
SENATE BILL 6101

State of Washington

58th Legislature

2004 Regular Session

By Senator T. Sheldon

Read first time 12/05/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to primaries; amending RCW 29A.36.170, 29A.04.085,
2 29A.04.127, 29A.04.310, 29A.20.010, 29A.20.020, 29A.24.030, 29A.24.080,
3 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160,
4 29A.24.170, 29A.24.190, 29A.24.310, 29A.24.320, 29A.28.020, 29A.28.040,
5 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.100, 29A.36.120, 29A.36.200,
6 29A.48.030, 29A.52.010, 29A.52.110, 29A.52.320, 29A.52.350, 29A.56.320,
7 29A.60.020, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080,
8 29A.80.010, 29A.80.020, 29A.80.050, 29A.84.260, 29A.84.710, and
9 42.17.020; adding a new section to chapter 29A.08 RCW; adding a new
10 section to chapter 29A.52 RCW; adding a new section to chapter 29A.04
11 RCW; adding a new section to chapter 29A.24 RCW; adding a new section
12 to chapter 29A.56 RCW; creating a new section; recodifying RCW
13 29A.20.180; repealing RCW 29A.04.157, 29A.20.110, 29A.20.120,
14 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200,
15 29A.24.200, 29A.28.010, and 29A.36.190; providing an effective date;
16 and declaring an emergency.

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

18 **Sec. 1.** RCW 29A.36.170 and 2003 c 111 s 917 are each amended to
19 read as follows:

1 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
2 this section, on the ballot at the general election for ((a
3 ~~nonpartisan~~)) an office for which a primary was held, only the names of
4 the candidate who received the greatest number of votes and the
5 candidate who received the next greatest number of votes for that
6 office shall appear under the title of that office, and the names shall
7 appear in that order. If a primary was conducted, no candidate's name
8 may be printed on the subsequent general election ballot unless he or
9 she receives at least one percent of the total votes cast for that
10 office at the preceding primary. On the ballot at the general election
11 for ((~~any other nonpartisan~~)) an office for which no primary was held,
12 the names of the candidates shall be listed in the order determined
13 under RCW 29A.36.130.

14 (2) On the ballot at the general election for the office of justice
15 of the supreme court, judge of the court of appeals, judge of the
16 superior court, or state superintendent of public instruction, if a
17 candidate in a contested primary receives a majority of all the votes
18 cast for that office or position, only the name of that candidate may
19 be printed under the title of the office for that position.

20 NEW SECTION. Sec. 2. A new section is added to chapter 29A.08 RCW
21 to read as follows:

22 Under no circumstances may an individual be required to affiliate
23 with, join, adhere to, express faith in, or declare a preference for,
24 a political party or organization upon registering to vote.

25 NEW SECTION. Sec. 3. A new section is added to chapter 29A.52 RCW
26 to read as follows:

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

30 (2) Whenever candidates for a partisan office are to be elected,
31 the general election must be preceded by a primary conducted under this
32 chapter, except as otherwise provided in law. Based upon votes cast at
33 the primary, either one or two candidates must be certified as
34 qualified to appear on the general election ballot, under RCW
35 29A.52.320 and 29A.36.170.

1 (3) If a candidate expresses a party preference on his or her
2 declaration of candidacy, then the preference will be listed for the
3 candidate on the primary and general election ballots. Each candidate
4 who does not express a preference for a political party will be listed
5 as an independent candidate on the primary and general election
6 ballots. Party preferences will be listed for the information of
7 voters only, and may not be used for any purpose relating to the
8 conduct, canvassing, or certification of the primary, and may in no way
9 limit the options available to voters in deciding for whom to cast a
10 vote.

11 **Sec. 4.** RCW 29A.04.085 and 2003 c 111 s 115 are each amended to
12 read as follows:

13 "Major political party" means a political party of which at least
14 one (~~nominee for president, vice president, United States senator, or~~
15 ~~a statewide office received at least five percent of the total vote~~
16 ~~cast at the last preceding state general election in an even numbered~~
17 ~~year. A political party qualifying as a major political party under~~
18 ~~this section retains such status until the next even year election at~~
19 ~~which a candidate of that party does not achieve at least five percent~~
20 ~~of the vote for one of the previously specified offices. If none of~~
21 ~~these offices appear on the ballot in an even year general election,~~
22 ~~the major party retains its status as a major party through that~~
23 ~~election)) candidate for an office voted upon statewide who expressed
24 a preference for that party on his or her declaration of candidacy
25 received at least five percent of the total vote cast at the last
26 preceding primary election or general election occurring in a year in
27 which the governor is elected.~~

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.04 RCW
29 to read as follows:

30 "Partisan office" means the following offices:
31 (1) United States senator and United States representative;
32 (2) All state offices except (a) judicial offices and (b) the
33 office of superintendent of public instruction;
34 (3) All county offices except (a) judicial offices and (b) those
35 offices where a county home rule charter provides otherwise.

1 **Sec. 6.** RCW 29A.04.127 and 2003 c 111 s 122 are each amended to
2 read as follows:

3 "Primary" or "primary election" means a statutory procedure (~~for~~
4 ~~nominating candidates to public office at the polls~~) held before a
5 general election by which each voter is permitted to cast a vote for
6 his or her preferred candidate for each office appearing on the ballot,
7 without any limitation based on party preference or affiliation, of
8 either the voter or the candidate, with the result of qualifying not
9 more than two candidates for each office to appear on the general
10 election ballot.

