit  
12 being filed, (~~it shall be the duty of~~) the clerk (~~to~~) shall inform  
13 the judge of the appropriate court, who may give notice, and order a  
14 session of the court to be held at the usual place of holding (~~said~~)  
15 the court, on some day to be named by (~~him~~) the judge, not less than  
16 ten nor more than twenty days from the date of (~~such~~) the notice, to  
17 hear and determine such contested election(~~:- PROVIDED, That~~). If no  
18 session (~~be~~) is called for the purpose, (~~such~~) the contest  
19 (~~shall~~) must be determined at the first regular session of court  
20 after (~~such~~) the statement is filed.

21 The clerk of the court shall also at the time issue a citation for  
22 the person charged with the error or omission, to appear at the time  
23 and place specified in the notice(~~, which~~). The citation (~~shall~~)  
24 must be delivered to the sheriff and be served upon the party in  
25 person; or if (~~he~~) the person cannot be found, by leaving a copy  
26 thereof at the house where (~~he~~) the person last resided.

27 **Sec. 1705.** RCW 29.65.050 and 1965 c 9 s 29.65.050 are each  
28 reenacted to read as follows:

29 WITNESSES TO ATTEND--HEARING OF CONTEST--JUDGMENT. The clerk shall  
30 issue subpoenas for witnesses in such contested election at the request  
31 of either party, which shall be served by the sheriff or constable, as  
32 other subpoenas, and the superior court shall have full power to issue  
33 attachments to compel the attendance of witnesses who shall have been  
34 duly subpoenaed to attend if they fail to do so.

35 The court shall meet at the time and place designated to determine  
36 such contested election by the rules of law and evidence governing the

1 determination of questions of law and fact, so far as the same may be  
2 applicable, and may dismiss the proceedings if the statement of the  
3 cause or causes of contest is insufficient, or for want of prosecution.  
4 After hearing the proofs and allegations of the parties, the court  
5 shall pronounce judgment in the premises, either confirming or  
6 annulling and setting aside such election, according to the law and  
7 right of the case.

8 If in any such case it shall appear that another person than the  
9 one returned has the highest number of legal votes, said court shall  
10 declare such person duly elected.

11 **Sec. 1706.** RCW 29.65.055 and 1977 ex.s. c 361 s 104 are each  
12 reenacted to read as follows:

13 COSTS, HOW AWARDED. If the proceedings are dismissed for  
14 insufficiency, want of prosecution, or the election is by the court  
15 confirmed, judgment shall be rendered against the party contesting such  
16 election for costs, in favor of the party charged with error or  
17 omission.

18 If such election is annulled and set aside, judgment for costs  
19 shall be rendered against the party charged with the error or omission  
20 and in favor of the party alleging the same.

21 **Sec. 1707.** RCW 29.65.060 and 1965 c 9 s 29.65.060 are each amended  
22 to read as follows:

23 MISCONDUCT OF BOARD--IRREGULARITY MUST BE MATERIAL TO RESULT. No  
24 irregularity or improper conduct in the proceedings of any election  
25 board or any member (~~thereof shall~~) of the board amounts to such  
26 malconduct as to annul or set aside any election unless the  
27 irregularity or improper conduct was such as to procure the person  
28 whose right to the office may be contested, to be declared duly elected  
29 although (~~he~~) the person did not receive the highest number of legal  
30 votes.

31 **Sec. 1708.** RCW 29.65.070 and 1965 c 9 s 29.65.070 are each  
32 reenacted to read as follows:

33 MISCONDUCT OF BOARD--NUMBER OF VOTES AFFECTED--ENOUGH TO CHANGE  
34 RESULT. When any election for an office exercised in and for a county  
35 is contested on account of any malconduct on the part of any election

1 board, or any member thereof, the election shall not be annulled and  
2 set aside upon any proof thereof, unless the rejection of the vote of  
3 such precinct or precincts will change the result as to such office in  
4 the remaining vote of the county.

5 **Sec. 1709.** RCW 29.65.080 and 1965 c 9 s 29.65.080 are each amended  
6 to read as follows:

7 ILLEGAL VOTES--ALLEGATION OF IN STATEMENT OF CONTEST. When the  
8 reception of illegal votes is alleged as a cause of contest, it (~~shall~~  
9 ~~be~~) is sufficient to state generally that illegal votes were cast,  
10 (~~which~~) that, if given to the person whose election is contested in  
11 the specified precinct or precincts, will, if taken from (~~him~~) that  
12 person, reduce the number of (~~his~~) the person's legal votes below the  
13 number of legal votes given to some other person for the same office.

14 **Sec. 1710.** RCW 29.65.090 and 1965 c 9 s 29.65.090 are each amended  
15 to read as follows:

16 ILLEGAL VOTES--LIST REQUIRED FOR TESTIMONY. No testimony (~~shall~~)  
17 may be received as to any illegal votes unless the party contesting the  
18 election delivers to the opposite party, at least three days before  
19 trial, a written list of the number of illegal votes and by whom given,  
20 (~~which he~~) that the contesting party intends to prove (~~on such~~) at  
21 the trial. No testimony (~~shall~~) may be received as to any illegal  
22 votes, except as to such as are specified in the list.

23 **Sec. 1711.** RCW 29.65.100 and 1965 c 9 s 29.65.100 are each amended  
24 to read as follows:

25 ILLEGAL VOTES--NUMBER OF VOTES AFFECTED--ENOUGH TO CHANGE RESULT.  
26 No election (~~shall~~) may be set aside on account of illegal votes,  
27 unless it appears that an amount of illegal votes has been given to the  
28 person whose right is being contested, (~~which~~) that, if taken from  
29 (~~him~~) that person, would reduce the number of (~~his~~) the person's  
30 legal votes below the number of votes given to some other person for  
31 the same office, after deducting therefrom the illegal votes (~~which~~)  
32 that may be shown to have been given to (~~such~~) the other person.

33 **Sec. 1712.** RCW 29.65.120 and 1965 c 9 s 29.65.120 are each  
34 reenacted to read as follows:

1 NULLIFICATION OF ELECTION CERTIFICATE--WHEN EFFECTIVE. If an  
2 election is set aside by the judgment of the superior court and if no  
3 appeal is taken therefrom within ten days, the certificate issued shall  
4 be thereby rendered void.

5 **PART 18**  
6 **STATE INITIATIVE AND REFERENDUM**

7 NEW SECTION. **Sec. 1801.** VOTER REGISTRATION INFORMATION. The  
8 cards required by RCW 29.07.090 must be kept on file in the office of  
9 the secretary of state in the manner that will be most convenient for,  
10 and for the sole purpose of, checking initiative and referendum  
11 petitions. The secretary may maintain an automated file of voter  
12 registration information for any county or counties in lieu of filing  
13 or maintaining these voter registration cards if the automated file  
14 includes all of the information from the cards including, but not  
15 limited to, a retrievable facsimile of the signature of each voter of  
16 that county or counties. The automated file may be used only for the  
17 purpose authorized for the use of the cards.

18 **Sec. 1802.** RCW 29.79.010 and 1982 c 116 s 1 are each amended to  
19 read as follows:

20 FILING PROPOSED MEASURES WITH SECRETARY OF STATE. If any legal  
21 voter of the state, either individually or on behalf of an  
22 organization, desires to petition the legislature to enact a proposed  
23 measure, or submit a proposed initiative measure to the people, or  
24 order that a referendum of all or part of any act, bill, or law, passed  
25 by the legislature be submitted to the people, he or she shall file  
26 with the secretary of state a ~~((typewritten))~~ legible copy of the  
27 measure proposed, or the act or part of such act on which a referendum  
28 is desired, accompanied by an affidavit that the ~~((proposer))~~ sponsor  
29 is a legal voter and a filing fee prescribed under RCW 43.07.120(~~(, as~~  
30 ~~now or hereafter amended))~~).

31 **Sec. 1803.** RCW 29.79.015 and 1982 c 116 s 2 are each amended to  
32 read as follows:

33 REVIEW OF INITIATIVE MEASURES BY CODE REVISER'S OFFICE--CERTIFICATE  
34 OF REVIEW REQUIRED FOR ASSIGNMENT OF SERIAL NUMBER. Upon receipt of

1 (~~any petition proposing an initiative to the people or an initiative~~  
2 ~~to the legislature, and prior to~~) a proposed initiative measure, and  
3 before giving it a serial number (~~thereto~~), the secretary of state  
4 shall submit a copy thereof to the office of the code reviser and give  
5 notice to the (~~petitioner~~) sponsor of such transmittal. Upon receipt  
6 of the measure, the assistant code reviser to whom it has been assigned  
7 may confer with the (~~petitioner~~) sponsor and shall within seven  
8 working days from its receipt (~~thereof~~), review the proposal (~~for~~  
9 ~~matters of form and style, and such matters of substantive import as~~  
10 ~~may be agreeable to the petitioner, and shall~~) and recommend to the  
11 (~~petitioner~~) sponsor such revision or alteration of the measure as  
12 may be deemed necessary and appropriate. The recommendations of the  
13 code reviser's office (~~shall be~~) are advisory only, and the  
14 (~~petitioner~~) sponsor may accept or reject them in whole or in part.  
15 The code reviser shall issue a certificate of review certifying that he  
16 or she has reviewed the measure (~~for form and style~~) and that (~~the~~)  
17 any recommendations (~~thereon, if any,~~) have been communicated to the  
18 (~~petitioner, and such~~) sponsor. The certificate (~~shall issue~~) must  
19 be issued whether or not the (~~petitioner~~) sponsor accepts such  
20 recommendations. Within fifteen working days after notification of  
21 submittal of the (~~petition~~) proposed measure to the code reviser's  
22 office, the (~~petitioner~~) sponsor, if he or she desires to proceed  
23 with (~~his~~) sponsorship, shall file the measure together with the  
24 certificate of review with the secretary of state for assignment of a  
25 serial number, and the secretary of state shall (~~thereupon~~) then  
26 submit to the code reviser's office a certified copy of the measure  
27 filed. Upon (~~submitting~~) submission of the proposal to the secretary  
28 of state for assignment of a serial number, the secretary of state  
29 shall refuse to make such assignment unless the proposal is accompanied  
30 by a certificate of review.

31 **Sec. 1804.** RCW 29.79.020 and 1987 c 161 s 1 are each amended to  
32 read as follows:

33 TIME FOR FILING VARIOUS TYPES. Initiative measures proposed to be  
34 submitted to the people must be filed with the secretary of state  
35 within ten months prior to the election at which they are to be  
36 submitted, and the signature petitions (~~therefor~~) must be filed with

1 the secretary of state not less than four months before the next  
2 general statewide election.

3 Initiative measures proposed to be submitted to the legislature  
4 must be filed with the secretary of state within ten months prior to  
5 the next regular session of the legislature at which they are to be  
6 submitted, and the signature petitions (~~((therefor))~~) must be filed with  
7 the secretary of state not less than ten days before such regular  
8 session of the legislature.

9 A referendum measure petition ordering that any act or part  
10 (~~((thereof))~~) of an act passed by the legislature be referred to the  
11 people must be filed with the secretary of state within ninety days  
12 after the final adjournment of the legislative session at which the act  
13 was passed. It may be submitted at the next general statewide election  
14 or at a special election ordered by the legislature.

15 A proposed initiative or referendum measure may be filed no earlier  
16 than the opening of the secretary of state's office for business  
17 pursuant to RCW 42.04.060 on the first day filings are permitted, and  
18 any initiative or referendum petition must be filed not later than the  
19 close of business on the last business day in the specified period for  
20 submission of signatures. If a filing deadline falls on a Saturday,  
21 the office of the secretary of state (~~((shall))~~) must be open (~~((on that~~  
22 ~~Saturday))~~) for the transaction of business under this section from 8:00  
23 a.m. to 5:00 p.m. on that Saturday.

