
SENATE BILL 5221

State of Washington**58th Legislature****2003 Regular Session****By** Senators Roach, Kastama, Fairley, Stevens, Horn and Benton; by request of Secretary of State

Read first time 01/20/2003. Referred to Committee on Government Operations & Elections.

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 **Sec. 141.** RCW 29.04.091 and 2001 c 41 s 5 are each reenacted to
2 read as follows:

3 TOLL-FREE MEDIA AND WEB PAGE. The secretary of state shall provide
4 a toll-free media and web page designed to allow voter communication
5 with the office of the secretary of state.

6 **Sec. 142.** RCW 29.04.230 and 1991 c 186 s 1 are each amended to
7 read as follows:

8 ELECTRONIC FACSIMILE DOCUMENTS--ACCEPTANCE OF. The secretary of
9 state or a county auditor shall accept and file in his or her office
10 electronic facsimile transmissions of the following documents:

- 11 (1) Declarations (~~((and affidavits))~~) of candidacy;
- 12 (2) County canvass reports;
- 13 (3) (~~((Candidates'))~~) Voters' pamphlet statements;
- 14 (4) Arguments for and against ballot measures that will appear in
15 a voters' pamphlet;
- 16 (5) Requests for recounts;
- 17 (6) Certification of candidates and measures by the secretary of
18 state;
- 19 (7) Direction by the secretary of state for the conduct of a
20 mandatory recount;
- 21 (8) Requests for absentee ballots;
- 22 (9) Any other election related document authorized by rule adopted
23 by the secretary of state under RCW 29.04.235.

24 The acceptance by the secretary of state or the county auditor is
25 conditional upon the document being filed in a timely manner, being
26 legible, and otherwise satisfying the requirements of state law or
27 rules with respect to form and content.

28 If the original copy of a document must be signed and a copy of the
29 document is filed by facsimile transmission under this section, the
30 original copy (~~((shall))~~) must be subsequently filed with the official
31 with whom the facsimile was filed. The original copy (~~((shall))~~) must be
32 filed by a deadline established by the secretary by rule. The
33 secretary may by rule require that the original of any document, a copy
34 of which is filed by facsimile transmission under this section, also be
35 filed by a deadline established by the secretary by rule.

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 portion 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.

Subpart 1.5

Administration of Elections

Sec. 149. RCW 29.60.010 and 1992 c 163 s 3 are each amended to read as follows:

ELECTION ADMINISTRATION AND CERTIFICATION BOARD--GENERALLY. (1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:

(a) The secretary of state or the secretary's designee;

(b) The state director of elections or the director's designee;

(c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates, each appointee and alternate to serve at the pleasure of the association;

(d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;

(e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and

(f) One representative from each major political party, (~~as defined by RCW 29.01.090,~~) designated by and serving at the pleasure of the chair of the party's state central committee.

(2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the Open Public Meetings Act, and RCW 42.32.030 regarding minutes of meetings, apply to the meetings of the board.

(3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

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(~~(r)~~) 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) The board created in RCW 29.60.010 shall review appeals filed~~
2 ~~under RCW 29.60.050 or 29.60.070. A decision of the board regarding~~
3 ~~such an appeal shall be supported by not less than a majority of the~~
4 ~~members appointed to the board. A decision of the board regarding an~~
5 ~~appeal filed under RCW 29.60.070 concerning an election review~~
6 ~~conducted under that section is final. If a decision of the board~~
7 ~~regarding an appeal filed under RCW 29.60.050 includes a recommendation~~
8 ~~that a certificate be issued, the certificate shall be issued by the~~
9 ~~secretary of state as recommended by the board.~~

10 ~~(3)) (2) The board created in RCW 29.60.010 may adopt rules~~
11 ~~governing its procedures.~~

12 **PART 2**

13 **VOTERS AND REGISTRATION**

14 **Subpart 2.1**

15 **Definitions**

16 **Sec. 201.** RCW 29.07.005 and 1994 c 57 s 9 are each amended to read
17 as follows:

18 DEFINITION. As used in this chapter: "Information required for
19 voter registration" means the minimum information provided on a voter
20 registration application that is required by the county auditor in
21 order to place a voter registration applicant on the voter registration
22 rolls. This information includes the applicant's name, complete
23 residence address, date of birth, and a signature attesting to the
24 truth of the information provided on the application. All other
25 information supplied is ancillary and not to be used as grounds for not
26 registering an applicant to vote.