11 **Sec. 7.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
12 read as follows:

13 (~~Nominating~~) Primaries for general elections to be held in
14 November must be held on the third Tuesday of the preceding September
15 or on the seventh Tuesday immediately preceding such general election,
16 whichever occurs first.

17 **Sec. 8.** RCW 29A.20.010 and 2003 c 111 s 501 are each amended to
18 read as follows:

19 The secretary of state and each county auditor shall preserve (~~all~~
20 ~~declarations of candidacy~~) documentation indicating which candidates
21 have qualified to appear on a general election ballot filed in their
22 respective offices for six months. All declarations of candidacy must
23 be open to public inspection.

24 **Sec. 9.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
25 read as follows:

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

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

33 (3) The name of a candidate for an office shall not appear on a
34 ballot for that office unless, except as provided in RCW 3.46.067 and
35 3.50.057, the candidate is, at the time the candidate's declaration of

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

13 (4) This section does not apply to the office of a member of the
14 United States Congress.

15 **Sec. 10.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
16 read as follows:

17 A (~~candidate~~) person who desires to have his or her name printed
18 on the ballot as a candidate for (~~election to~~) an office where
19 ownership of property is not a prerequisite to vote, other than
20 president of the United States(~~or~~) or vice president of the United
21 States, (~~or an office for which ownership of property is a~~
22 ~~prerequisite to voting~~) shall complete and file a declaration of
23 candidacy for the office. The secretary of state shall adopt, by rule,
24 a (~~declaration of candidacy~~) separate form for candidates for the
25 office of precinct committee officer and a (~~separate~~) standard form
26 for candidates for all other offices filing under this chapter. The
27 following must be included on the standard form (~~shall be~~):

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

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

33 (3) For partisan offices only, a place for the candidate to
34 indicate (~~a party designation, if applicable~~) which major or minor
35 political party, if any, or independent status, the candidate regards
36 as best approximating his or her personal preference. A candidate may
37 only list one party preference or may list independent;

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

5 (5) A place for the candidate to sign the declaration of candidacy,
6 stating that the information provided on the form is true and swearing
7 or affirming that he or she will support the Constitution and laws of
8 the United States and the Constitution and laws of the state of
9 Washington; and

10 (6) Any other information that the secretary of state deems
11 appropriate to facilitate the filing process.

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

18 (~~The secretary of state may require any other information on the~~
19 ~~form he or she deems appropriate to facilitate the filing process.))~~

20 **Sec. 11.** RCW 29A.24.080 and 2003 c 111 s 608 are each amended to
21 read as follows:

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

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

32 (2) Any properly executed declaration of candidacy received by mail
33 on or after the tenth business day immediately preceding the first day
34 for candidates to file for office and before the close of business on
35 the last day of the filing period shall be included with filings made
36 in person during the filing period. In primaries for partisan offices

1 and judicial ((elections)) offices, the filing officer shall determine
2 by lot the order in which the names of those candidates shall appear
3 upon sample and absentee primary ballots.

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

8 **Sec. 12.** RCW 29A.24.090 and 2003 c 111 s 609 are each amended to
9 read as follows:

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

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

27 (3) When the candidacy is for:

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

32 ((+2)) (b) A city or town office, the fee shall be paid to the
33 county auditor who shall transmit it to the city or town clerk for
34 deposit in the city or town treasury.

35 **Sec. 13.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
36 read as follows:

1 The (~~nominating~~) petition of candidacy authorized by RCW
2 29A.24.090 shall be printed on sheets of uniform color and size, shall
3 contain no more than twenty numbered lines, and must be in
4 substantially the following form:

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

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

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

15 **Sec. 14.** RCW 29A.24.110 and 2003 c 111 s 611 are each amended to
16 read as follows:

17 (~~Nominating~~) (1) Petitions of candidacy may be rejected for the
18 following reasons:

19 (~~(1)~~) (a) The petition is not in the proper form;

20 (~~(2)~~) (b) The petition clearly bears insufficient signatures;

21 (~~(3)~~) (c) The petition is not accompanied by a declaration of
22 candidacy;

23 (~~(4)~~) (d) The time within which the petition and the declaration
24 of candidacy could have been filed has expired.

25 (2) If the petition is accepted, the officer with whom it is filed
26 shall canvass the signatures contained on it and shall reject the
27 signatures of those persons who are not registered voters (~~and the~~
28 ~~signatures of those persons who are not registered to vote~~) within the
29 jurisdiction of the office for which the (~~nominating~~) petition of
30 candidacy is filed. He or she shall additionally reject any signature
31 that appears on the (~~nominating~~) petitions of candidacy of two or
32 more candidates for the same office (~~and shall also reject, each time~~
33 ~~it appears, the name of any person who signs the same petition more~~
34 ~~than once~~). If the filing officer finds that the same voter has
35 signed the same petition more than once, he or she shall reject all but
36 the first valid signature.

1 (3) If the officer with whom the petition is filed refuses to
2 accept the petition or refuses to certify the petition as bearing
3 sufficient valid signatures, the person filing the petition may appeal
4 that action to the superior court. The application for judicial review
5 shall take precedence over other cases and matters and shall be
6 speedily heard and determined.