24 **Sec. 1805.** RCW 29.79.030 and 1982 c 116 s 3 are each amended to  
25 read as follows:

26 NUMBERING--TRANSMITTAL TO ATTORNEY GENERAL. The secretary of state  
27 shall give a serial number to each initiative, referendum bill, or  
28 referendum measure, using a separate series for initiatives to the  
29 legislature, initiatives to the people, referendum bills, and  
30 referendum measures, and forthwith transmit one copy of the measure  
31 proposed bearing its serial number to the attorney general. Thereafter  
32 a measure shall be known and designated on all petitions, ballots, and  
33 proceedings as "Initiative Measure No. . . . ." "Referendum Bill No.  
34 . . . . ." or "Referendum Measure No. . . . .(^)."

35 **Sec. 1806.** RCW 29.79.035 and 2000 c 197 s 1 are each reenacted to  
36 read as follows:



1 BALLOT TITLE--FORMULATION, BALLOT DISPLAY. (1) The ballot title  
2 for an initiative to the people, an initiative to the legislature, a  
3 referendum bill, or a referendum measure consists of: (a) A statement  
4 of the subject of the measure; (b) a concise description of the  
5 measure; and (c) a question in the form prescribed in this section for  
6 the ballot measure in question. The statement of the subject of a  
7 measure must be sufficiently broad to reflect the subject of the  
8 measure, sufficiently precise to give notice of the measure's subject  
9 matter, and not exceed ten words. The concise description must contain  
10 no more than thirty words, be a true and impartial description of the  
11 measure's essential contents, clearly identify the proposition to be  
12 voted on, and not, to the extent reasonably possible, create prejudice  
13 either for or against the measure.

14 (2) For an initiative to the people, or for an initiative to the  
15 legislature for which the legislature has not proposed an alternative,  
16 the ballot title must be displayed on the ballot substantially as  
17 follows:

18 "Initiative Measure No. . . . concerns (statement of subject).  
19 This measure would (concise description). Should this measure  
20 be enacted into law?

21 Yes .....   
22 No .....

23 (3) For an initiative to the legislature for which the legislature  
24 has proposed an alternative, the ballot title must be displayed on the  
25 ballot substantially as follows:

26 "Initiative Measure Nos. . . . and . . .B concern (statement of  
27 subject).

28 Initiative Measure No. . . . would (concise description).

29 As an alternative, the legislature has proposed Initiative  
30 Measure No. . . .B, which would (concise description).

31 1. Should either of these measures be enacted into law?

32

1 Yes .....

2 No .....

3 2. Regardless of whether you voted yes or no above, if one of  
4 these measures is enacted, which one should it be?

5 Measure No. ....

6 or

7 Measure No. ....

8 (4) For a referendum bill submitted to the people by the  
9 legislature, the ballot issue must be displayed on the ballot  
10 substantially as follows:

11 "The legislature has passed . . . . Bill No. . . . concerning  
12 (statement of subject). This bill would (concise description).  
13 Should this bill be:

14 Approved .....

15 Rejected .....

16 (5) For a referendum measure by state voters on a bill the  
17 legislature has passed, the ballot issue must be displayed on the  
18 ballot substantially as follows:

19 "The legislature passed . . . . Bill No. . . . concerning  
20 (statement of subject) and voters have filed a sufficient  
21 referendum petition on this bill. This bill would (concise  
22 description). Should this bill be:

23 Approved .....

24 Rejected .....

25 (6) The legislature may specify the statement of subject or concise  
26 description, or both, in a referendum bill that it refers to the  
27 people. The legislature may specify the concise description for an  
28 alternative it submits for an initiative to the legislature. If the  
29 legislature fails to specify these matters, the attorney general shall  
30 prepare the material that was not specified. The statement of subject

1 and concise description as so provided must be included as part of the  
2 ballot title unless changed on appeal.

3 The attorney general shall specify the statement of subject and  
4 concise description for an initiative to the people, an initiative to  
5 the legislature, and a referendum measure. The statement of subject  
6 and concise description as so provided must be included as part of the  
7 ballot title unless changed on appeal.

8 **Sec. 1807.** RCW 29.79.040 and 2000 c 197 s 2 are each reenacted to  
9 read as follows:

10 BALLOT TITLE AND SUMMARY--FORMULATION BY ATTORNEY GENERAL. Within  
11 five days after the receipt of an initiative or referendum the attorney  
12 general shall formulate the ballot title, or portion of the ballot  
13 title that the legislature has not provided, required by RCW 29.79.035  
14 and a summary of the measure, not to exceed seventy-five words, and  
15 transmit the serial number for the measure, complete ballot title, and  
16 summary to the secretary of state. Saturdays, Sundays, and legal  
17 holidays are not counted in calculating the time limits in this  
18 section.

19 **Sec. 1808.** RCW 29.79.050 and 2000 c 197 s 3 are each reenacted to  
20 read as follows:

21 BALLOT TITLE AND SUMMARY--NOTICE. Upon the filing of the ballot  
22 title and summary for a state initiative or referendum measure in the  
23 office of secretary of state, the secretary of state shall notify by  
24 telephone and by mail, and, if requested, by other electronic means,  
25 the person proposing the measure, the prime sponsor of a referendum  
26 bill or alternative to an initiative to the legislature, the chief  
27 clerk of the house of representatives, the secretary of the senate, and  
28 any other individuals who have made written request for such  
29 notification of the exact language of the ballot title and summary.

30 **Sec. 1809.** RCW 29.79.060 and 2000 c 197 s 4 are each reenacted to  
31 read as follows:

32 BALLOT TITLE AND SUMMARY--APPEAL TO SUPERIOR COURT. Any persons,  
33 including the attorney general or either or both houses of the  
34 legislature, dissatisfied with the ballot title or summary for a state  
35 initiative or referendum may, within five days from the filing of the

1 ballot title in the office of the secretary of state appeal to the  
2 superior court of Thurston county by petition setting forth the  
3 measure, the ballot title or summary, and their objections to the  
4 ballot title or summary and requesting amendment of the ballot title or  
5 summary by the court. Saturdays, Sundays, and legal holidays are not  
6 counted in calculating the time limits contained in this section.

7 A copy of the petition on appeal together with a notice that an  
8 appeal has been taken shall be served upon the secretary of state, upon  
9 the attorney general, and upon the person proposing the measure if the  
10 appeal is initiated by someone other than that person. Upon the filing  
11 of the petition on appeal or at the time to which the hearing may be  
12 adjourned by consent of the appellant, the court shall accord first  
13 priority to examining the proposed measure, the ballot title or  
14 summary, and the objections to that ballot title or summary, may hear  
15 arguments, and shall, within five days, render its decision and file  
16 with the secretary of state a certified copy of such ballot title or  
17 summary as it determines will meet the requirements of RCW 29.79.040.  
18 The decision of the superior court shall be final. Such appeal shall  
19 be heard without costs to either party.

20 **Sec. 1810.** RCW 29.79.070 and 2000 c 197 s 5 are each reenacted to  
21 read as follows:

22 BALLOT TITLE AND SUMMARY--MAILED TO PROPONENTS AND OTHER PERSONS--  
23 APPEARANCE ON PETITIONS. When the ballot title and summary are finally  
24 established, the secretary of state shall file the instrument  
25 establishing it with the proposed measure and transmit a copy thereof  
26 by mail to the person proposing the measure, the chief clerk of the  
27 house of representatives, the secretary of the senate, and to any other  
28 individuals who have made written request for such notification.  
29 Thereafter such ballot title shall be the title of the measure in all  
30 petitions, ballots, and other proceedings in relation thereto. The  
31 summary shall appear on all petitions directly following the ballot  
32 title.

33 **Sec. 1811.** RCW 29.79.080 and 1982 c 116 s 8 are each amended to  
34 read as follows:

35 PETITIONS--PAPER--SIZE--CONTENTS. The person proposing the measure  
36 shall print blank petitions upon single sheets of paper of good writing

1 quality (including but not limited to newsprint) not less than  
2 (~~eleven~~) eight and one-half inches in width and not less than  
3 (~~fourteen~~) eleven inches in length. Each petition at the time of  
4 circulating, signing, and filing with the secretary of state (~~shall~~)  
5 must consist of not more than one sheet with numbered lines for not  
6 more than twenty signatures, with the prescribed warning and title,  
7 (~~shall~~) be in the form required by RCW 29.79.090, 29.79.100, or  
8 29.79.110, (~~as now or hereafter amended,~~) and (~~shall~~) have a  
9 readable, full, true, and correct copy of the proposed measure  
10 (~~referred to therein~~) printed on the reverse side of the petition.

11 **Sec. 1812.** RCW 29.79.090 and 1982 c 116 s 9 are each amended to  
12 read as follows:

13 PETITIONS TO LEGISLATURE--FORM. Petitions for proposing measures  
14 for submission to the legislature at its next regular session(~~shall~~)  
15 must be substantially in the following form:

16 ((WARNING

17 ~~Every person who signs this petition with any other than his or her~~  
18 ~~true name, knowingly signs more than one of these petitions, signs this~~  
19 ~~petition when he or she is not a legal voter, or makes any false~~  
20 ~~statement on this petition may be punished by fine or imprisonment or~~  
21 ~~both.)) The warning prescribed by RCW 29.79.115; followed by:~~

22 INITIATIVE PETITION FOR  
23 SUBMISSION TO THE LEGISLATURE

24 To the Honorable . . . . ., Secretary of State of the State of  
25 Washington:

26 We, the undersigned citizens and legal voters of the State of  
27 Washington, respectfully direct that this petition and the proposed  
28 measure known as Initiative Measure No. . . . and entitled (here set  
29 forth the established ballot title of the measure), a full, true, and  
30 correct copy of which is printed on the reverse side of this petition,  
31 be transmitted to the legislature of the State of Washington at its  
32 next ensuing regular session, and we respectfully petition the  
33 legislature to enact said proposed measure into law; and each of us for  
34 himself or herself says: I have personally signed this petition; I am  
35 a legal voter of the State of Washington in the city (or town) and

1 county written after my name, my residence address is correctly stated,  
2 and I have knowingly signed this petition only once.

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((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
-(Here follow 20 numbered lines divided into columns as below.)				
1---	---	---	---	---
2---	---	---	---	---
3---	---	---	---	---
ete:))				

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

16 **Sec. 1813.** RCW 29.79.100 and 1982 c 116 s 10 are each amended to  
17 read as follows:

18 PETITIONS TO PEOPLE--FORM. Petitions for proposing measures for  
19 submission to the people for their approval or rejection at the next  
20 ensuing general election(~~(, shall))~~) must be substantially in the  
21 following form:

22 ((WARNING  
23 ~~Every person who signs this petition with any other than his or her~~  
24 ~~true name, knowingly signs more than one of these petitions, signs this~~  
25 ~~petition when he or she is not a legal voter, or makes any false~~  
26 ~~statement on this petition may be punished by fine or imprisonment or~~  
27 ~~both.)) The warning prescribed by RCW 29.79.115; followed by:~~

28 INITIATIVE PETITION FOR  
29 SUBMISSION TO THE PEOPLE

30 To the Honorable . . . . ., Secretary of State of the State of  
31 Washington:

32 We, the undersigned citizens and legal voters of the State of  
33 Washington, respectfully direct that the proposed measure known as  
34 Initiative Measure No. . . . ., entitled (here insert the established

1 ballot title of the measure), a full, true and correct copy of which is  
 2 printed on the reverse side of this petition, be submitted to the legal  
 3 voters of the State of Washington for their approval or rejection at  
 4 the general election to be held on the . . . . day of November,  
 5 ((19.--.)) (year); and each of us for himself or herself says: I have  
 6 personally signed this petition; I am a legal voter of the State of  
 7 Washington, in the city (or town) and county written after my name, my  
 8 residence address is correctly stated, and I have knowingly signed this  
 9 petition only once.