27 **Sec. 202.** RCW 29.04.095 and 1973 1st ex.s. c 111 s 1 are each
28 amended to read as follows:

29 DEFINITIONS. For purposes of ~~((RCW 29.04.100 through 29.04.120))~~
30 this chapter, the following words ~~((shall))~~ have the following
31 meanings:

32 (1) ~~("County auditor" means the county auditor in any noncharter~~
33 ~~county and in a charter county that county official having the overall~~
34 ~~responsibility to maintain voter registration information.~~

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 **Subpart 2.3**

2 **Forms**

3 **Sec. 216.** RCW 29.07.070 and 1994 c 57 s 11 are each amended to
4 read as follows:

5 VOTER QUALIFICATION INFORMATION--VERIFICATION NOTICE. ((~~Except as~~
6 ~~provided under RCW 29.07.260,~~) An applicant for voter registration
7 shall complete an application providing the following information
8 concerning his or her qualifications as a voter in this state:

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

11 (2) The applicant's full name;

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

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

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

16 (6) The sex of the applicant;

17 (7) A declaration that the applicant is a citizen of the United
18 States; ~~((and))~~

19 (8) The applicant's signature; and

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

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

25 If the applicant fails to provide the information required for
26 voter registration, the auditor shall send the applicant a verification
27 notice. The auditor shall not register the applicant until the
28 required information is provided. If a verification notice is returned
29 as undeliverable or the applicant fails to respond to the notice within
30 forty-five days, the auditor shall not register the applicant to vote.

31 The following warning shall appear in a conspicuous place on the
32 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 **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.

35

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 ~~(a) The device was certified under this title before January 1,~~
2 ~~1993, for use in this state;~~

3 ~~(b) The device otherwise satisfies the requirements of this title;~~
4 ~~and~~

5 ~~(c) Not more than twenty percent of the votes cast during any~~
6 ~~primary or general or special election conducted after January 1, 1998,~~
7 ~~in the county are cast using such a machine or device.~~

8 ~~(4) The purpose of subsection (3) of this section is to permit less~~
9 ~~populous counties to replace voting equipment in stages over several~~
10 ~~years. These less populous counties are, nonetheless, encouraged to~~
11 ~~secure as expeditiously as possible voting equipment which would~~
12 ~~satisfy the requirements of subsection (1) of this section established~~
13 ~~for more populous counties.)~~

14 **PART 4**

15 **PRECINCT AND POLLING PLACE DETERMINATION AND ACCESSIBILITY**

16 **Sec. 401.** RCW 29.57.010 and 1999 c 298 s 13 are each amended to
17 read as follows:

18 INTENT--DUTIES OF COUNTY AUDITORS. The intent of this chapter is
19 to require state and local election officials to designate and use
20 polling places in all elections and permanent registration locations
21 which are accessible to elderly and ((handicapped)) disabled persons.
22 County auditors shall:

23 (1) Make modifications such as installation of temporary ramps or
24 relocation of polling places within buildings, where appropriate;

25 (2) Designate new, accessible polling places to replace those that
26 are inaccessible; and

27 (3) Continue to use polling places and voter registration locations
28 which are accessible to elderly and ((handicapped)) disabled persons.

29 **Sec. 402.** RCW 29.57.090 and 1999 c 298 s 15 are each amended to
30 read as follows:

31 ALTERNATIVE POLLING PLACES OR PROCEDURES. The secretary of state
32 shall establish procedures to assure that, in any primary or election,
33 any ((handicapped)) disabled or elderly voter assigned to an
34 inaccessible polling place will, upon advance request of that voter,
35 either be permitted to vote at an alternative accessible polling place

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).