7 **Sec. 15.** RCW 29A.24.140 and 2003 c 111 s 614 are each amended to
8 read as follows:

9 A void in candidacy for ((~~a nonpartisan~~)) an office occurs when an
10 election for such office, except for the short term, has been scheduled
11 and no valid declaration of candidacy has been filed for the position
12 or all persons filing such valid declarations of candidacy have died or
13 been disqualified.

14 **Sec. 16.** RCW 29A.24.150 and 2003 c 111 s 615 are each amended to
15 read as follows:

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

22 **Sec. 17.** RCW 29A.24.160 and 2003 c 111 s 616 are each amended to
23 read as follows:

24 Filings to fill a void in candidacy for ((~~nonpartisan~~)) an office
25 must be made in the same manner and with the same official as required
26 during the regular filing period for such office((~~7~~ ~~except that~~
27 ~~nominating signature~~)). Petitions of candidacy that ((~~may be~~)) are
28 required of candidates filing ((~~for certain district offices~~)) during
29 the normal filing period may not be required of candidates filing
30 during the special three-day filing period.

31 **Sec. 18.** RCW 29A.24.170 and 2003 c 111 s 617 are each amended to
32 read as follows:

33 Filings for ((~~a nonpartisan~~)) an office shall be reopened for a
34 period of three normal business days, such three day period to be fixed

1 by the election officer with whom such declarations of candidacy are
2 filed and notice thereof given by notifying press, radio, and
3 television in the county or counties involved and by such other means
4 as may now or hereafter be provided by law whenever before the sixth
5 Tuesday prior to a primary:

6 (1) A void in candidacy occurs;

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

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

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

15 NEW SECTION. **Sec. 19.** A new section is added to chapter 29A.24
16 RCW to read as follows:

17 If the death or disqualification of a candidate for a partisan or
18 nonpartisan office does not give rise to the opening of a new filing
19 period under RCW 29A.24.170 and if no appointment is made under RCW
20 29A.28.020, then the following will occur:

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

25 (2)(a) If the candidate dies or becomes disqualified after the
26 close of the filing period but before the day of the primary, then his
27 or her name will appear on the primary ballot and all otherwise valid
28 votes for that candidate will be tabulated. The candidate's name will
29 not appear on the general election ballot even if he or she otherwise
30 would have qualified to do so, but no other candidate will advance or
31 be substituted in place of that candidate.

32 (b) If the candidate was the only candidate to qualify to advance
33 to the general election, then the general election for that office
34 lapses, and the office will be regarded as vacant as of the time the
35 newly elected official would have otherwise taken office.

36 (3) If the candidate dies or becomes disqualified on or after the
37 day of the primary, and he or she would have otherwise qualified to

1 appear on the general election ballot, then his or her name will appear
2 on the general election ballot and all otherwise valid votes for that
3 candidate will be tabulated. If the candidate received a number of
4 votes sufficient to be elected to office, but for his or her death or
5 disqualification, then the office will be regarded as vacant as of the
6 time the newly elected official would have otherwise taken office.

7 **Sec. 20.** RCW 29A.24.190 and 2003 c 111 s 619 are each amended to
8 read as follows:

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

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

17 (2) Except as otherwise specified in RCW 29A.24.180, a (~~((nominee))~~)
18 candidate for judge of the superior court entitled to a certificate of
19 election pursuant to Article 4, section 29, Amendment 41 of the state
20 Constitution dies or is disqualified on or after the sixth Tuesday
21 prior to a primary;

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

25 **Sec. 21.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
26 read as follows:

27 (1) Any person who desires to be a write-in candidate and have such
28 votes counted at a primary or election may file a declaration of
29 candidacy similar to the form in RCW 29A.24.030 with the same officer
30 designated in RCW 29A.24.070 not later than the day before the primary
31 or election. Declarations of candidacy for write-in candidates must be
32 accompanied by a filing fee in the same manner as required of other
33 candidates filing for the office as provided in RCW 29A.24.090.

34 (2) Votes cast for write-in candidates who have filed such
35 declarations of candidacy (~~((and write in votes for persons appointed by
36 political parties pursuant to RCW 29A.28.020))~~) need only specify the

1 name of the candidate in the appropriate location on the ballot in
2 order to be counted. Write-in votes cast for any other candidate, in
3 order to be counted, must designate the office sought and position
4 number (~~or political party~~), if the manner in which the write-in is
5 done does not make the office or position clear. In order for write-in
6 votes to be valid in jurisdictions employing optical-scan mark sense
7 ballot systems the voter must complete the proper mark next to the
8 write-in line for that office.

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

10 ((+1)) (a) At a general election, the person attempting to file
11 either filed as a write-in candidate for the same office at the
12 preceding primary or the person's name appeared on the ballot for the
13 same office at the preceding primary;

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

18 ((+3)) (c) The name of the person attempting to file already
19 appears on the ballot as a candidate for another office, unless one of
20 the two offices for which he or she is a candidate is precinct
21 committeeperson.

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

30 **Sec. 22.** RCW 29A.24.320 and 2003 c 111 s 623 are each amended to
31 read as follows:

32 The secretary of state or county auditor who received a write-in
33 declaration for a district encompassing more than one county shall
34 notify each county auditor of any declarations filed with the secretary
35 under RCW 29A.24.310 for offices appearing on the ballot in that
36 county. The county auditor shall ensure that those persons charged

1 with counting the ballots for a primary or election are notified of all
2 valid write-in candidates before the tabulation of those ballots.