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((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
--(Here follow 20 numbered lines divided into columns as below.)				
1---	---	---	---	---
2---	---	---	---	---
3---	---	---	---	---
ete:))				

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

23 **Sec. 1814.** RCW 29.79.110 and 1993 c 256 s 10 are each amended to  
 24 read as follows:

25 REFERENDUM PETITIONS--FORM. Petitions ordering that acts or parts  
 26 of acts passed by the legislature be referred to the people at the next  
 27 ensuing general election, or special election ordered by the  
 28 legislature, ((shall)) must be substantially in the following form:

29 ((WARNING  
 30 ~~Every person who signs this petition with any other than his or her~~  
 31 ~~true name, knowingly signs more than one of these petitions, signs this~~  
 32 ~~petition when he or she is not a legal voter, or makes any false~~  
 33 ~~statement on this petition may be punished by fine or imprisonment or~~  
 34 ~~both.)) The warning prescribed by RCW 29.79.115; followed by:~~

PETITION FOR REFERENDUM

To the Honorable . . . . ., Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No. . . . ., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW ((29.79.055)) 29.27.066 (as recodified by this act)) and that was passed by the . . . . . legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the . . . . day of November, ((19.--)) (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
--------------------------	--	--	--------------	--------

-(Here follow 20 numbered lines divided into columns as below.)

1---				
2---				
3---				

etc.))

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

**Sec. 1815.** RCW 29.79.115 and 1993 c 256 s 5 are each amended to read as follows:

WARNING STATEMENT--FURTHER REQUIREMENTS. The word "warning" and the following warning statement regarding signing petitions ((that)) must appear on petitions as prescribed by ((RCW 29.79.090, 29.79.100,



1 ~~and 29.79.110 shall~~) this title and must be printed on each petition  
2 sheet such that they occupy not less than four square inches of the  
3 front of the petition sheet.

4 WARNING

5 Every person who signs this petition with any other than his or her  
6 true name, knowingly signs more than one of these petitions, signs this  
7 petition when he or she is not a legal voter, or makes any false  
8 statement on this petition may be punished by fine or imprisonment or  
9 both.

10 **Sec. 1816.** RCW 29.79.120 and 1982 c 116 s 12 are each amended to  
11 read as follows:

12 PETITIONS--SIGNATURES--NUMBER NECESSARY. When the person proposing  
13 any initiative measure has (~~secured upon such initiative petition a~~  
14 ~~number of~~) obtained signatures of legal voters equal to or exceeding  
15 eight percent of the votes cast for the office of governor at the last  
16 regular gubernatorial election prior to the submission of the  
17 signatures for verification, or when the person or organization  
18 demanding any referendum of an act or part of an act of the legislature  
19 (~~or any part thereof has secured upon any such referendum petition~~)  
20 has obtained a number of signatures of legal voters equal to or  
21 exceeding four percent of the votes cast for the office of governor at  
22 the last regular gubernatorial election prior to the submission of the  
23 signatures for verification, (~~he or they may submit~~) the petition  
24 containing the signatures may be submitted to the secretary of state  
25 for filing.

26 **Sec. 1817.** RCW 29.79.140 and 1965 c 9 s 29.79.140 are each  
27 reenacted to read as follows:

28 PETITIONS--TIME FOR FILING. The time for submitting initiative or  
29 referendum petitions to the secretary of state for filing is as  
30 follows:

31 (1) A referendum petition ordering and directing that the whole or  
32 some part or parts of an act passed by the legislature be referred to  
33 the people for their approval or rejection at the next ensuing general  
34 election or a special election ordered by the legislature, must be  
35 submitted not more than ninety days after the final adjournment of the  
36 session of the legislature which passed the act;

1 (2) An initiative petition proposing a measure to be submitted to  
2 the people for their approval or rejection at the next ensuing general  
3 election, must be submitted not less than four months before the date  
4 of such election;

5 (3) An initiative petition proposing a measure to be submitted to  
6 the legislature at its next ensuing regular session must be submitted  
7 not less than ten days before the commencement of the session.

8 **Sec. 1818.** RCW 29.79.150 and 1982 c 116 s 13 are each amended to  
9 read as follows:

10 PETITIONS--ACCEPTANCE OR REJECTION BY SECRETARY OF STATE. The  
11 secretary of state may refuse to file any initiative or referendum  
12 petition being submitted upon any of the following grounds:

13 (1) That the petition (~~(is not in the form)~~) does not contain the  
14 information required by RCW 29.79.090, 29.79.100, or 29.79.110 (~~((as now~~  
15 ~~or hereafter amended))~~).

16 (2) That the petition clearly bears insufficient signatures.

17 (3) That the time within which the petition may be filed has  
18 expired.

19 In case of such refusal, the secretary of state shall endorse on  
20 the petition the word "submitted" and the date, and retain the petition  
21 pending appeal.

22 If none of the grounds for refusal exists, the secretary of state  
23 must accept and file the petition.

24 **Sec. 1819.** RCW 29.79.160 and 1965 c 9 s 29.79.160 are each amended  
25 to read as follows:

26 PETITIONS--REVIEW OF REFUSAL TO ACCEPT AND FILE. If the secretary  
27 of state refuses to file an initiative or referendum petition when  
28 submitted (~~(to him)~~) for filing, the persons submitting it for filing  
29 may, within ten days after (~~(his)~~) the refusal, apply to the superior  
30 court of Thurston county for (~~(a citation)~~) an order requiring the  
31 secretary of state to bring the petitions before the court, and for a  
32 writ of mandate to compel (~~(him)~~) the secretary of state to file it.  
33 The application (~~(shall)~~) takes precedence over other cases and matters  
34 and (~~(shall)~~) must be speedily heard and determined.

35 If the court issues the citation, and determines that the petition  
36 is legal in form and apparently contains the requisite number of

1 signatures and was submitted for filing within the time prescribed in  
2 the Constitution, it shall issue its mandate requiring the secretary of  
3 state to file it (~~in his office~~) as of the date of submission for  
4 filing.

5 The decision of the superior court granting a writ of mandate  
6 (~~shall be~~) is final.

7 **Sec. 1820.** RCW 29.79.170 and 1988 c 202 s 28 are each amended to  
8 read as follows:

9 PETITIONS--REVIEW--APPELLATE REVIEW OF SUPERIOR COURT'S REFUSAL TO  
10 ISSUE MANDATE. The decision of the superior court refusing to grant a  
11 writ of mandate(~~(7)~~) may be reviewed by the supreme court within five  
12 days after the decision of the superior court. The review (~~shall~~)  
13 must be considered an emergency matter of public concern, and (~~shall~~)  
14 be heard and determined with all convenient speed(~~(7 and)~~). If the  
15 supreme court decides that the petitions are legal in form and  
16 apparently contain the requisite number of signatures of legal voters,  
17 and were filed within the time prescribed in the Constitution, it shall  
18 issue its mandate directing the secretary of state to file the petition  
19 (~~in his office~~) as of the date of submission.

20 **Sec. 1821.** RCW 29.79.180 and 1965 c 9 s 29.79.180 are each  
21 reenacted to read as follows:

22 PETITIONS--DESTRUCTION ON FINAL REFUSAL. If no appeal is taken  
23 from the refusal of the secretary of state to file a petition within  
24 the time prescribed, or if an appeal is taken and the secretary of  
25 state is not required to file the petition by the mandate of either the  
26 superior or the supreme court, the secretary of state shall destroy it.

27 **Sec. 1822.** RCW 29.79.190 and 1982 c 116 s 14 are each reenacted to  
28 read as follows:

29 PETITIONS--CONSOLIDATION INTO VOLUMES. If the secretary of state  
30 accepts and files an initiative or referendum petition upon its being  
31 submitted for filing or if he or she is required to file it by the  
32 court, he or she shall, in the presence of the person submitting such  
33 petition for filing if he or she desires to be present, arrange and  
34 assemble the sheets containing the signatures into such volumes as will

1 be most convenient for verification and canvassing and shall  
2 consecutively number the volumes and stamp the date of filing on each  
3 volume.

4 **Sec. 1823.** RCW 29.79.200 and 1993 c 368 s 1 are each reenacted to  
5 read as follows:

6 PETITIONS--VERIFICATION AND CANVASS OF SIGNATURES, OBSERVERS--  
7 STATISTICAL SAMPLING--INITIATIVES TO LEGISLATURE, CERTIFICATION OF.

8 Upon the filing of an initiative or referendum petition, the secretary  
9 of state shall proceed to verify and canvass the names of the legal  
10 voters on the petition. The verification and canvass of signatures on  
11 the petition may be observed by persons representing the advocates and  
12 opponents of the proposed measure so long as they make no record of the  
13 names, addresses, or other information on the petitions or related  
14 records during the verification process except upon the order of the  
15 superior court of Thurston county. The secretary of state may limit  
16 the number of observers to not less than two on each side, if in his or  
17 her opinion, a greater number would cause undue delay or disruption of  
18 the verification process. Any such limitation shall apply equally to  
19 both sides. The secretary of state may use any statistical sampling  
20 techniques for this verification and canvass which have been adopted by  
21 rule as provided by chapter 34.05 RCW. No petition will be rejected on  
22 the basis of any statistical method employed, and no petition will be  
23 accepted on the basis of any statistical method employed if such method  
24 indicates that the petition contains fewer than the requisite number of  
25 signatures of legal voters. If the secretary of state finds the same  
26 name signed to more than one petition, he or she shall reject all but  
27 the first such valid signature. For an initiative to the legislature,  
28 the secretary of state shall transmit a certified copy of the proposed  
29 measure to the legislature at the opening of its session and, as soon  
30 as the signatures on the petition have been verified and canvassed, the  
31 secretary of state shall send to the legislature a certificate of the  
32 facts relating to the filing, verification, and canvass of the  
33 petition.

34 **Sec. 1824.** RCW 29.79.210 and 1988 c 202 s 29 are each reenacted to  
35 read as follows:

36 PETITIONS--COUNT OF SIGNATURES--REVIEW. Any citizen dissatisfied

1 with the determination of the secretary of state that an initiative or  
2 referendum petition contains or does not contain the requisite number  
3 of signatures of legal voters may, within five days after such  
4 determination, apply to the superior court of Thurston county for a  
5 citation requiring the secretary of state to submit the petition to  
6 said court for examination, and for a writ of mandate compelling the  
7 certification of the measure and petition, or for an injunction to  
8 prevent the certification thereof to the legislature, as the case may  
9 be. Such application and all proceedings had thereunder shall take  
10 precedence over other cases and shall be speedily heard and determined.

11 The decision of the superior court granting or refusing to grant  
12 the writ of mandate or injunction may be reviewed by the supreme court  
13 within five days after the decision of the superior court, and if the  
14 supreme court decides that a writ of mandate or injunction, as the case  
15 may be, should issue, it shall issue the writ directed to the secretary  
16 of state; otherwise, it shall dismiss the proceedings. The clerk of  
17 the supreme court shall forthwith notify the secretary of state of the  
18 decision of the supreme court.

19 **Sec. 1825.** RCW 29.79.230 and 1965 c 9 s 29.79.230 are each amended  
20 to read as follows:

21 INITIATIVES AND REFERENDUMS TO VOTERS--CERTIFICATES OF  
22 SUFFICIENCY. If a referendum or initiative petition for submission of  
23 a measure to the people is found sufficient, the secretary of state  
24 shall at the time and in the manner that he or she certifies to the  
25 county auditors of the various counties the names of candidates for  
26 state and district officers certify to each county auditor the serial  
27 numbers and ballot titles of the several initiative and referendum  
28 measures to be voted upon at the next ensuing general election or  
29 special election ordered by the legislature.

30 **Sec. 1826.** RCW 29.79.270 and 1965 c 9 s 29.79.270 are each  
31 reenacted to read as follows:

32 REJECTED INITIATIVE TO LEGISLATURE TREATED AS REFERENDUM  
33 BILL. Whenever any measure proposed by initiative petition for  
34 submission to the legislature is rejected by the legislature or the  
35 legislature takes no action thereon before the end of the regular  
36 session at which it is submitted, the secretary of state shall certify

1 the serial number and ballot title thereof to the county auditors for  
2 printing on the ballots at the next ensuing general election in like  
3 manner as initiative measures for submission to the people are  
4 certified.