	((Signature	Printed Name	Residence Address	City	County
1					
2					
3					
4	1--	---	---	---	---
5	2--	---	---	---	---
6	3--	---	---	---	---
7	etc.)				

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

11 **Sec. 611.** RCW 29.15.070 and 1984 c 142 s 6 are each reenacted to
12 read as follows:

13 PETITIONS--REJECTION--ACCEPTANCE, CANVASS OF SIGNATURES--JUDICIAL
14 REVIEW. Nominating petitions may be rejected for the following
15 reasons:

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

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

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

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 **Sec. 615.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each reenacted
2 to read as follows:

3 NOTICE OF VOID IN CANDIDACY. The election officer with whom
4 declarations of candidacy are filed shall give notice of a void in
5 candidacy for a nonpartisan office, by notifying press, radio, and
6 television in the county and by such other means as may now or
7 hereafter be provided by law. The notice shall state the office, and
8 the time and place for filing declarations of candidacy.

9 **Sec. 616.** RCW 29.15.220 and 1972 ex.s. c 61 s 6 are each amended
10 to read as follows:

11 FILINGS TO FILL VOID IN CANDIDACY--HOW MADE. Filings to fill a
12 void in candidacy for nonpartisan office (~~(shall)~~) must be made in the
13 same manner and with the same official as required during the regular
14 filing period for such office(~~(:—PROVIDED)~~), except that nominating
15 signature petitions (~~(which)~~) that may be required of candidates filing
16 for certain district offices during the normal filing period (~~(shall)~~)
17 may not be required of candidates filing during the special three-day
18 filing period.

19 **Sec. 617.** RCW 29.15.170 and 2001 c 46 s 1 are each reenacted to
20 read as follows:

21 REOPENING OF FILING--OCCURRENCES BEFORE SIXTH TUESDAY BEFORE
22 PRIMARY. Filings for a nonpartisan office shall be reopened for a
23 period of three normal business days, such three day period to be fixed
24 by the election officer with whom such declarations of candidacy are
25 filed and notice thereof given by notifying press, radio, and
26 television in the county and by such other means as may now or
27 hereafter be provided by law whenever before the sixth Tuesday prior to
28 a primary:

29 (1) A void in candidacy occurs;

30 (2) A vacancy occurs in any nonpartisan office leaving an unexpired
31 term to be filled by an election for which filings have not been held;
32 or

33 (3) A nominee for judge of the superior court entitled to a
34 certificate of election pursuant to Article 4, section 29, Amendment 41
35 of the state Constitution, dies or is disqualified.

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

3 **Sec. 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 **Subpart 6.2**

2 **Write-in Candidates**

3 **Sec. 622.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to
4 read as follows:

5 WRITE-IN VOTING--CANDIDATES, DECLARATION. Any person who desires
6 to be a write-in candidate and have such votes counted at a primary or
7 election may(~~(, if the jurisdiction of the office sought is entirely~~
8 ~~within one county,)~~) file a declaration of candidacy with the ((~~county~~
9 ~~auditor)~~) officer designated in RCW 29.15.030 not later than the day
10 before the primary or election. ((~~If the jurisdiction of the office~~
11 ~~sought encompasses more than one county the declaration of candidacy~~
12 ~~shall be filed with the secretary of state not later than the day~~
13 ~~before the primary or election.~~)~~)~~) Declarations of candidacy for write-
14 in candidates must be accompanied by a filing fee in the same manner as
15 required of other candidates filing for the office as provided in RCW
16 29.15.050.

17 Votes cast for write-in candidates who have filed such declarations
18 of candidacy and write-in votes for persons appointed by political
19 parties pursuant to RCW 29.18.160 need only specify the name of the
20 candidate in the appropriate location on the ballot in order to be
21 counted. Write-in votes cast for any other candidate, in order to be
22 counted, must designate the office sought and position number or
23 political party, if ((~~applicable~~)) the manner in which the write-in is
24 done does not make the office or position clear. In order for write-in
25 votes to be valid in jurisdictions employing optical-scan mark sense
26 ballot systems the voter must complete the proper mark next to the
27 write-in line for that office.