3 **Sec. 23.** RCW 29A.28.020 and 2003 c 111 s 702 are each amended to
4 read as follows:

5 A vacancy caused by the death or disqualification of any candidate
6 (~~or nominee of~~) for a partisan office who is affiliated with a major
7 or minor political party that would result in no candidate affiliated
8 with that party being on the primary ballot for a partisan office may
9 be filled at any time up to and including the day (~~prior to the~~
10 ~~election~~) before the primary for that position. For (~~state~~)
11 ~~partisan offices (in any political subdivision voted on solely by~~
12 ~~electors)~~ of a county or the state legislature voted on solely by
13 voters all or part of a single county, an individual (~~shall~~) may be
14 appointed to fill (~~such~~) a vacancy by the county central committee in
15 the case of a major political party or by the state central committee
16 or comparable governing body in the case of a minor political party.
17 For other partisan offices, including federal or statewide offices, an
18 individual (~~shall~~) may be appointed to fill (~~such~~) the vacancy by
19 the state central committee or comparable governing body of the
20 appropriate political party.

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

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

35 When the secretary of state is the person with whom the appointment
36 by the major or minor political party is filed, the secretary of state

1 shall, in certifying candidates (~~(or nominations)~~) to the various
2 county officers, insert the name of the person appointed to fill a
3 vacancy.

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

11 **Sec. 24.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
12 read as follows:

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

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

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

31 (4) If the vacancy occurs on or after the first day for filing
32 under RCW 29A.24.050 and on or before the second Friday following the
33 close of the filing period, a special filing period of three normal
34 business days shall be fixed by the governor and notice thereof given
35 to all media, including press, radio, and television within the area in
36 which the vacancy election is to be held, to the end that, insofar as
37 possible, all interested persons will be aware of such filing period.

1 The last day of the filing period shall not be later than the third
2 Tuesday before the primary ((at which candidates are to be nominated)).
3 The names of candidates who have filed valid declarations of candidacy
4 during this three-day period shall appear on the approaching primary
5 ballot.

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

11 **Sec. 25.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
12 read as follows:

13 The general election laws and laws relating to ((partisan))
14 primaries ((shall)) for partisan offices apply to the special primaries
15 and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050
16 to the extent that they are not inconsistent with the provisions of
17 these sections. Statutory time deadlines relating to availability of
18 absentee ballots, certification, canvassing, and related procedures
19 that cannot be met in a timely fashion may be modified for the purposes
20 of a specific primary or vacancy election under this chapter by the
21 secretary of state through emergency rules adopted under RCW
22 29A.04.610.

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

25 The voters' pamphlet must contain:

26 (1) Information about each ballot measure initiated by or referred
27 to the voters for their approval or rejection as required by RCW
28 29A.32.070;

29 (2) In even-numbered years, statements, if submitted, advocating
30 the candidacies of ((nominees)) candidates qualified to appear on the
31 ballot for the office of president and vice president of the United
32 States, United States senator, United States representative, governor,
33 lieutenant governor, secretary of state, state treasurer, state
34 auditor, attorney general, commissioner of public lands, superintendent
35 of public instruction, insurance commissioner, state senator, state
36 representative, justice of the supreme court, judge of the court of

1 appeals, or judge of the superior court. Candidates may also submit a
2 campaign mailing address and telephone number and a photograph not more
3 than five years old and of a size and quality that the secretary of
4 state determines to be suitable for reproduction in the voters'
5 pamphlet;

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

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

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

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

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

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

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

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

1 **Sec. 27.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
2 read as follows:

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

11 **Sec. 28.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
12 read as follows:

13 Except for the candidates for the positions of president and vice
14 president or for a partisan or nonpartisan office for which no primary
15 is required, the names of all candidates who(~~(, under this title, filed~~
16 ~~a declaration of candidacy, were certified as a candidate to fill a~~
17 ~~vacancy on a major party ticket, or were nominated as an independent or~~
18 ~~minor party candidate)) have satisfied all requirements of law will
19 appear on the appropriate ballot at the primary throughout the
20 jurisdiction (~~(in which they are to be nominated))~~ of the office for
21 which they are a candidate.~~

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

24 (1) The positions or offices on a primary ballot shall be arranged
25 in substantially the following order: United States senator; United
26 States representative; governor; lieutenant governor; secretary of
27 state; state treasurer; state auditor; attorney general; commissioner
28 of public lands; superintendent of public instruction; insurance
29 commissioner; state senator; state representative; county officers;
30 justices of the supreme court; judges of the court of appeals; judges
31 of the superior court; and judges of the district court. For all other
32 jurisdictions on the primary ballot, the offices in each jurisdiction
33 shall be grouped together and be in the order of the position numbers
34 assigned to those offices, if any.

35 (2) The order of the positions or offices on an election ballot
36 shall be substantially the same as on a primary ballot except that the

1 offices of president and vice president of the United States shall
2 precede all other offices on a presidential election ballot. State
3 ballot issues shall be placed before all offices on an election ballot.
4 The positions on a ballot to be assigned to ballot measures regarding
5 local units of government shall be established by the secretary of
6 state by rule.