5 **Sec. 1827.** RCW 29.79.280 and 1965 c 9 s 29.79.280 are each  
6 reenacted to read as follows:

7 SUBSTITUTE FOR REJECTED INITIATIVE TREATED AS REFERENDUM BILL. If  
8 the legislature, having rejected a measure submitted to it by  
9 initiative petition, proposes a different measure dealing with the same  
10 subject, the secretary of state shall give that measure the same number  
11 as that borne by the initiative measure followed by the letter "B."  
12 Such measure so designated as "Alternative Measure No. . . . B,"  
13 together with the ballot title thereof, when ascertained, shall be  
14 certified by the secretary of state to the county auditors for printing  
15 on the ballots for submission to the voters for their approval or  
16 rejection in like manner as initiative measures for submission to the  
17 people are certified.

18 **Sec. 1828.** RCW 29.79.290 and 2000 c 197 s 6 are each reenacted to  
19 read as follows:

20 SUBSTITUTE FOR REJECTED INITIATIVE--CONCISE DESCRIPTION. For a  
21 measure designated as "Alternative Measure No. . . . B," the  
22 secretary of state shall obtain from the measure adopting the  
23 alternative, or otherwise the attorney general, a concise description  
24 of the alternative measure that differs from the concise description of  
25 the original initiative and indicates as clearly as possible the  
26 essential differences between the two measures.

27 **Sec. 1829.** RCW 29.79.300 and 1965 c 9 s 29.79.300 are each amended  
28 to read as follows:

29 PRINTING BALLOT TITLES ON BALLOTS--ORDER AND FORM. The county  
30 auditor of each county shall ~~((cause to be printed))~~ print on the  
31 official ballots for the election at which initiative and referendum  
32 measures are to be submitted to the people for their approval or  
33 rejection, the serial numbers and ballot titles~~((7))~~ certified by the  
34 secretary of state. They ~~((shall))~~ must appear under separate headings  
35 in the order of the serial numbers as follows:

1 (1) Measures proposed for submission to the people by initiative  
2 petition (~~shall~~) will be under the heading, "Proposed by Initiative  
3 Petition";

4 (2) Bills passed by the legislature and ordered referred to the  
5 people by referendum petition (~~shall~~) will be under the heading,  
6 "Passed by the Legislature and Ordered Referred by Petition";

7 (3) Bills passed and referred to the people by the legislature  
8 (~~shall~~) will be under the heading, "Proposed to the People by the  
9 Legislature";

10 (4) Measures proposed to the legislature and rejected or not acted  
11 upon (~~shall~~) will be under the heading, "Proposed to the Legislature  
12 and Referred to the People";

13 (5) Measures proposed to the legislature and alternative measures  
14 passed by the legislature in lieu thereof (~~shall~~) will be under the  
15 heading, "Initiated by Petition and Alternative by Legislature."

16 **PART 19**  
17 **REDISTRICTING**

18 **Sec. 1901.** RCW 29.70.100 and 1984 c 13 s 4 are each reenacted to  
19 read as follows:

20 **COUNTIES, MUNICIPAL CORPORATIONS, AND SPECIAL PURPOSE DISTRICTS.**

21 (1) It is the responsibility of each county, municipal corporation, and  
22 special purpose district with a governing body comprised of internal  
23 director, council, or commissioner districts not based on statutorily  
24 required land ownership criteria to periodically redistrict its  
25 governmental unit, based on population information from the most recent  
26 federal decennial census.

27 (2) Within forty-five days after receipt of federal decennial  
28 census information applicable to a specific local area, the commission  
29 established in RCW 44.05.030 shall forward the census information to  
30 each municipal corporation, county, and district charged with  
31 redistricting under this section.

32 (3) No later than eight months after its receipt of federal  
33 decennial census data, the governing body of the municipal corporation,  
34 county, or district shall prepare a plan for redistricting its internal  
35 or director districts.

36 (4) The plan shall be consistent with the following criteria:

1 (a) Each internal director, council, or commissioner district shall  
2 be as nearly equal in population as possible to each and every other  
3 such district comprising the municipal corporation, county, or special  
4 purpose district.

5 (b) Each district shall be as compact as possible.

6 (c) Each district shall consist of geographically contiguous area.

7 (d) Population data may not be used for purposes of favoring or  
8 disfavoring any racial group or political party.

9 (e) To the extent feasible and if not inconsistent with the basic  
10 enabling legislation for the municipal corporation, county, or  
11 district, the district boundaries shall coincide with existing  
12 recognized natural boundaries and shall, to the extent possible,  
13 preserve existing communities of related and mutual interest.

14 (5) During the adoption of its plan, the municipal corporation,  
15 county, or district shall ensure that full and reasonable public notice  
16 of its actions is provided. The municipal corporation, county, or  
17 district shall hold at least one public hearing on the redistricting  
18 plan at least one week before adoption of the plan.

19 (6)(a) Any registered voter residing in an area affected by the  
20 redistricting plan may request review of the adopted local plan by the  
21 superior court of the county in which he or she resides, within forty-  
22 five days of the plan's adoption. Any request for review must specify  
23 the reason or reasons alleged why the local plan is not consistent with  
24 the applicable redistricting criteria. The municipal corporation,  
25 county, or district may be joined as respondent. The superior court  
26 shall thereupon review the challenged plan for compliance with the  
27 applicable redistricting criteria set out in subsection (4) of this  
28 section.

29 (b) If the superior court finds the plan to be consistent with the  
30 requirements of this section, the plan shall take effect immediately.

31 (c) If the superior court determines the plan does not meet the  
32 requirements of this section, in whole or in part, it shall remand the  
33 plan for further or corrective action within a specified and reasonable  
34 time period.

35 (d) If the superior court finds that any request for review is  
36 frivolous or has been filed solely for purposes of harassment or delay,  
37 it may impose appropriate sanctions on the party requesting review,



1 including payment of attorneys' fees and costs to the respondent  
2 municipal corporation, county, or district.

3 **Sec. 1902.** RCW 29.15.026 and 1991 c 178 s 2 are each reenacted to  
4 read as follows:

5 INFORMATION ON GEOGRAPHICAL BOUNDARIES. (1) The legislative  
6 authority of each county and each city, town, and special purpose  
7 district which lies entirely within the county shall provide the county  
8 auditor accurate information describing its geographical boundaries and  
9 the boundaries of its director, council, or commissioner districts and  
10 shall ensure that the information provided to the auditor is kept  
11 current.

12 (2) A city, town, or special purpose district that lies in more  
13 than one county shall provide the secretary of state accurate  
14 information describing its geographical boundaries and the boundaries  
15 of its director, council, or commissioner districts and shall ensure  
16 that the information provided to the secretary is kept current. The  
17 secretary of state shall promptly transmit to each county in which a  
18 city, town, or special purpose district is located information  
19 regarding the boundaries of that jurisdiction which is provided to the  
20 secretary.

21 **Sec. 1903.** RCW 29.10.060 and 1971 ex.s. c 202 s 27 are each  
22 amended to read as follows:

23 CHANGE OF PRECINCT BOUNDARIES--TRANSFER OF REGISTRATION. If the  
24 boundaries of any city, township, or rural precinct are changed in the  
25 manner provided by law, the county auditor shall transfer the  
26 registration cards of every registered voter whose place of residence  
27 is affected thereby to the files of the proper precinct, noting thereon  
28 the name or number of the new precinct, or change the addresses, the  
29 precinct names or numbers, and the special district designations for  
30 those registered voters on the voter registration lists of the county.  
31 It shall not be necessary for any registered voter whose residence has  
32 been changed from one precinct to another, by a change of boundary, to  
33 apply to the registration officer for a transfer of registration. The  
34 county auditor shall mail to each registrant in the new precinct a  
35 notice that his or her precinct has been changed from . . . . . to

1 . . . . ., and that thereafter ((he)) the registrant will be entitled  
2 to vote in the new precinct, giving the name or number.

3 **Sec. 1904.** RCW 29.04.140 and 1989 c 278 s 2 are each amended to  
4 read as follows:

5 MAPS AND CENSUS CORRESPONDENCE LISTS--APPORTIONMENT--DUTIES OF  
6 SECRETARY OF STATE. (1) With regard to functions relating to census,  
7 apportionment, and the establishment of legislative and congressional  
8 districts, the secretary of state shall:

9 ((a)) ~~((Adopt rules pursuant to chapter 34.05 RCW governing the  
10 preparation, maintenance, distribution, review, and filing of precinct  
11 maps under RCW 29.04.050;~~

12 ~~(b))~~ Coordinate and monitor precinct mapping functions of the  
13 county auditors and county engineers;

14 ~~((c))~~ (b) Maintain official state base maps and correspondence  
15 lists and maintain an index of all such maps and lists;

16 ~~((d))~~ (c) Furnish to the United States bureau of the census as  
17 needed for the decennial census of population, current, accurate, and  
18 easily readable versions of maps of all counties, cities, towns, and  
19 other areas of this state, which indicate current precinct boundaries  
20 together with copies of the census correspondence lists.

21 (2) The secretary of state shall serve as the state liaison with  
22 the United States bureau of census on matters relating to the  
23 preparation of maps and the tabulation of population for apportionment  
24 purposes.

25 **PART 20**  
26 **POLITICAL PARTIES**

27 **Sec. 2001.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each  
28 amended to read as follows:

29 AUTHORITY--GENERALLY. (1) Each political party organization  
30 ~~((shall have the power to))~~ may:

31 ~~((1))~~ (a) Make its own rules and regulations;

32 ~~((2))~~ ~~Call conventions;~~

33 ~~(3) Elect delegates to conventions, state and national;~~

34 ~~(4) Fill vacancies on the ticket;~~

35 ~~(5) Provide for the nomination of presidential electors;~~) and



1       **Sec. 2003.** RCW 29.42.030 and 1987 c 295 s 12 are each amended to  
2 read as follows:

3       COUNTY CENTRAL COMMITTEE--ORGANIZATION MEETINGS. The county  
4 central committee of each major political party (~~shall~~) consists of  
5 the precinct committee officers of the party from the several voting  
6 precincts of the county. Following each state general election held in  
7 even-numbered years, this committee shall meet for the purpose of  
8 organization at an easily accessible location within the county,  
9 subsequent to the certification of precinct committee officers by the  
10 county auditor and no later than the second Saturday of the following  
11 January. The authorized officers of the retiring committee shall cause  
12 notice of the time and place of (~~such~~) the meeting to be mailed to  
13 each precinct committee officer at least seventy-two hours (~~prior to~~)  
14 before the date of the meeting.

15       At its organization meeting, the county central committee shall  
16 elect a chair and vice-chair (~~who must be~~) of opposite sexes (~~it~~  
17 ~~shall also elect a state committeeman and a state committeewoman~~)).

18       **Sec. 2004.** RCW 29.42.040 and 1990 c 59 s 104 are each reenacted to  
19 read as follows:

20       PRECINCT COMMITTEE OFFICER, ELIGIBILITY. Any member of a major  
21 political party who is a registered voter in the precinct may upon  
22 payment of a fee of one dollar file his or her declaration of candidacy  
23 as prescribed under RCW 29.15.010 with the county auditor for the  
24 office of precinct committee officer of his or her party in that  
25 precinct. When elected the precinct committee officer shall serve so  
26 long as the committee officer remains an eligible voter in that  
27 precinct and until a successor has been elected at the next ensuing  
28 state general election in the even-numbered year.