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

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

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

37 (3) The name of the person attempting to file already appears on

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 **Sec. 706.** RCW 29.68.130 and 1985 c 45 s 7 are each amended to read
2 as follows:

3 CONGRESS--GENERAL, PRIMARY ELECTION LAWS TO APPLY--TIME DEADLINES,
4 MODIFICATIONS. The general election laws and laws relating to partisan
5 primaries shall apply to the special primaries and vacancy elections
6 provided for in RCW 29.68.080 through ~~((29.68.120))~~ 29.68.100 (as
7 recodified by this act) to the extent that they are not inconsistent
8 with the provisions of these sections. Statutory time deadlines
9 relating to availability of absentee ballots, certification,
10 canvassing, and related procedures that cannot be met in a timely
11 fashion may be modified for the purposes of a specific primary or
12 vacancy election under this chapter by the secretary of state through
13 emergency rules adopted under RCW 29.04.080.

14 NEW SECTION. **Sec. 707.** PRECINCT COMMITTEE OFFICER. If a vacancy
15 occurs in the office of precinct committee officer 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 fill the vacancy by appointment. However, in a
19 legislative district having a majority of its precincts in a county
20 with a population of one million or more, the appointment may be made
21 only upon the recommendation of the legislative district chair. The
22 person so appointed must have the same qualifications as candidates
23 when filing for election to the office for that precinct. When a
24 vacancy in the office of precinct committee officer exists because of
25 failure to elect at a state general election, the vacancy may not be
26 filled until after the organization meeting of the county central
27 committee and the new county chair has been selected as provided by RCW
28 29.42.030.

29 **PART 8**

30 **VOTERS' PAMPHLETS**

31 **Subpart 8.1**

32 **State Voters' Pamphlet**

33 **Sec. 801.** RCW 29.81.210 and 1999 c 260 s 1 are each reenacted to
34 read as follows:

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 The decision of the superior court is final, and its explanatory
2 statement is the established explanatory statement. The appeal must be
3 heard without costs to either party.

4 **Sec. 805.** RCW 29.27.076 and 1967 c 96 s 3 are each amended to read
5 as follows:

6 NOTICE OF CONSTITUTIONAL AMENDMENTS AND STATE MEASURES--EXPLANATORY
7 STATEMENT. The attorney general shall, by the first day of July
8 preceding each general election, prepare the explanatory statements
9 required in RCW 29.27.074. Such statements shall be prepared in clear
10 and concise language and shall avoid the use of legal and other
11 technical terms insofar as possible. Any person dissatisfied with the
12 explanatory statement so prepared may at any time within ten days from
13 the filing thereof in the office of the secretary of state appeal to
14 the superior court of Thurston county by petition setting forth the
15 proposed state measure, the explanatory statement prepared by the
16 attorney general, and his or her objection thereto and praying for the
17 amendment thereof. A copy of the petition and a notice of such appeal
18 shall be served on the secretary of state and the attorney general.
19 The court shall, upon filing of the petition, examine the proposed
20 state measure, the explanatory statement, and the objections thereto
21 and may hear argument thereon and shall, as soon as possible, render
22 its decision and certify to and file with the secretary of state such
23 explanatory statement as it determines will meet the requirement of RCW
24 29.27.072 through 29.27.076. The decision of the superior court shall
25 be final and its explanatory statement shall be the established
26 explanatory statement. Such appeal shall be heard without costs to
27 either party.

28 **Sec. 806.** RCW 29.81.240 and 1999 c 260 s 4 are each reenacted to
29 read as follows:

30 ARGUMENTS. Committees shall write and submit arguments advocating
31 the approval or rejection of each statewide ballot issue and rebuttals
32 of those arguments. The secretary of state, the presiding officer of
33 the senate, and the presiding officer of the house of representatives
34 shall appoint the initial two members of each committee. In making
35 these committee appointments the secretary of state and presiding

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 **Sec. 1133.** RCW 29.51.155 and 1999 c 158 s 8 are each reenacted to
2 read as follows:

3 FAILURE OF DEVICE. If a poll-site ballot counting device fails to
4 operate at any time during polling hours, voting must continue, and the
5 ballots must be deposited for later tabulation in a secure ballot
6 compartment separate from the tabulated ballots.