7 (3) The political party or independent candidacy of each candidate
8 for partisan office shall be indicated next to the name of the
9 candidate on the primary and election ballot. ~~((A candidate shall file
10 a written notice with the filing officer within three business days
11 after the close of the filing period designating the political party to
12 be indicated next to the candidate's name on the ballot if either: (a)
13 The candidate has been nominated by two or more minor political parties
14 or independent conventions; or (b) the candidate has both filed a
15 declaration of candidacy declaring an affiliation with a major
16 political party and been nominated by a minor political party or
17 independent convention. If no written notice is filed the filing
18 officer shall give effect to the party designation shown upon the first
19 document filed. A candidate may be deemed nominated by a minor party
20 or independent convention only if all documentation required by chapter
21 29A.20 RCW has been timely filed.))~~

22 **Sec. 30.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to
23 read as follows:

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

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

35 Excluding the office of precinct committee officer or a temporary
36 elected position such as a charter review board member or freeholder,

1 a candidate's name shall not appear more than once upon a ballot for a
2 position regularly (~~nominated~~) qualified or elected at the same
3 election.

4 **Sec. 31.** RCW 29A.48.030 and 2003 c 111 s 1203 are each amended to
5 read as follows:

6 In an odd-numbered year, the county auditor may conduct a primary
7 or a special election by mail ballot concurrently with the primary:

8 (1) For an office or ballot measure of a special purpose district
9 that is entirely within the county;

10 (2) For an office or ballot measure of a special purpose district
11 that lies in the county and one or more other counties if the auditor
12 first secures the concurrence of the county auditors of those other
13 counties to conduct the primary in this manner district-wide; and

14 (3) For a ballot measure or nonpartisan office of a county, city,
15 or town if the auditor first secures the concurrence of the legislative
16 authority of the county, city, or town involved.

17 The county auditor shall notify an election jurisdiction for which
18 a primary is to be held that the primary will be conducted by mail
19 ballot.

20 A primary in an odd-numbered year may not be conducted by mail
21 ballot in a precinct with two hundred or more active registered voters
22 if a partisan office or state office or state ballot measure is to be
23 voted upon at that primary in the precinct.

24 To the extent they are not inconsistent with other provisions of
25 law, the laws governing the conduct of mail ballot special elections
26 apply to (~~nonpartisan~~) primaries for nonpartisan offices conducted by
27 mail ballot.

28 **Sec. 32.** RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to
29 read as follows:

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

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

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

6 In ((~~either~~)) this event, the officer with whom the declarations of
7 candidacy were filed shall immediately notify all candidates concerned
8 and the names of the candidates that would have been printed upon the
9 ((~~September~~)) primary ballot, but for the provisions of this section,
10 shall be printed as ((~~nominees~~)) candidates for the positions sought
11 upon the ((~~November~~)) general election ballot.

12 **Sec. 33.** RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to
13 read as follows:

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

17 ~~(1) Congressional offices;~~

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

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

22 **Sec. 34.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
23 read as follows:

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

29 **Sec. 35.** RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to
30 read as follows:

31 Except as provided in RCW 29A.32.260, notice for any state,
32 county, district, or municipal election, whether special or general,
33 must be given by at least one publication not more than ten nor less
34 than three days before the election by the county auditor or the
35 officer conducting the election as the case may be, in one or more

1 newspapers of general circulation within the county. The legal notice
2 must contain the title of each office under the proper party
3 ((~~designation~~)) preference, the names and addresses of all ((~~officers~~))
4 candidates who have been ((~~nominated~~)) qualified to appear on the
5 ballot for an office to be voted upon at that election, together with
6 the ballot titles of all measures, the hours during which the polls
7 will be open, and the polling places for each precinct, giving the
8 address of each polling place. The names of all candidates for
9 nonpartisan offices must be published separately with designation of
10 the offices for which they are candidates but without party
11 designation. This is the only notice required for a state, county,
12 district, or municipal general or special election and supersedes the
13 provisions of any and all other statutes, whether general or special in
14 nature, having different requirements for the giving of notice of any
15 general or special elections.

16 **Sec. 36.** RCW 29A.56.320 and 2003 c 111 s 1425 are each amended to
17 read as follows:

18 In the year in which a presidential election is held, each major
19 political party and each minor political party or independent candidate
20 convention ((~~held under chapter 29A.20 RCW~~)) that nominates candidates
21 for president and vice president of the United States shall nominate
22 presidential electors for this state. The party or convention shall
23 file with the secretary of state a certificate signed by the presiding
24 officer of the convention at which the presidential electors were
25 chosen, listing the names and addresses of the presidential electors.
26 Each presidential elector shall execute and file with the secretary of
27 state a pledge that, as an elector, he or she will vote for the
28 candidates nominated by that party. The names of presidential electors
29 shall not appear on the ballots. The votes cast for candidates for
30 president and vice president of each political party shall be counted
31 for the candidates for presidential electors of that political party.

32 **Sec. 37.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
33 read as follows:

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

1 29A.24.310 and such vote shall be counted the same as if the name had
2 been printed on the ballot and marked by the voter. No write-in vote
3 made for any person who has not filed a declaration of candidacy
4 pursuant to RCW 29A.24.310 is valid if that person filed for the same
5 office, either as a regular candidate or a write-in candidate, at the
6 preceding primary, except that nothing in this section invalidates a
7 vote for the sole reason that the vote was cast as a write-in for a
8 candidate whose name appears on the same ballot for the same office.
9 Any abbreviation used to designate office, position, or political party
10 shall be accepted if the canvassing board can determine, to their
11 satisfaction, the voter's intent.