29       **Sec. 2005.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to  
30 read as follows:

31       PRECINCT COMMITTEE OFFICER--ELECTION--DECLARATION OF CANDIDACY,  
32 FEE--TERM--VACANCY. The statutory requirements for filing as a  
33 candidate at the primaries (~~shall~~) apply to candidates for precinct  
34 committee officer, except that the filing period for this office alone  
35 (~~shall be~~) is extended to and includes the Friday immediately  
36 following the last day for political parties to fill vacancies in the

1 ticket as provided by RCW 29.18.150(~~(, and)~~). The office shall not be  
2 voted upon at the primaries, but the names of all candidates must  
3 appear under the proper party and office designations on the ballot for  
4 the general (~~(November)~~) election for each even-numbered year, and the  
5 one receiving the highest number of votes (~~(shall)~~) will be declared  
6 elected(~~(: PROVIDED, That)~~). However, to be declared elected, a  
7 candidate must receive at least ten percent of the number of votes cast  
8 for the candidate of the candidate's party receiving the greatest  
9 number of votes in the precinct. (~~(Any person elected to the office of~~  
10 ~~precinct committee officer who has not filed a declaration of candidacy~~  
11 ~~shall pay the fee of one dollar to the county auditor for a certificate~~  
12 ~~of election.)~~) The term of office of precinct committee officer  
13 (~~(shall be for)~~) is two years, commencing upon completion of the  
14 official canvass of votes by the county canvassing board of election  
15 returns. (~~(Should any vacancy occur in this office by reason of death,~~  
16 ~~resignation, or disqualification of the incumbent, or because of~~  
17 ~~failure to elect, the respective county chair of the county central~~  
18 ~~committee shall be empowered to fill such vacancy by appointment:~~  
19 ~~PROVIDED, HOWEVER, That in legislative districts having a majority of~~  
20 ~~its precincts in a county with a population of one million or more,~~  
21 ~~such appointment shall be made only upon the recommendation of the~~  
22 ~~legislative district chair: PROVIDED, That the person so appointed~~  
23 ~~shall have the same qualifications as candidates when filing for~~  
24 ~~election to such office for such precinct: PROVIDED FURTHER, That when~~  
25 ~~a vacancy in the office of precinct committee officer exists because of~~  
26 ~~failure to elect at a state general election, such vacancy shall not be~~  
27 ~~filled until after the organization meeting of the county central~~  
28 ~~committee and the new county chair selected as provided by RCW~~  
29 ~~29.42.030.)~~)

30 **Sec. 2006.** RCW 29.42.070 and 1991 c 363 s 35 are each amended to  
31 read as follows:

32 LEGISLATIVE DISTRICT CHAIR--ELECTION--TERM--REMOVAL. Within forty-  
33 five days after the statewide general election in even-numbered years,  
34 (~~(or within thirty days following July 30, 1967, for the biennium~~  
35 ~~ending with the 1968 general elections,)~~) the county chair of each  
36 major political party shall call separate meetings of all elected  
37 precinct committee officers in each legislative district, a majority of

1 the precincts of which are within a county with a population of one  
2 million or more for the purpose of electing a legislative district  
3 chair in such district. The district chair shall hold office until the  
4 next legislative district reorganizational meeting two years later, or  
5 until a successor is elected.

6 The legislative district chair (~~can only~~) may be removed only by  
7 the majority vote of the elected precinct committee officers in the  
8 chair's district.

9 **PART 21**

10 **CRIMES AND PENALTIES**

11 **Subpart 21.1**

12 **General Provisions**

13 **Sec. 2101.** RCW 29.85.245 and 2001 c 41 s 12 are each amended to  
14 read as follows:

15 ACTION AGAINST VOTING, REGISTRATION IRREGULARITIES. (1) A county  
16 auditor who suspects a person of fraudulent voter registration, vote  
17 tampering, or irregularities in voting shall transmit his or her  
18 suspicions and observations without delay to the canvassing board.

19 (2) The county auditor shall make a good faith effort to contact  
20 the person in question without delay. If the county auditor is unable  
21 to contact the person, or if, after contacting the person, the auditor  
22 still suspects fraudulent voter registration, vote tampering, or  
23 irregularities in voting, the auditor shall refer the issue to the  
24 county prosecuting attorney to determine if further action is  
25 warranted.

26 (3) When a complaint providing information concerning fraudulent  
27 voter registration, vote tampering, or irregularities in voting (~~are~~  
28 ~~is~~) is presented to the office of the prosecuting attorney, that  
29 office shall file charges in all cases where warranted.

30 **Sec. 2102.** RCW 29.82.210 and 1965 c 9 s 29.82.210 are each amended  
31 to read as follows:

32 VIOLATIONS BY OFFICERS. Every officer who willfully violates (~~any~~  
33 ~~of the provisions of this chapter~~) sections 1407 through 1423 of this

1 act, for the violation of which no penalty is (~~herein~~) prescribed in  
2 this title or who willfully fails to comply with the provisions of this  
3 chapter (~~shall be~~) is guilty of a gross misdemeanor.

4 **Sec. 2103.** RCW 29.38.070 and 2001 c 241 s 21 are each amended to  
5 read as follows:

6 PENALTY. A person who willfully violates any provision of this  
7 (~~chapter~~) title regarding the conduct of mail ballot primaries or  
8 elections is guilty of a class C felony punishable under RCW 9A.20.021.

9 **Sec. 2104.** RCW 29.85.275 and 1991 c 81 s 19 are each reenacted to  
10 read as follows:

11 POLITICAL ADVERTISING, REMOVING OR DEFACING. A person who removes  
12 or defaces lawfully placed political advertising including yard signs  
13 or billboards without authorization is guilty of a misdemeanor  
14 punishable to the same extent as a misdemeanor that is punishable under  
15 RCW 9A.20.021. The defacement or removal of each item constitutes a  
16 separate violation.

## 17 **Subpart 21.2**

### 18 **Registration**

19 **Sec. 2105.** RCW 29.07.400 and 1994 c 57 s 24 are each reenacted to  
20 read as follows:

21 OFFICIALS' VIOLATIONS. If any county auditor or registration  
22 assistant:

23 (1) Willfully neglects or refuses to perform any duty required by  
24 law in connection with the registration of voters; or

25 (2) Willfully neglects or refuses to perform such duty in the  
26 manner required by voter registration law; or

27 (3) Enters or causes or permits to be entered on the voter  
28 registration records the name of any person in any other manner or at  
29 any other time than as prescribed by voter registration law or enters  
30 or causes or permits to be entered on such records the name of any  
31 person not entitled to be thereon; or

32 (4) Destroys, mutilates, conceals, changes, or alters any  
33 registration record in connection therewith except as authorized by  
34 voter registration law,

1 he or she is guilty of a gross misdemeanor punishable to the same  
2 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

3 **Sec. 2106.** RCW 29.07.405 and 2001 c 41 s 2 are each reenacted to  
4 read as follows:

5 DISENFRANCHISEMENT OR DISCRIMINATION--PENALTY. An election officer  
6 or a person who intentionally disenfranchises an eligible citizen or  
7 discriminates against a person eligible to vote by denying voter  
8 registration is guilty of a misdemeanor punishable under RCW 9A.20.021.

9 **Sec. 2107.** RCW 29.07.410 and 1994 c 57 s 25 are each reenacted to  
10 read as follows:

11 VOTERS' AND OFFICIALS' VIOLATIONS. Any person who:

12 (1) Knowingly provides false information on an application for  
13 voter registration under any provision of this title;

14 (2) Knowingly makes or attests to a false declaration as to his or  
15 her qualifications as a voter;

16 (3) Knowingly causes or permits himself or herself to be registered  
17 using the name of another person;

18 (4) Knowingly causes himself or herself to be registered under two  
19 or more different names;

20 (5) Knowingly causes himself or herself to be registered in two or  
21 more counties;

22 (6) Offers to pay another person to assist in registering voters,  
23 where payment is based on a fixed amount of money per voter  
24 registration;

25 (7) Accepts payment for assisting in registering voters, where  
26 payment is based on a fixed amount of money per voter registration; or

27 (8) Knowingly causes any person to be registered or causes any  
28 registration to be transferred or canceled except as authorized under  
29 this title,

30 is guilty of a class C felony punishable under RCW 9A.20.021.

31 **Sec. 2108.** RCW 29.85.249 and 2001 c 41 s 13 are each reenacted to  
32 read as follows:

33 UNQUALIFIED REGISTRATION. A person who knows that he or she does  
34 not possess the legal qualifications of a voter and who registers to  
35 vote is guilty of a misdemeanor punishable under RCW 9A.20.021.





1 (5) By any other corrupt means or practice or by threats or  
2 intimidation interferes with or attempts to interfere with the right of  
3 any legal voter to sign or not to sign any recall petition or to vote  
4 for or against any recall; or

5 (6) Receives, accepts, handles, distributes, pays out, or gives  
6 away, directly or indirectly, any money, consideration, compensation,  
7 gratuity, reward, or thing of value contributed by or received from any  
8 person, firm, association, or corporation whose residence or principal  
9 office is, or the majority of whose stockholders are nonresidents of  
10 the state of Washington, for any service, work, or assistance of any  
11 kind done or rendered for the purpose of aiding in procuring signatures  
12 upon any recall petition or the adoption or rejection of any recall.

13 **Sec. 2111.** RCW 29.79.440 and 1993 c 256 s 2 are each amended to  
14 read as follows:

15 VIOLATIONS BY SIGNERS. Every person who signs an initiative or  
16 referendum petition with any other than his or her true name (~~shall~~  
17 ~~be~~) is guilty of a class C felony punishable under RCW 9A.20.021.  
18 Every person who knowingly signs more than one petition for the same  
19 initiative or referendum measure or who signs an initiative or  
20 referendum petition knowing that he or she is not a legal voter or who  
21 makes a false statement as to his or her residence on any initiative or  
22 referendum petition, (~~shall-be~~) is guilty of a gross misdemeanor  
23 punishable to the same extent as a gross misdemeanor that is punishable  
24 under RCW 9A.20.021.

25 **Sec. 2112.** RCW 29.82.170 and 1984 c 170 s 11 are each amended to  
26 read as follows:

27 VIOLATIONS BY SIGNERS--OFFICERS. Every person who signs a recall  
28 petition with any other than his or her true name is guilty of a  
29 felony. Every person who knowingly (1) signs more than one petition  
30 for the same recall, (2) signs a recall petition when he or she is not  
31 a legal voter, or (3) makes a false statement as to (~~his~~) residence  
32 on any recall petition is guilty of a gross misdemeanor. Every  
33 registration officer who makes any false report or certificate on any  
34 recall petition is guilty of a gross misdemeanor.

1       **Sec. 2113.** RCW 29.79.490 and 1993 c 256 s 4 are each amended to  
2 read as follows:

3       VIOLATIONS--CORRUPT PRACTICES. Every person (~~shall be~~) is guilty  
4 of a gross misdemeanor who:

5       (1) For any consideration or gratuity or promise thereof, signs or  
6 declines to sign any initiative or referendum petition; or

7       (2) Provides or receives consideration for soliciting or procuring  
8 signatures on an initiative or referendum petition if any part of the  
9 consideration is based upon the number of signatures solicited or  
10 procured, or offers to provide or agrees to receive such consideration  
11 any of which is based on the number of signatures solicited or  
12 procured; or

13       (3) Gives or offers any consideration or gratuity to any person to  
14 induce him or her to sign or not to sign or to vote for or against any  
15 initiative or referendum measure; or

16       (4) Interferes with or attempts to interfere with the right of any  
17 voter to sign or not to sign an initiative or referendum petition or  
18 with the right to vote for or against an initiative or referendum  
19 measure by threats, intimidation, or any other corrupt means or  
20 practice; or

21       (5) Receives, handles, distributes, pays out, or gives away,  
22 directly or indirectly, money or any other thing of value contributed  
23 by or received from any person, firm, association, or corporation whose  
24 residence or principal office is, or the majority of whose members or  
25 stockholders have their residence outside, the state of Washington, for  
26 any service rendered for the purpose of aiding in procuring signatures  
27 upon any initiative or referendum petition or for the purpose of aiding  
28 in the adoption or rejection of any initiative or referendum measure(~~+~~  
29 ~~PROVIDED, That~~). This subsection (~~shall~~) does not apply to or  
30 prohibit any activity (~~which~~) that is properly reported in accordance  
31 with the applicable provisions of chapter 42.17 RCW.