7 **Subpart 11.4**
8 **Poll Workers**

9 **Sec. 1134.** RCW 29.45.010 and 1991 c 106 s 1 are each amended to
10 read as follows:

11 APPOINTMENT OF JUDGES AND INSPECTOR. (1) At least ten days prior
12 to any primary or election, general or special, the county auditor
13 shall appoint one inspector and two judges of election for each
14 precinct (or each combination of precincts temporarily consolidated as
15 a single precinct for that primary or election), other than those
16 precincts designated as vote-by-mail precincts pursuant to RCW
17 (~~29.36.120~~) 29.38.010 (as recodified by this act). Except as
18 provided in subsection (3) of this section, the persons appointed shall
19 be among those whose names are contained on the lists furnished under
20 RCW 29.45.030 by the chairpersons of the county central committees of
21 the political parties entitled to representation thereon. Such
22 precinct election officers, whenever possible, should be residents of
23 the precinct in which they serve.

24 (2) The county auditor may delete from the lists of names submitted
25 to the auditor by the chairpersons of the county central committees
26 under RCW 29.45.030: (a) The names of those persons who indicate to
27 the auditor that they cannot or do not wish to serve as precinct
28 election officers for the primary or election or who otherwise cannot
29 so serve; and (b) the names of those persons who lack the ability to
30 conduct properly the duties of an inspector or judge of election after
31 training in that proper conduct has been made available to them by the
32 auditor. The lists which are submitted to the auditor in a timely
33 manner under RCW 29.45.030, less the deletions authorized by this
34 subsection, constitute the official nomination lists for inspectors and
35 judges of election.

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 **Sec. 1205.** RCW 29.38.050 and 2001 c 241 s 19 are each reenacted to
2 read as follows:

3 RETURN OF VOTED BALLOT. The voter shall return the ballot to the
4 county auditor in the return identification envelope. If mailed, a
5 ballot must be postmarked not later than the date of the primary or
6 election. Otherwise, the ballot must be deposited at the office of the
7 county auditor or the designated place of deposit not later than 8:00
8 p.m. on the date of the primary or election.

9 **Sec. 1206.** RCW 29.38.060 and 2001 c 241 s 20 are each amended to
10 read as follows:

11 BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW
12 29.38.010 or 29.38.020 or 29.38.030 must contain the same offices,
13 names of nominees or candidates, and propositions to be voted upon,
14 including precinct offices, as if the ballot had been voted in person
15 at the polling place. Except as otherwise provided by law, mail
16 ballots must be treated in the same manner as absentee ballots issued
17 at the request of the voter. If electronic vote tallying devices are
18 used, political party observers must be given the opportunity to be
19 present, and a test of the equipment must be performed as required by
20 RCW 29.33.350 before tabulating ballots. Political party observers may
21 select at random ballots to be counted manually as provided by RCW
22 29.54.025. (~~Any violation of the secrecy of the count is subject to~~
23 ~~the same penalties as provided for in RCW 29.85.225.~~)

24 PART 13

25 PRIMARIES AND ELECTIONS

26 Subpart 13.1

27 General

28 **Sec. 1301.** RCW 29.15.150 and 1973 c 4 s 3 are each reenacted to
29 read as follows:

30 ELECTIONS TO FILL UNEXPIRED TERM--NO PRIMARY, WHEN. Whenever it
31 shall be necessary to hold a special election in an odd-numbered year
32 to fill an unexpired term of any office which is scheduled to be voted
33 upon for a full term in an even-numbered year, no September primary

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 **SPECIAL CIRCUMSTANCES ELECTIONS**

2 **Subpart 14.1**

3 **Presidential Primary**

4 **Sec. 1401.** RCW 29.19.010 and 1989 c 4 s 1 are each amended to read
5 as follows:

6 INTENT. The people of the state of Washington declare that:

7 (1) The current presidential nominating caucus system in Washington
8 state is unnecessarily restrictive of voter participation in that it
9 discriminates against the elderly, the infirm, women, the
10 (~~handicapped~~) disabled, evening workers, and others who are unable to
11 attend caucuses and therefore unable to fully participate in this most
12 important quadrennial event that occurs in our democratic system of
13 government.