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

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

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

35 **Sec. 38.** RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to
36 read as follows:

37 (1) An officer of a political party or any person for whom votes

1 were cast in a primary who was not declared (~~nominated~~) qualified to
2 appear on the general election ballot may file a written application
3 for a recount of the votes or a portion of the votes cast at that
4 primary for all persons for whom votes were cast for (~~nomination to~~)
5 that office.

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

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

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

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

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

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

30 **Sec. 39.** RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to
31 read as follows:

32 (1) If the official canvass of all of the returns for any office at
33 any primary or election reveals that the difference in the number of
34 votes cast for a candidate apparently (~~nominated~~) qualified to appear
35 on the general election ballot or elected to any office and the number
36 of votes cast for the closest apparently defeated opponent is less than

1 two thousand votes and also less than one-half of one percent of the
2 total number of votes cast for both candidates, the county canvassing
3 board shall conduct a recount of all votes cast on that position.

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

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

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

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

32 **Sec. 40.** RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to
33 read as follows:

34 (1) At the time and place established for a recount, the canvassing
35 board or its duly authorized representatives, in the presence of all
36 witnesses who may be in attendance, shall open the sealed containers
37 containing the ballots to be recounted, and shall recount the votes for

1 the offices or issues for which the recount has been ordered. Ballots
2 shall be handled only by the members of the canvassing board or their
3 duly authorized representatives.

4 Witnesses shall be permitted to observe the ballots and the process
5 of tabulating the votes, but they shall not be permitted to handle the
6 ballots. The canvassing board shall not permit the tabulation of votes
7 for any ((~~nomination~~)) qualification, election, or issue other than the
8 ones for which a recount was applied for or required.

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

12 (3) The recount may be observed by persons representing the
13 candidates affected by the recount or the persons representing both
14 sides of an issue that is being recounted. The observers may not make
15 a record of the names, addresses, or other information on the ballots,
16 poll books, or applications for absentee ballots unless authorized by
17 the superior court. The secretary of state or county auditor may limit
18 the number of observers to not less than two on each side if, in his or
19 her opinion, a greater number would cause undue delay or disruption of
20 the recount process.

21 **Sec. 41.** RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to
22 read as follows:

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

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

32 If the ((~~nomination, election,~~)) office or issue for which a
33 recount was conducted was submitted to the voters of more than one
34 county, the secretary of state shall canvass the amended abstracts and
35 shall file an amended abstract with the original results of that
36 election. An amended abstract certified under this section supersedes

1 any prior abstract of the results for the same offices or issues at the
2 same primary or election.

3 **Sec. 42.** RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to
4 read as follows:

5 The canvassing board shall determine the expenses for conducting a
6 recount of votes.

7 The cost of the recount shall be deducted from the amount deposited
8 by the applicant for the recount at the time of filing the request for
9 the recount, and the balance shall be returned to the applicant. If
10 the costs of the recount exceed the deposit, the applicant shall pay
11 the difference. No charges may be deducted by the canvassing board
12 from the deposit for a recount if the recount changes the result of the
13 (~~(nomination)~~) primary or election for the office or issue for which
14 the recount was ordered.

15 **Sec. 43.** RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to
16 read as follows:

17 ~~((1))~~ Each political party organization may:
18 ~~((a))~~ (1) Make its own rules and regulations; and
19 ~~((b))~~ (2) Perform all functions inherent in such an organization.
20 ~~((2) Only major political parties may designate candidates to
21 appear on the state primary ballot as provided in RCW 29A.28.010.)~~

22 **Sec. 44.** RCW 29A.80.020 and 2003 c 111 s 2002 are each amended to
23 read as follows:

24 The state committee of each major political party consists of one
25 committeeman and one committeewoman from each county elected by the
26 county central committee at its organization meeting. It must have a
27 chair and vice-chair of opposite sexes. This committee shall meet
28 during January of each odd-numbered year for the purpose of
29 organization at a time and place designated by a notice mailed at least
30 one week before the date of the meeting to all the newly elected state
31 committeemen and committeewomen by the authorized officers of the
32 retiring committee. At its organizational meeting it shall elect its
33 chair and vice-chair, and such officers as its bylaws may provide, and
34 adopt bylaws, rules, and regulations. It may:

1 (1) Call conventions at such time and place and under such
2 circumstances and for such purposes as the call to convention
3 designates. The manner, number, and procedure for selection of state
4 convention delegates is subject to the committee's rules and
5 regulations duly adopted;

6 (2) Provide for the election of delegates to national conventions;

7 (3) Fill vacancies on the ticket for any federal or state office to
8 be voted on by the (~~electors~~) voters of more than one county under
9 RCW 29A.28.020;

10 (4) Provide for the nomination of presidential electors; and

11 (5) Perform all functions inherent in such an organization.

12 Notwithstanding any provision of this chapter, the committee may
13 not adopt rules governing the conduct of the actual proceedings at a
14 party state convention.