32       A gross misdemeanor under this section is punishable to the same  
33 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

34       **Sec. 2114.** RCW 29.15.080 and 1984 c 142 s 8 are each reenacted to  
35 read as follows:

36       PETITIONS--PENALTIES FOR IMPROPERLY SIGNING. The following apply  
37 to persons signing nominating petitions prescribed by RCW 29.15.060:

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

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

7 **Sec. 2115.** RCW 29.15.110 and 1965 c 9 s 29.18.080 are each amended  
8 to read as follows:

9 DUPLICATION OF NAMES--CONSPIRACY--CRIMINAL AND CIVIL LIABILITY.  
10 Any person who with intent to mislead or confuse the electors conspires  
11 with another person who has a surname similar to an incumbent seeking  
12 reelection to the same office, or to an opponent for the same office  
13 whose political reputation has been well established, by persuading  
14 such other person to file for such office with no intention of being  
15 elected, but to defeat the incumbent or the well known opponent,  
16 (~~shall be~~) is guilty of a felony. In addition (~~thereto such person~~  
17 ~~or persons shall be~~), all conspirators are subject to a suit for civil  
18 damages, the amount of which (~~shall~~) may not exceed the salary  
19 (~~which~~) that the injured person would have received had he or she  
20 been elected or reelected.

21 **Sec. 2116.** RCW 29.79.500 and 1993 c 256 s 1 are each reenacted to  
22 read as follows:

23 PAID PETITION SOLICITORS--FINDING. The legislature finds that  
24 paying a worker, whose task it is to secure the signatures of voters on  
25 initiative or referendum petitions, on the basis of the number of  
26 signatures the worker secures on the petitions encourages the  
27 introduction of fraud in the signature gathering process. Such a form  
28 of payment may act as an incentive for the worker to encourage a person  
29 to sign a petition which the person is not qualified to sign or to sign  
30 a petition for a ballot measure even if the person has already signed  
31 a petition for the measure. Such payments also threaten the integrity  
32 of the initiative and referendum process by providing an incentive for  
33 misrepresenting the nature or effect of a ballot measure in securing  
34 petition signatures for the measure.



1 (1) Appropriates any official ballot to himself or herself; or  
2 (2) Gives or delivers any official ballot to or permits any  
3 official ballot to be taken by any person other than the officer  
4 authorized by law to receive it; or

5 (3) Prints or causes to be printed any official ballot: (a) In any  
6 other form than that prescribed by law or as directed by the officer  
7 authorized to procure the printing thereof; or (b) with any other names  
8 thereon or with the names spelled otherwise than as directed by such  
9 officer, or the names or printing thereon arranged in any other way  
10 than that authorized and directed by law.

11 A gross misdemeanor under this section is punishable to the same  
12 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

13 **Sec. 2120.** RCW 29.85.020 and 1991 c 81 s 2 are each reenacted to  
14 read as follows:

15 UNAUTHORIZED EXAMINATION OF BALLOTS, ELECTION MATERIALS--REVEALING  
16 INFORMATION. (1) It is a gross misdemeanor for a person to examine, or  
17 assist another to examine, any voter record, ballot, or any other state  
18 or local government official election material if the person, without  
19 lawful authority, conducts the examination:

20 (a) For the purpose of identifying the name of a voter and how the  
21 voter voted; or

22 (b) For the purpose of determining how a voter, whose name is known  
23 to the person, voted; or

24 (c) For the purpose of identifying the name of the voter who voted  
25 in a manner known to the person.

26 (2) Any person who reveals to another information which the person  
27 ascertained in violation of subsection (1) of this section is guilty of  
28 a gross misdemeanor.

29 (3) A gross misdemeanor under this section is punishable to the  
30 same extent as a gross misdemeanor that is punishable under RCW  
31 9A.20.021.

32 **Subpart 21.6**  
33 **Polling Place**

34 **Sec. 2121.** RCW 29.51.020 and 1991 c 81 s 20 are each reenacted to  
35 read as follows:

1 ACTS PROHIBITED IN VICINITY OF POLLING PLACE--PROHIBITED PRACTICES  
2 AS TO BALLOTS. (1) On the day of any primary or general or special  
3 election, no person may, within a polling place, or in any public area  
4 within three hundred feet of any entrance to such polling place:

5 (a) Suggest or persuade or attempt to suggest or persuade any voter  
6 to vote for or against any candidate or ballot measure;

7 (b) Circulate cards or handbills of any kind;

8 (c) Solicit signatures to any kind of petition; or

9 (d) Engage in any practice which interferes with the freedom of  
10 voters to exercise their franchise or disrupts the administration of  
11 the polling place.

12 (2) No person may obstruct the doors or entries to a building in  
13 which a polling place is located or prevent free access to and from any  
14 polling place. Any sheriff, deputy sheriff, or municipal law  
15 enforcement officer shall prevent such obstruction, and may arrest any  
16 person creating such obstruction.

17 (3) No person may:

18 (a) Except as provided in RCW 29.54.037, remove any ballot from the  
19 polling place before the closing of the polls; or

20 (b) Solicit any voter to show his or her ballot.

21 (4) No person other than an inspector or judge of election may  
22 receive from any voter a voted ballot or deliver a blank ballot to such  
23 elector.

24 (5) Any violation of this section is a gross misdemeanor,  
25 punishable to the same extent as a gross misdemeanor that is punishable  
26 under RCW 9A.20.021, and the person convicted may be ordered to pay the  
27 costs of prosecution.

28 **Sec. 2122.** RCW 29.51.030 and 1965 c 9 s 29.51.030 are each amended  
29 to read as follows:

30 ELECTIONEERING BY ELECTION OFFICERS. Any election officer who does  
31 any electioneering on primary or election day, (~~shall be~~) is guilty  
32 of a misdemeanor, and upon conviction (~~shall~~) must be fined in any  
33 sum not exceeding one hundred dollars and pay the costs of prosecution.

34 **Sec. 2123.** RCW 29.51.221 and 1990 c 59 s 49 are each reenacted to  
35 read as follows:

36 REFUSING TO LEAVE VOTING BOOTH. Deliberately impeding other voters

1 from casting their votes by refusing to leave a voting booth or voting  
2 device is a misdemeanor and is subject to the penalties provided in  
3 chapter 9A.20 RCW. The precinct election officers may provide  
4 assistance in the manner provided by RCW 29.51.200 to any voter who  
5 requests it.

6 **Sec. 2124.** RCW 29.85.010 and 1991 c 81 s 1 are each reenacted to  
7 read as follows:

8 BALLOTS--REMOVING FROM POLLING PLACE. Any person who, without  
9 lawful authority, removes a ballot from a polling place is guilty of a  
10 gross misdemeanor punishable to the same extent as a gross misdemeanor  
11 that is punishable under RCW 9A.20.021.

12 **Sec. 2125.** RCW 29.85.110 and 1991 c 81 s 9 are each amended to  
13 read as follows:

14 TAMPERING WITH POLLING PLACE MATERIALS. Any person who willfully  
15 defaces, removes, or destroys any of the supplies or materials  
16 (~~which~~) that the person knows are intended both for use in a polling  
17 place and for enabling a voter to prepare his or her ballot is guilty  
18 of a class C felony punishable under RCW 9A.20.021.

19 **Sec. 2126.** RCW 29.85.260 and 1991 c 81 s 18 are each amended to  
20 read as follows:

21 VOTING MACHINES, DEVICES--TAMPERING WITH--EXTRA KEYS. Any person  
22 who tampers with or damages or attempts to damage any voting machine or  
23 device to be used or being used in a primary or special or general  
24 election, or who prevents or attempts to prevent the correct operation  
25 of such machine or device, or any unauthorized person who makes or has  
26 in his or her possession a key to a voting machine or device to be used  
27 or being used in a primary or special or general election, (~~shall be~~)  
28 is guilty of a class C felony punishable under RCW 9A.20.021.

29 **Subpart 21.7**

30 **Voting**

31 **Sec. 2127.** RCW 29.85.051 and 1991 c 81 s 4 are each reenacted to  
32 read as follows:



1 DECEPTIVE, INCORRECT VOTE RECORDING. A person is guilty of a gross  
2 misdemeanor who knowingly:

3 (1) Deceives any voter in recording his or her vote by providing  
4 incorrect or misleading recording information or by providing faulty  
5 election equipment or records; or

6 (2) Records the vote of any voter in a manner other than as  
7 designated by the voter.

8 Such a gross misdemeanor is punishable to the same extent as a  
9 gross misdemeanor that is punishable under RCW 9A.20.021.

10 **Sec. 2128.** RCW 29.85.060 and 1991 c 81 s 5 are each reenacted to  
11 read as follows:

12 HINDERING OR BRIBING VOTER. Any person who uses menace, force,  
13 threat, or any unlawful means towards any voter to hinder or deter such  
14 a voter from voting, or directly or indirectly offers any bribe,  
15 reward, or any thing of value to a voter in exchange for the voter's  
16 vote for or against any person or ballot measure, or authorizes any  
17 person to do so, is guilty of a class C felony punishable under RCW  
18 9A.20.021.

19 **Sec. 2129.** RCW 29.85.070 and 1991 c 81 s 6 are each reenacted to  
20 read as follows:

21 INFLUENCING VOTER TO WITHHOLD VOTE. Any person who in any way,  
22 directly or indirectly, by menace or unlawful means, attempts to  
23 influence any person in refusing to give his or her vote in any primary  
24 or special or general election is guilty of a gross misdemeanor  
25 punishable to the same extent as a gross misdemeanor that is punishable  
26 under RCW 9A.20.021.

27 **Sec. 2130.** RCW 29.85.090 and 1991 c 81 s 7 are each reenacted to  
28 read as follows:

29 SOLICITATION OF BRIBE BY VOTER. Any person who solicits, requests,  
30 or demands, directly or indirectly, any reward or thing of value or the  
31 promise thereof in exchange for his or her vote or in exchange for the  
32 vote of any other person for or against any candidate or for or against  
33 any ballot measure to be voted upon at a primary or special or general  
34 election is guilty of a gross misdemeanor punishable to the same extent  
35 as a gross misdemeanor that is punishable under RCW 9A.20.021.

1           **Sec. 2131.** RCW 29.85.210 and 1991 c 81 s 13 are each reenacted to  
2 read as follows:

3           REPEATERS. Any person who votes or attempts to vote more than once  
4 at any primary or general or special election is guilty of a gross  
5 misdemeanor, punishable to the same extent as a gross misdemeanor that  
6 is punishable under RCW 9A.20.021.

7           **Sec. 2132.** RCW 29.85.220 and 1991 c 81 s 14 are each reenacted to  
8 read as follows:

9           REPEATERS--UNQUALIFIED PERSONS--OFFICERS CONNIVING WITH. Any  
10 precinct election officer who knowingly permits any voter to cast a  
11 second vote at any primary or general or special election, or knowingly  
12 permits any person not a qualified voter to vote at any primary or  
13 general or special election, is guilty of a class C felony punishable  
14 under RCW 9A.20.021.

15           **Sec. 2133.** RCW 29.85.240 and 1991 c 81 s 17 are each amended to  
16 read as follows:

17           UNQUALIFIED PERSONS VOTING. Any person who knows that he or she  
18 does not possess the legal qualifications of a voter and who votes at  
19 any primary or special or general election authorized by law to be held  
20 in this state for any office whatever (~~(shall be)~~) is guilty of a class  
21 C felony punishable under RCW 9A.20.021.