14 (2) It is the intent of this chapter to make the presidential
15 selection process more open and representative of the will of the
16 people of our state.

17 (3) A presidential primary will afford the maximum opportunity for
18 voter access at regular polling places during the daytime and evening
19 hours convenient to the most people.

20 (4) This state's participation in the selection of presidential
21 candidates shall be in accordance with the will of the people as
22 expressed in a presidential preference primary.

23 (5) It is the intent of this chapter, to the maximum extent
24 practicable, to continue to reserve to the political parties the right
25 to conduct their delegate selection as prescribed by party rules
26 insofar as it reflects the will of the people as expressed in a
27 presidential primary election conducted every four years in the manner
28 described by this chapter.

29 **Sec. 1402.** RCW 29.19.020 and 1995 1st sp.s. c 20 s 1 are each
30 reenacted to read as follows:

31 DATE. (1) On the fourth Tuesday in May of each year in which a
32 president of the United States is to be nominated and elected, a
33 presidential primary shall be held at which voters may vote for the
34 nominee of a major political party for the office of president. The
35 secretary of state may propose an alternative date for the primary no

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.

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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:))				

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 **Sec. 1443.** RCW 29.74.150 and 1965 c 9 s 29.74.150 are each
2 reenacted to read as follows:

3 FEDERAL STATUTES CONTROLLING. If a congressional measure, which
4 submits to the several states an amendment to the Constitution of the
5 United States for ratification or rejection, provides for or requires
6 a different method of calling and holding conventions to ratify or
7 reject said amendment, the requirements of said congressional measure
8 shall be followed so far as they conflict with the provisions of this
9 chapter.

10 **PART 15**
11 **CANVASSING**

12 **Sec. 1501.** RCW 29.13.040 and 1965 c 123 s 4 are each amended to
13 read as follows:

14 CONDUCT OF ELECTIONS--CANVASS. All elections, whether special or
15 general, held under RCW 29.13.010 and 29.13.020 (~~as now or hereafter~~
16 ~~amended, shall~~) must be conducted by the county auditor as ex officio
17 county supervisor of elections and, except as provided in RCW
18 29.62.100, the returns (~~thereof shall be~~) canvassed by the county
19 canvassing board.

20 **Sec. 1502.** RCW 29.62.180 and 1999 c 157 s 3 are each reenacted to
21 read as follows:

22 WRITE-IN VOTING--DECLARATION OF CANDIDACY--COUNTING OF VOTE. (1)
23 For any office at any election or primary, any voter may write in on
24 the ballot the name of any person for an office who has filed as a
25 write-in candidate for the office in the manner provided by RCW
26 29.04.180 and such vote shall be counted the same as if the name had
27 been printed on the ballot and marked by the voter. No write-in vote
28 made for any person who has not filed a declaration of candidacy
29 pursuant to RCW 29.04.180 is valid if that person filed for the same
30 office, either as a regular candidate or a write-in candidate, at the
31 preceding primary. Any abbreviation used to designate office,
32 position, or political party shall be accepted if the canvassing board
33 can determine, to their satisfaction, the voter's intent.

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

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.

((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
-----------------------------	--	--	--------------------	--------

7 ~~(Here follow 20 numbered lines divided into columns as below.)~~

1				
2				
3				

12 etc.))

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.

10
11
12
13
14
15
16
17
18
19

((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---				
ete:))				

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 ~~((e))~~ (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 ~~((6))~~ (b) Perform all functions inherent in such an
2 organization~~((+))~~.

3 ~~((PROVIDED, That))~~ (2) Only major political parties ~~((shall have~~
4 ~~the power to))~~ may designate candidates to appear on the state primary
5 ~~((election))~~ ballot as provided in RCW 29.18.150 ~~((as now or hereafter~~
6 ~~amended))~~.