15 **Sec. 45.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to
16 read as follows:

17 The statutory requirements for filing as a candidate at the
18 primaries apply to candidates for precinct committee officer, except
19 that the filing period for this office alone is extended to and
20 includes the second Friday immediately following the last day for
21 (~~political parties to fill vacancies in the ticket as provided by RCW~~
22 ~~29A.28.010~~) the filing of declarations of candidacy under RCW
23 29A.24.050. The office shall not be voted upon at the primaries, but
24 the names of all candidates must appear under the proper party and
25 office designations on the ballot for the general election for each
26 even-numbered year, and the one receiving the highest number of votes
27 will be declared elected. However, to be declared elected, a candidate
28 must receive at least ten percent of the number of votes cast for the
29 candidate of the candidate's party receiving the greatest number of
30 votes in the precinct. The term of office of precinct committee
31 officer is two years, commencing upon completion of the official
32 canvass of votes by the county canvassing board of election returns.

33 **Sec. 46.** RCW 29A.84.260 and 2003 c 111 s 2114 are each amended to
34 read as follows:

35 The following apply to persons signing (~~nominating~~) petitions of
36 candidacy prescribed by RCW 29A.24.100:

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

3 (2) A person (~~(shall be)~~) is 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. 47.** RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to
8 read as follows:

9 Every person who(~~(+~~
10 ~~(1)~~) knowingly and falsely issues a certificate of ((nomination
11 ~~or~~) election or a certificate stating which candidates for office have
12 qualified to appear on the general election ballot((+or

13 ~~(2) Knowingly provides false information on a certificate which~~
14 ~~must be filed with an elections officer under RCW 29A.20.110 through~~
15 ~~29A.20.200,)) is guilty of a class C felony punishable under RCW~~
16 9A.20.021.

17 **Sec. 48.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
18 as follows:

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

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

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

1 (4) "Benefit" means a commercial, proprietary, financial, economic,
2 or monetary advantage, or the avoidance of a commercial, proprietary,
3 financial, economic, or monetary disadvantage.

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

5 (a) ~~((An organization that has filed a valid certificate of
6 nomination with the secretary of state under chapter 29.24 RCW;~~

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

11 ~~((c))~~ (b) The county central committee or legislative district
12 committee of a major political party. There may be only one
13 legislative district committee for each party in each legislative
14 district; or

15 (c) The governing body of the state organization of a minor
16 political party, the name of which appears on a candidate's
17 declaration of candidacy filed pursuant to RCW 29A.24.030.

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

20 (7) "Treasurer" and "deputy treasurer" mean the individuals
21 appointed by a candidate or political committee, pursuant to RCW
22 42.17.050, to perform the duties specified in that section.

23 (8) "Candidate" means any individual who seeks ~~((nomination))~~
24 qualification for election or election to public office. An individual
25 seeks ~~((nomination))~~ qualification or election when he or she first:

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

28 (b) Announces publicly or files for office;

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

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

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

36 (10) "Commercial advertiser" means any person who sells the service
37 of communicating messages or producing printed material for broadcast
38 or distribution to the general public or segments of the general public

1 whether through the use of newspapers, magazines, television and radio
2 stations, billboard companies, direct mail advertising companies,
3 printing companies, or otherwise.

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

5 (12) "Compensation" unless the context requires a narrower meaning,
6 includes payment in any form for real or personal property or services
7 of any kind: PROVIDED, That for the purpose of compliance with RCW
8 42.17.241, the term "compensation" shall not include per diem
9 allowances or other payments made by a governmental entity to reimburse
10 a public official for expenses incurred while the official is engaged
11 in the official business of the governmental entity.

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

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

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

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

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

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

30 (b) "Contribution" does not include:

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

33 (ii) Ordinary home hospitality;

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

37 (iv) A news item, feature, commentary, or editorial in a regularly
38 scheduled news medium that is of primary interest to the general

1 public, that is in a news medium controlled by a person whose business
2 is that news medium, and that is not controlled by a candidate or a
3 political committee;

4 (v) An internal political communication primarily limited to the
5 members of or contributors to a political party organization or
6 political committee, or to the officers, management staff, or
7 stockholders of a corporation or similar enterprise, or to the members
8 of a labor organization or other membership organization;

9 (vi) The rendering of personal services of the sort commonly
10 performed by volunteer campaign workers, or incidental expenses
11 personally incurred by volunteer campaign workers not in excess of
12 fifty dollars personally paid for by the worker. "Volunteer services,"
13 for the purposes of this section, means services or labor for which the
14 individual is not compensated by any person;

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

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

22 (A) A political party or caucus political committee if the person
23 paying for the services is the regular employer of the person rendering
24 such services; or

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

29 (c) Contributions other than money or its equivalent are deemed to
30 have a monetary value equivalent to the fair market value of the
31 contribution. Services or property or rights furnished at less than
32 their fair market value for the purpose of assisting any candidate or
33 political committee are deemed a contribution. Such a contribution
34 must be reported as an in-kind contribution at its fair market value
35 and counts towards any applicable contribution limit of the provider.

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

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

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

11 (18) "Election cycle" means the period beginning on the first day
12 of December after the date of the last previous general election for
13 the office that the candidate seeks and ending on November 30th after
14 the next election for the office. In the case of a special election to
15 fill a vacancy in an office, "election cycle" means the period
16 beginning on the day the vacancy occurs and ending on November 30th
17 after the special election.