22           **Sec. 2134.** RCW 29.51.230 and 1965 c 9 s 29.51.230 are each amended  
23 to read as follows:

24           UNLAWFUL ACTS BY VOTERS. It (~~(shall be)~~) is unlawful for a voter  
25 to:

26           (1) (~~Show his ballot after it is marked to any person in such a~~  
27 ~~way as to reveal the contents thereof or the name of any candidate for~~  
28 ~~whom he has marked his vote;~~

29           (2)) Receive a ballot from any person other than the election  
30 officer having charge of the ballots;

31           ((3)) (2) Vote or offer to vote any ballot except one (~~that he~~  
32 ~~has~~) received from the election officer having charge of the ballots;

33           ((4) Place any mark upon his ballot by which it may afterward be  
34 identified as the one voted by him;



1       ~~(4) Conceals or fraudulently defaces or destroys a certificate~~  
2 ~~which has been filed with an elections officer under chapter 29.24 RCW~~  
3 ~~or a declaration of candidacy or petition of nomination which has been~~  
4 ~~filed with an elections officer, or any part of such a certificate,~~  
5 ~~declaration, or petition)),~~  
6 is guilty of a class C felony punishable under RCW 9A.20.021.

7       **Sec. 2138.** RCW 29.85.170 and 1991 c 81 s 10 are each reenacted to  
8 read as follows:

9       OFFICERS--VIOLATIONS GENERALLY. Every person charged with the  
10 performance of any duty under the provisions of any law of this state  
11 relating to elections, including primaries, or the provisions of any  
12 charter or ordinance of any city or town of this state relating to  
13 elections who willfully neglects or refuses to perform such duty, or  
14 who, in the performance of such duty, or in his or her official  
15 capacity, knowingly or fraudulently violates any of the provisions of  
16 law relating to such duty, is guilty of a class C felony punishable  
17 under RCW 9A.20.021 and shall forfeit his or her office.

18       **Sec. 2139.** RCW 29.85.225 and 1991 c 81 s 15 are each reenacted to  
19 read as follows:

20       DIVULGING BALLOT COUNT. (1) In any location in which ballots are  
21 counted, no person authorized by law to be present while votes are  
22 being counted may divulge any results of the count of the ballots at  
23 any time prior to the closing of the polls for that primary or special  
24 or general election.

25       (2) A violation of this section is a gross misdemeanor punishable  
26 to the same extent as a gross misdemeanor that is punishable under RCW  
27 9A.20.021.

28       **Sec. 2140.** RCW 29.85.230 and 1991 c 81 s 16 are each reenacted to  
29 read as follows:

30       It shall be a gross misdemeanor, punishable to the same extent as  
31 a gross misdemeanor that is punishable under RCW 9A.20.021, for any  
32 person to remove or deface the posted copy of the result of votes cast  
33 at their precinct or to delay delivery of or change the copy of primary  
34 or special or general election returns to be delivered to the proper  
35 election officer.

1 PART 22

2 NUCLEAR WASTE SITE--ELECTION FOR DISAPPROVAL

3 Sec. 2201. RCW 29.91.010 and 1986 ex.s. c 1 s 3 are each reenacted  
4 to read as follows:

5 FINDINGS. (1) The legislature and the people find that the federal  
6 Nuclear Waste Policy Act provides that within sixty days of the  
7 president's recommendation of a site for a high-level nuclear waste  
8 repository, a state may disapprove the selection of such site in that  
9 state.

10 (2) The legislature and the people desire, if the governor and  
11 legislature do not issue a notice of disapproval within twenty-one days  
12 of the president's recommendation, that the people of this state have  
13 the opportunity to vote upon disapproval.

14 Sec. 2202. RCW 29.91.020 and 1986 ex.s. c 1 s 4 are each amended  
15 to read as follows:

16 HIGH-LEVEL NUCLEAR WASTE REPOSITORY--SELECTION OF SITE IN STATE--  
17 SPECIAL ELECTION FOR DISAPPROVAL. (1) Within seven days after any  
18 recommendation by the president of the United States of a site in the  
19 state of Washington to be a high-level nuclear waste repository under  
20 42 U.S.C. Sec. 10136, the governor shall set the date for a special  
21 statewide election to vote on disapproval of the selection of such  
22 site. The special election shall be no more than fifty days after the  
23 date of the recommendation of the president of the United States.

24 (2) If either the governor or the legislature submits a notice of  
25 disapproval to the United States Congress within twenty-one days of the  
26 date of the recommendation by the president of the United States, then  
27 the governor is authorized to cancel the special election pursuant to  
28 subsection (1) of this section.

29 Sec. 2203. RCW 29.91.030 and 1986 ex.s. c 1 s 5 are each reenacted  
30 to read as follows:

31 COSTS OF ELECTION. The state of Washington shall assume the costs  
32 of any special election called under RCW 29.91.020 in the same manner  
33 as provided in RCW 29.13.047 and 29.13.048.

34 Sec. 2204. RCW 29.91.040 and 1986 ex.s. c 1 s 6 are each reenacted  
35 to read as follows:

1 SPECIAL ELECTION--NOTIFICATION OF AUDITORS--APPLICATION OF ELECTION  
2 LAWS. The secretary of state shall promptly notify the county auditors  
3 of the date of the special election and certify to them the text of the  
4 ballot title for this special election. The general election laws  
5 shall apply to the election required by RCW 29.91.020 to the extent  
6 that they are not inconsistent with this chapter. Statutory deadlines  
7 relating to certification, canvassing, and the voters' pamphlet may be  
8 modified for the election held pursuant to RCW 29.91.020 by the  
9 secretary of state through emergency rules adopted under RCW 29.04.080.

10 **Sec. 2205.** RCW 29.91.050 and 1986 ex.s. c 1 s 7 are each reenacted  
11 to read as follows:

12 **BALLOT TITLE.** The ballot title for the special election called  
13 under RCW 29.91.020 shall be "Shall the Governor be required to notify  
14 Congress of Washington's disapproval of the President's recommendation  
15 of [name of site] as a national high-level nuclear waste repository?"

16 **Sec. 2206.** RCW 29.91.060 and 1986 ex.s. c 1 s 8 are each amended  
17 to read as follows:

18 **EFFECT OF VOTE.** If the governor or the legislature fails to  
19 prepare and submit a notice of disapproval to the United States  
20 Congress within fifty-five days of the president's recommendation and  
21 a majority of the voters in the special election held pursuant to RCW  
22 29.91.020 favored such notice of disapproval, then the vote of the  
23 people shall be binding on the governor. The governor shall prepare  
24 and submit the notice of disapproval to the United States Congress  
25 pursuant to 42 U.S.C. Sec. 10136.

26 **PART 23**  
27 **OTHER LAWS AFFECTED**

28 **Sec. 2301.** RCW 29.13.023 and 1981 c 213 s 3 are each reenacted to  
29 read as follows:

30 **FIRST CLASS MAYOR-COUNCIL CITIES--TWELVE COUNCILMEMBERS.** All  
31 regular elections in first class cities having a mayor-council form of  
32 government whose charters provide for twelve councilmembers elected for  
33 a term of two years, two being elected from each of six wards, and for  
34 the election of a mayor, treasurer, and comptroller for terms of two

1 years, shall be held biennially as provided in RCW 29.13.020. The term  
2 of each councilmember, mayor, treasurer, and comptroller shall be four  
3 years and until his or her successor is elected and qualified and  
4 assumes office in accordance with RCW 29.04.170. The terms of the  
5 councilmembers shall be so staggered that six councilmembers shall be  
6 elected to office at each regular election.

7 **Sec. 2302.** RCW 29.13.024 and 1981 c 213 s 4 are each reenacted to  
8 read as follows:

9 FIRST CLASS MAYOR-COUNCIL CITIES--SEVEN COUNCILMEMBERS. All  
10 regular elections in first class cities having a mayor-council form of  
11 government whose charters provide for seven councilmembers, one to be  
12 elected from each of six wards and one at large, for a term of two  
13 years, and for the election of a mayor, comptroller, treasurer and  
14 attorney for two year terms, shall be held biennially as provided in  
15 RCW 29.13.020. The terms of the six councilmembers to be elected by  
16 wards shall be four years and until their successors are elected and  
17 qualified and the term of the councilmember to be elected at large  
18 shall be two years and until their successors are elected and  
19 qualified. The terms of the councilmembers shall be so staggered that  
20 three ward councilmembers and the councilmember at large shall be  
21 elected at each regular election. The term of the mayor, attorney,  
22 treasurer, and comptroller shall be four years and until their  
23 successors are elected and qualified and assume office in accordance  
24 with RCW 29.04.170.

25 **Sec. 2303.** RCW 43.07.310 and 1992 c 163 s 2 are each amended to  
26 read as follows:

27 DIVISION OF ELECTIONS--DUTIES. The secretary of state, through the  
28 division of elections, is responsible for the following duties, as  
29 prescribed by Title 29 RCW:

30 (1) The filing, verification of signatures, and certification of  
31 state initiative, referendum, and recall petitions;

32 (2) The production and distribution of a state voters' (~~and~~  
33 ~~candidates~~) pamphlet;

34 (3) The examination, testing, and certification of voting  
35 equipment, voting devices, and vote-tallying systems;

1 (4) The administration, canvassing, and certification of the  
2 presidential primary, state primaries, and state general elections;

3 (5) The administration of motor voter and other voter registration  
4 and voter outreach programs;

5 (6) The training, testing, and certification of state and local  
6 elections personnel as established in RCW 29.60.030;

7 (7) The training of state and local party observers required by RCW  
8 29.60.040;

9 (8) The conduct of postelection reviews as established in RCW  
10 29.60.070; and

11 (9) Other duties that may be prescribed by the legislature.

12 **PART 24**  
13 **MISCELLANEOUS**

14 NEW SECTION. **Sec. 2401.** RECODIFICATION. The following sections  
15 are recodified in the order in which they appear in parts 1 through 22  
16 of this act as new chapters and sections of a new elections title of  
17 the Revised Code of Washington, to be designated as Title 29A RCW:

18 RCW 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043,  
19 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065,  
20 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110,  
21 29.01.113, 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135,  
22 29.01.136, 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170,  
23 29.01.180, 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140,  
24 29.04.025, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091,  
25 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047,  
26 29.13.048, 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060,  
27 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030,  
28 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011,  
29 29.08.010, 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220,  
30 29.10.081, 29.07.092, 29.07.160, 29.07.152, 29.07.030, 29.07.230,  
31 29.07.070, 29.07.140, 29.07.080, 29.07.090, 29.08.080, 29.08.040,  
32 29.07.025, 29.07.430, 29.07.440, 29.07.260, 29.07.270, 29.10.020,  
33 29.10.040, 29.10.170, 29.10.051, 29.10.090, 29.10.097, 29.10.100,  
34 29.10.110, 29.10.180, 29.10.185, 29.10.015, 29.10.071, 29.10.220,  
35 29.10.075, 29.10.200, 29.10.210, 29.10.230, 29.04.250, 29.07.130,  
36 29.04.100, 29.04.110, 29.04.120, 29.04.150, 29.04.160, 29.04.240,