7 **Sec. 2002.** RCW 29.42.020 and 1987 c 295 s 11 are each amended to
8 read as follows:

9 STATE COMMITTEE. The state committee of each major political party
10 ~~((shall))~~ consists of one committeeman and one committeewoman from each
11 county elected by the county central committee at its organization
12 meeting. It ~~((shall))~~ must have a chair and vice-chair ~~((who must be))~~
13 of opposite sexes. This committee shall meet during January of each
14 odd-numbered year for the purpose of organization at a time and place
15 designated by a ~~((sufficient notice to all the newly elected state~~
16 ~~committeemen and committeewomen by the authorized officers of the~~
17 ~~retiring committee. For the purpose of this section a))~~ notice mailed
18 at least one week ~~((prior to))~~ before the date of the meeting ~~((shall~~
19 ~~constitute sufficient notice))~~ to all the newly elected state
20 committeemen and committeewomen by the authorized officers of the
21 retiring committee. At its organizational meeting it shall elect its
22 chair and vice-chair, and such officers as its bylaws may provide, and
23 adopt bylaws, rules, and regulations. It ~~((shall have power to))~~ may:

- 24 (1) Call conventions at such time and place and under such
25 circumstances and for such purposes as the call to convention ~~((shall))~~
26 designates. The manner, number, and procedure for selection of state
27 convention delegates ~~((shall be))~~ is subject to the committee's rules
28 and regulations duly adopted;
- 29 (2) Provide for the election of delegates to national conventions;
- 30 (3) Fill vacancies on the ticket for any federal or state office to
31 be voted on by the electors of more than one county;
- 32 (4) Provide for the nomination of presidential electors; and
- 33 (5) Perform all functions inherent in such an organization.

34 Notwithstanding any provision of this chapter, the committee
35 ~~((shall not set rules which shall govern))~~ may not adopt rules
36 governing the conduct of the actual proceedings at a party state
37 convention.

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 **Subpart 21.3**

2 **Petitions and Signatures**

3 **Sec. 2109.** RCW 29.79.480 and 1993 c 256 s 3 are each amended to
4 read as follows:

5 VIOLATIONS BY OFFICERS. Every officer who willfully violates any
6 of the provisions of (~~this chapter or~~) chapter 29A.--- (Part 18 of
7 this act) or 29.81 RCW, for the violation of which no penalty is herein
8 prescribed, or who willfully fails to comply with the provisions of
9 (~~this chapter or~~) chapter 29A.--- (Part 18 of this act) or 29.81 RCW,
10 (~~shall be~~) is guilty of a gross misdemeanor punishable to the same
11 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

12 **Sec. 2110.** RCW 29.82.220 and 1984 c 170 s 12 are each amended to
13 read as follows:

14 VIOLATIONS--CORRUPT PRACTICES. Every person is guilty of a gross
15 misdemeanor, who:

16 (1) For any consideration, compensation, gratuity, reward, or thing
17 of value or promise thereof, signs or declines to sign any recall
18 petition; or

19 (2) Advertises in any newspaper, magazine or other periodical
20 publication, or in any book, pamphlet, circular, or letter, or by means
21 of any sign, signboard, bill, poster, handbill, or card, or in any
22 manner whatsoever, that he or she will either for or without
23 compensation or consideration circulate, solicit, procure, or obtain
24 signatures upon, or influence or induce or attempt to influence or
25 induce persons to sign or not to sign any recall petition or vote for
26 or against any recall; or

27 (3) For pay or any consideration, compensation, gratuity, reward,
28 or thing of value or promise thereof, circulates, or solicits,
29 procures, or obtains or attempts to procure or obtain signatures upon
30 any recall petition; or

31 (4) Pays or offers or promises to pay, or gives or offers or
32 promises to give any consideration, compensation, gratuity, reward, or
33 thing of value to any person to induce him or her to sign or not to
34 sign, or to circulate or solicit, procure, or attempt to procure or
35 obtain signatures upon any recall petition, or to vote for or against
36 any recall; or