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

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

34 (21) "General election" for the purposes of the limitation under
35 RCW 42.17.640 means the election that results in the election of a
36 person to a state office. It does not include a primary.

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

1 (23) "Immediate family" includes the spouse, dependent children,
2 and other dependent relatives, if living in the household. For the
3 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
4 an individual's spouse, and child, stepchild, grandchild, parent,
5 stepparent, grandparent, brother, half brother, sister, or half sister
6 of the individual and the spouse of any such person and a child,
7 stepchild, grandchild, parent, stepparent, grandparent, brother, half
8 brother, sister, or half sister of the individual's spouse and the
9 spouse of any such person.

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

12 (a) It is made in support of or in opposition to a candidate for
13 office by a person who is not (i) a candidate for that office, (ii) an
14 authorized committee of that candidate for that office, (iii) a person
15 who has received the candidate's encouragement or approval to make the
16 expenditure, if the expenditure pays in whole or in part for political
17 advertising supporting that candidate or promoting the defeat of any
18 other candidate or candidates for that office, or (iv) a person with
19 whom the candidate has collaborated for the purpose of making the
20 expenditure, if the expenditure pays in whole or in part for political
21 advertising supporting that candidate or promoting the defeat of any
22 other candidate or candidates for that office;

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

27 (c) The expenditure, alone or in conjunction with another
28 expenditure or other expenditures of the same person in support of or
29 opposition to that candidate, has a value of five hundred dollars or
30 more. A series of expenditures, each of which is under five hundred
31 dollars, constitutes one independent expenditure if their cumulative
32 value is five hundred dollars or more.

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

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

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

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

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

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

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

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

26 (30) "Person" includes an individual, partnership, joint venture,
27 public or private corporation, association, federal, state, or local
28 governmental entity or agency however constituted, candidate,
29 committee, political committee, political party, executive committee
30 thereof, or any other organization or group of persons, however
31 organized.

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

36 (32) "Political advertising" includes any advertising displays,
37 newspaper ads, billboards, signs, brochures, articles, tabloids,
38 flyers, letters, radio or television presentations, or other means of

1 mass communication, used for the purpose of appealing, directly or
2 indirectly, for votes or for financial or other support in any election
3 campaign.

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

8 (34) "Primary" for the purposes of the limitation under RCW
9 42.17.640 means the procedure for (~~nominating a candidate to state
10 office under chapter 29.18 or 29.21 RCW or any other primary for an
11 election that uses, in large measure, the procedures established in
12 chapter 29.18 or 29.21~~) qualifying candidates to the general election
13 ballot under Title 29A RCW.

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

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

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

32 (38) "State legislative office" means the office of a member of the
33 state house of representatives or the office of a member of the state
34 senate.

35 (39) "State office" means state legislative office or the office of
36 governor, lieutenant governor, secretary of state, attorney general,
37 commissioner of public lands, insurance commissioner, superintendent of
38 public instruction, state auditor, or state treasurer.

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

2 (41) "Surplus funds" mean, in the case of a political committee or
3 candidate, the balance of contributions that remain in the possession
4 or control of that committee or candidate subsequent to the election
5 for which the contributions were received, and that are in excess of
6 the amount necessary to pay remaining debts incurred by the committee
7 or candidate prior to that election. In the case of a continuing
8 political committee, "surplus funds" mean those contributions remaining
9 in the possession or control of the committee that are in excess of the
10 amount necessary to pay all remaining debts when it makes its final
11 report under RCW 42.17.065.

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

21 As used in this chapter, the singular (~~shall~~) takes the plural
22 and any gender, the other, as the context requires.

23 NEW SECTION. **Sec. 49.** The following acts or parts of acts are
24 each repealed:

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

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

29 (3) RCW 29A.20.120 (Nomination by convention or write-in--Dates--
30 Special filing period) and 2003 c 111 s 506;

31 (4) RCW 29A.20.140 (Convention--Requirements for validity) and 2003
32 c 111 s 508;

33 (5) RCW 29A.20.150 (Nominating petition--Requirements) and 2003 c
34 111 s 509;

35 (6) RCW 29A.20.160 (Certificate of nomination--Requisites) and 2003
36 c 111 s 510, 1989 c 215 s 4, 1977 ex.s. c 329 s 4, & 1965 c 9 s
37 29.24.040;

1 (7) RCW 29A.20.170 (Multiple certificates of nomination) and 2003
2 c 111 s 511;

3 (8) RCW 29A.20.190 (Certificate of nomination--Checking
4 signatures--Appeal of determination) and 2003 c 111 s 513;

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

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

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

12 (12) RCW 29A.36.190 (Partisan candidates qualified for general
13 election) and 2003 c 111 s 919.

14 NEW SECTION. **Sec. 50.** RCW 29A.20.180 is recodified as a section
15 in chapter 29A.56 RCW.

16 NEW SECTION. **Sec. 51.** (1) The code reviser shall recaption
17 chapter 29A.52 RCW as "Primaries and elections for partisan offices."

18 (2) The code reviser shall recaption RCW 29A.36.170 as "Candidates
19 qualified for general election."

20 (3) The code reviser shall recaption RCW 29A.52.130 as "Rights of
21 voters in primary elections."

22 NEW SECTION. **Sec. 52.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 July 1, 2004.

26 NEW SECTION. **Sec. 53.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

--- END ---