1	29.10.125,	29.10.127,	29.10.130,	29.10.140,	29.10.150,	29.33.020,
2	29.33.041,	29.33.051,	29.33.061,	29.33.081,	29.33.130,	29.33.145,
3	29.33.300,	29.33.310,	29.33.320,	29.33.330,	29.33.340,	29.33.350,
4	29.33.360,	29.04.200,	29.57.010,	29.57.090,	29.57.160,	29.04.040,
5	29.04.050,	29.04.055,	29.48.005,	29.48.007,	29.57.040,	29.57.070,
6	29.57.100,	29.57.050,	29.57.150,	29.27.090,	29.15.025,	29.13.050,
7	29.04.170,	29.24.010,	29.24.020,	29.24.025,	29.24.030,	29.24.035,
8	29.24.040,	29.24.045,	29.24.055,	29.24.060,	29.24.070,	29.15.130,
9	29.15.140,	29.15.010,	29.15.044,	29.15.020,	29.15.090,	29.15.030,
10	29.15.040,	29.15.050,	29.15.060,	29.15.070,	29.15.125,	29.15.120,
11	29.15.160,	29.15.210,	29.15.220,	29.15.170,	29.15.180,	29.15.190,
12	29.15.200,	29.15.230,	29.04.180,	29.04.190,	29.18.150,	29.18.160,
13	29.68.070,	29.68.080,	29.68.100,	29.68.130,	29.81.210,	29.04.035,
14	29.81.220,	29.81.230,	29.27.076,	29.81.240,	29.81.250,	29.81.260,
15	29.81.280,	29.81.290,	29.81.300,	29.81.310,	29.81A.010,	29.81A.020,
16	29.81A.030,	29.81A.040,	29.81A.050,	29.81A.060,	29.81A.070,	29.81A.080,
17	29.27.020,	29.27.057,	29.27.061,	29.27.065,	29.27.0653,	29.27.0655,
18	29.27.066,	29.27.0665,	29.27.067,	29.30.005,	29.30.010,	29.30.020,
19	29.30.025,	29.30.040,	29.30.060,	29.30.081,	29.30.085,	29.30.086,
20	29.30.095,	29.30.101,	29.30.111,	29.30.130,	29.36.210,	29.36.220,
21	29.36.230,	29.36.240,	29.36.250,	29.36.260,	29.36.270,	29.36.280,
22	29.36.290,	29.36.300,	29.36.310,	29.36.320,	29.36.340,	29.36.350,
23	29.36.360,	29.51.010,	29.51.125,	29.51.180,	29.51.190,	29.54.037,
24	29.48.010,	29.13.080,	29.51.240,	29.51.185,	29.48.030,	29.07.170,
25	29.48.035,	29.57.130,	29.48.020,	29.48.070,	29.48.090,	29.48.100,
26	29.51.150,	29.51.050,	29.51.060,	29.51.100,	29.51.070,	29.51.200,
27	29.54.018,	29.51.250,	29.54.010,	29.54.015,	29.07.180,	29.48.080,
28	29.48.045,	29.54.093,	29.51.115,	29.51.155,	29.45.010,	29.45.020,
29	29.45.030,	29.45.040,	29.45.050,	29.45.060,	29.45.065,	29.45.070,
30	29.45.080,	29.45.090,	29.45.100,	29.45.110,	29.45.120,	29.38.010,
31	29.38.020,	29.38.030,	29.38.040,	29.38.050,	29.38.060,	29.15.150,
32	29.18.010,	29.18.120,	29.18.200,	29.21.010,	29.21.015,	29.21.070,
33	29.21.410,	29.27.030,	29.27.050,	29.27.072,	29.27.074,	29.27.080,
34	29.27.100,	29.27.110,	29.19.010,	29.19.020,	29.19.030,	29.19.045,
35	29.19.055,	29.19.080,	29.82.010,	29.82.015,	29.82.021,	29.82.023,
36	29.82.025,	29.82.030,	29.82.040,	29.82.060,	29.82.080,	29.82.090,
37	29.82.100,	29.82.105,	29.82.110,	29.82.120,	29.82.130,	29.82.140,
38	29.82.160,	29.71.010,	29.71.020,	29.71.030,	29.71.040,	29.71.050,

1 29.27.140, 29.74.010, 29.74.020, 29.74.030, 29.74.040, 29.74.050,  
2 29.74.060, 29.74.070, 29.74.080, 29.74.100, 29.74.110, 29.74.120,  
3 29.74.130, 29.74.140, 29.74.150, 29.13.040, 29.62.180, 29.54.042,  
4 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170,  
5 29.51.175, 29.54.075, 29.54.085, 29.27.120, 29.62.030, 29.62.020,  
6 29.54.025, 29.36.330, 29.62.040, 29.62.050, 29.62.080, 29.62.090,  
7 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.015, 29.64.020,  
8 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080,  
9 29.64.090, 29.04.030, 29.65.010, 29.65.020, 29.65.040, 29.65.050,  
10 29.65.055, 29.65.060, 29.65.070, 29.65.080, 29.65.090, 29.65.100,  
11 29.65.120, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.035,  
12 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.080, 29.79.090,  
13 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.140, 29.79.150,  
14 29.79.160, 29.79.170, 29.79.180, 29.79.190, 29.79.200, 29.79.210,  
15 29.79.230, 29.79.270, 29.79.280, 29.79.290, 29.79.300, 29.70.100,  
16 29.15.026, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030,  
17 29.42.040, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070,  
18 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480,  
19 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110,  
20 29.79.500, 29.15.100, 29.85.040, 29.85.020, 29.51.020, 29.51.030,  
21 29.51.221, 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060,  
22 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230,  
23 29.51.215, 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230,  
24 29.91.010, 29.91.020, 29.91.030, 29.91.040, 29.91.050, and 29.91.060.

25 The code reviser shall correct any cross-references to the  
26 recodified sections.

27 NEW SECTION. **Sec. 2402.** RCW 29.13.023 and 29.13.024 are each  
28 recodified as sections in chapter 35.22 RCW.

29 NEW SECTION. **Sec. 2403.** EXPIRATION. RCW 29.04.250 and 2002 c 21  
30 s 2 and section 245 of this act expire January 1, 2005.

31 NEW SECTION. **Sec. 2404.** REPEALER. The following acts or parts of  
32 acts are each repealed:

33 (1) RCW 9.81.100 (Public office--Candidate must file affidavit) and  
34 1951 c 254 s 16;

35 (2) RCW 29.01.010 (City clerk) and 1965 c 9 s 29.01.010;

1 (3) RCW 29.01.020 (City council) and 1965 c 9 s 29.01.020;  
2 (4) RCW 29.01.030 (City precinct) and 1965 c 9 s 29.01.030;  
3 (5) RCW 29.01.040 (Constituency) and 1965 c 9 s 29.01.040;  
4 (6) RCW 29.01.087 (Local voters' pamphlet) and 1984 c 106 s 2;  
5 (7) RCW 29.01.150 (Rural precinct) and 1965 c 9 s 29.01.150;  
6 (8) RCW 29.04.210 (Ballots, voting systems--Rules by secretary of  
7 state) and 1990 c 59 s 7;  
8 (9) RCW 29.04.235 (Electronic facsimile documents--Rules) and 1991  
9 c 186 s 2;  
10 (10) RCW 29.07.100 (Registration assistance by city and town  
11 clerks) and 1994 c 57 s 14, 1971 ex.s. c 202 s 13, & 1965 c 9 s  
12 29.07.100;  
13 (11) RCW 29.07.115 (Registration records--Weekly transmittal) and  
14 1994 c 57 s 15 & 1971 ex.s. c 202 s 23;  
15 (12) RCW 29.07.120 (Registrar's cards--Weekly transmittal--  
16 Exemption) and 1999 c 298 s 5, 1994 c 57 s 16, 1971 ex.s. c 202 s 16,  
17 & 1965 c 9 s 29.07.120;  
18 (13) RCW 29.07.240 (Computer file of voter registration records--  
19 Rules--Assistance) and 1974 ex.s. c 127 s 14;  
20 (14) RCW 29.07.280 (Forwarding of forms to voter's county) and 1990  
21 c 143 s 3;  
22 (15) RCW 29.07.290 (Records--Correction, sorting, transmittal) and  
23 1990 c 143 s 4;  
24 (16) RCW 29.07.300 (Delivery of files to auditors--Address changes)  
25 and 1994 c 57 s 23 & 1990 c 143 s 5;  
26 (17) RCW 29.07.310 (Driver licensing and voter registration--Duties  
27 of secretary of state) and 1990 c 143 s 10;  
28 (18) RCW 29.07.320 (Driver licensing and voter registration--  
29 Funding) and 1990 c 143 s 11;  
30 (19) RCW 29.07.420 (Designation of agencies providing registration  
31 services) and 1994 c 57 s 26;  
32 (20) RCW 29.07.450 (Duties of secretary of state) and 1994 c 57 s  
33 29;  
34 (21) RCW 29.08.020 (Duties of county auditor--Application of  
35 remainder of title) and 1993 c 434 s 2;  
36 (22) RCW 29.08.050 (Declaration and warning) and 1994 c 57 s 31 &  
37 1993 c 434 s 5;  
38 (23) RCW 29.08.070 (Form--Adoption, contents) and 1993 c 434 s 7;

1 (24) RCW 29.08.090 (Violations of chapter) and 1993 c 434 s 9;  
2 (25) RCW 29.08.900 (Effective date--1993 c 434) and 1993 c 434 s  
3 13;  
4 (26) RCW 29.13.021 (First class commission cities with charters  
5 providing triennial elections) and 1983 c 3 s 43, 1979 ex.s. c 126 s  
6 10, & 1965 c 9 s 29.13.021;  
7 (27) RCW 29.13.060 (Elections in certain first class school  
8 districts) and 1996 c 202 s 1, 1991 c 363 s 32, 1990 c 33 s 563, & 1989  
9 c 10 s 7;  
10 (28) RCW 29.15.046 (Electronic filing--Rules) and 2002 c 140 s 3;  
11 (29) RCW 29.15.240 (Rejection of ineligible persons) and 1993 c 1  
12 s 7;  
13 (30) RCW 29.15.800 (Rules by secretary of state) and 1990 c 59 s  
14 97;  
15 (31) RCW 29.19.900 (Severability--1989 c 4) and 1989 c 4 s 12;  
16 (32) RCW 29.36.900 (Captions not law--2001 c 241) and 2001 c 241 s  
17 26;  
18 (33) RCW 29.51.173 (Effect of term limitations on write-in voting)  
19 and 1993 c 1 s 6;  
20 (34) RCW 29.57.170 (Implementing rules) and 1985 c 205 s 13;  
21 (35) RCW 29.62.010 (Rules for canvassing--Statement of returns--  
22 Resolving ties) and 1990 c 59 s 62 & 1965 c 9 s 29.62.010;  
23 (36) RCW 29.62.015 (County canvassing board--Membership, delegation  
24 of authority, public meetings) and 1995 c 139 s 1;  
25 (37) RCW 29.64.070 (Rules) and 1991 c 81 s 38 & 1965 c 9 s  
26 29.64.070;  
27 (38) RCW 29.64.900 (Short title--Construction) and 1965 c 9 s  
28 29.64.900;  
29 (39) RCW 29.68.015 (United States house of representatives--Term  
30 limits) and 1993 c 1 s 4;  
31 (40) RCW 29.68.016 (United States senate--Term limits) and 1993 c  
32 1 s 5;  
33 (41) RCW 29.68.120 (Vacancy in congress--Canvass of primary and  
34 special vacancy election--Certification of nominees) and 1985 c 45 s 6,  
35 1983 c 3 s 46, 1973 2nd ex.s. c 36 s 7, & 1965 c 9 s 29.68.120;  
36 (42) RCW 29.74.090 (Election of convention delegates--  
37 Qualifications of voters) and 1965 c 9 s 29.74.090;

1 (43) RCW 29.79.250 (Referendum bills by legislature--Serial  
2 numbering) and 1965 c 9 s 29.79.250;  
3 (44) RCW 29.81.270 (Deadlines) and 1999 c 260 s 7;  
4 (45) RCW 29.81.320 (Procedural rules) and 1999 c 260 s 12;  
5 (46) RCW 29.81A.900 (Effective date--1984 c 106) and 1984 c 106 s  
6 14;  
7 (47) RCW 29.81A.901 (Severability--1984 c 106) and 1984 c 106 s 13;  
8 (48) RCW 29.91.900 (Transmission of copies of act--1986 ex.s. c 1)  
9 and 1986 ex.s. c 1 s 10;  
10 (49) RCW 29.91.901 (Referral to electorate--Ballot title--1986  
11 ex.s. c 1) and 1986 ex.s. c 1 s 11;  
12 (50) RCW 29.98.050 (Emergency--1965 c 9) and 1965 c 9 s 29.98.050;  
13 and  
14 (51) RCW 43.01.150 (Power to employ or appoint personnel not to  
15 include authority to provide state owned or leased motor vehicle) and  
16 1975 1st ex.s. c 33 s 1.

17 NEW SECTION. **Sec. 2405.** EFFECTIVE DATE. This act takes effect  
18 July 1, 2004.

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