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 **Subpart 21.4**

2 **Filing for Office, Declarations, and Nominations**

3 NEW SECTION. **Sec. 2117.** FILING FOR OFFICE, DECLARATIONS, AND
4 NOMINATIONS. Every person who:

5 (1) Knowingly provides false information on his or her declaration
6 of candidacy or petition of nomination; or

7 (2) Conceals or fraudulently defaces or destroys a certificate that
8 has been filed with an elections officer under chapter 29.24 RCW or a
9 declaration of candidacy or petition of nomination that has been filed
10 with an elections officer, or any part of such a certificate,
11 declaration, or petition,

12 is guilty of a class C felony punishable under RCW 9A.20.021.

13 **Sec. 2118.** RCW 29.15.100 and 1965 c 9 s 29.18.070 are each amended
14 to read as follows:

15 DUPLICATION OF, USE OF NONEXISTENT OR UNTRUE NAMES, AS FELONY. A
16 person is guilty of a felony who files a declaration of candidacy for
17 any public office of:

18 (1) A nonexistent or fictitious person; or

19 (2) The name of any person not his or her true name; or

20 (3) A name similar to that of an incumbent seeking reelection to
21 the same office with intent to confuse and mislead the electors by
22 taking advantage of the public reputation of the incumbent; or

23 (4) A surname similar to one who has already filed for the same
24 office, and whose political reputation is widely known, with intent to
25 confuse and mislead the electors by capitalizing on the public
26 reputation of the candidate who had previously filed.

27 **Subpart 21.5**

28 **Ballots**

29 **Sec. 2119.** RCW 29.85.040 and 1991 c 81 s 3 are each reenacted to
30 read as follows:

31 **BALLOTS--UNLAWFUL APPROPRIATION, PRINTING, OR DISTRIBUTION.** Any
32 person who is retained or employed by any officer authorized by the
33 laws of this state to procure the printing of any official ballot or
34 who is engaged in printing official ballots is guilty of a gross
35 misdemeanor if the person knowingly:

- 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 ~~(5)) (3)~~ Fail to return to the election officers any ballot ((he))
2 received from an election officer.

3 A violation of any provision of this section (~~shall be~~) is a
4 misdemeanor, punishable by a fine not exceeding one hundred dollars,
5 plus costs of prosecution.

6 **Sec. 2135.** RCW 29.51.215 and 1981 c 34 s 2 are each amended to
7 read as follows:

8 DISABLED VOTERS. Any person violating any provision of RCW
9 29.51.200(~~, as now or hereafter amended, shall~~) will be punished as
10 for a misdemeanor.

11 **Sec. 2136.** RCW 29.36.370 and 2001 c 241 s 14 are each amended to
12 read as follows:

13 ABSENTEE BALLOT PENALTY--GENERAL PENALTY. A person who willfully
14 violates any provision of (~~this~~) chapter 29A.-- RCW (Part 10 of this
15 act) regarding the assertion or declaration of qualifications to
16 receive or cast an absentee ballot or unlawfully casts a vote by
17 absentee ballot is guilty of a class C felony punishable under RCW
18 9A.20.021. Except as provided in this chapter (~~29.85 RCW~~), a person
19 who willfully violates any other provision of (~~this~~) chapter 29A.--
20 RCW (Part 10 of this act) is guilty of a misdemeanor.

21 **Subpart 21.8**

22 **Canvassing and Certifying**

23 **Sec. 2137.** RCW 29.85.100 and 1991 c 81 s 8 are each amended to
24 read as follows:

25 CERTIFICATES OF NOMINATION AND ELECTION--DECLARATIONS OF
26 CANDIDACY--PETITIONS OF NOMINATION--FRAUDS AND FALSEHOODS. Every
27 person who:

- 28 (1) Knowingly and falsely issues a certificate of nomination or
29 election; or
- 30 (2) Knowingly provides false information on a certificate which
31 must be filed with an elections officer under chapter 29.24 RCW(~~(i) or~~
- 32 ~~(3) Knowingly provides false information on his or her declaration~~
- 33 ~~of candidacy or petition of nomination; or~~

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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