
SENATE BILL 6730

State of Washington

58th Legislature

2004 Regular Session

By Senator Morton

Read first time 02/05/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to primary elections; amending RCW 29A.20.020,
2 29A.20.110, 29A.20.120, 29A.20.130, 29A.20.150, 29A.20.160, 29A.20.170,
3 29A.20.200, 29A.52.110, 29A.36.170, 29A.04.127, 29A.04.310, 29A.24.160,
4 29A.28.040, 29A.32.030, 29A.36.010, 29A.36.100, 29A.36.200, 29A.52.010,
5 29A.52.320, 29A.52.350, 29A.60.020, and 29A.60.220; adding a new
6 section to chapter 29A.52 RCW; adding a new section to chapter 29A.04
7 RCW; adding a new section to chapter 29A.28 RCW; creating a new
8 section; repealing RCW 29A.04.157, 29A.24.200, 29A.24.210, 29A.28.010,
9 29A.28.020, and 29A.36.190; and providing a contingent effective date.

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

11 **Sec. 1.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
12 read as follows:

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

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

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

16 (4) ~~((This section does not apply to the office of a member of the
17 United States Congress.))~~ The name of a candidate for a partisan office
18 may not appear on the primary ballot unless certified as a nominee at
19 a party convention.

20 (5) The requirements of voter registration and residence within the
21 geographic area of a district do not apply to candidates for
22 congressional office. Qualifications for United States congress are
23 specified in the United States Constitution.

24 **Sec. 2.** RCW 29A.20.110 and 2003 c 111 s 505 are each amended to
25 read as follows:

26 A "convention" for the purposes of this chapter, is an organized
27 assemblage of registered voters representing an independent candidate
28 or candidates or a ~~((new))~~ major or minor political party,
29 organization, or principle. As used in this chapter, the term
30 "election jurisdiction" shall mean the state or any political
31 subdivision or jurisdiction of the state from which partisan officials
32 are elected. This term shall include county commissioner districts or
33 council districts for members of a county legislative authority,
34 counties for county officials who are nominated and elected on a
35 county-wide basis, legislative districts for members of the
36 legislature, congressional districts for members of Congress, and the

1 state for president and vice president, members of the United States
2 senate, and state officials who are elected on a statewide basis.

3 **Sec. 3.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
4 read as follows:

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

12 (2) Nominations of candidates for president and vice president of
13 the United States other than by a major political party may be made
14 either at a convention conducted under subsection (1) of this section,
15 or at a similar convention taking place not earlier than the first
16 Sunday in July and not later than seventy days before the general
17 election. Conventions held during this time period may not nominate
18 candidates for any public office other than president and vice
19 president of the United States, except as provided in subsection (3) of
20 this section.

21 (3) If a special filing period for a partisan office is opened
22 under RCW 29A.24.210, candidates (~~of minor political parties and~~
23 ~~independent candidates~~) may file for office during that special filing
24 period. The names of those candidates may not appear on the ballot
25 unless they are nominated by convention held no later than five days
26 after the close of the special filing period and a certificate of
27 nomination is filed with the filing officer no later than three days
28 after the convention. The requirements of RCW 29A.20.130 do not apply
29 to such a convention. If primary ballots or a voters' pamphlet are
30 ordered to be printed before the deadline for submitting the
31 certificate of nomination and the certificate has not been filed, then
32 the candidate's name will be included but may not appear on the general
33 election ballot unless the certificate is timely filed and the
34 candidate otherwise qualifies to appear on that ballot.

35 (4) A major or minor political party may hold more than one
36 convention (~~but in no case shall any such party~~). A major political
37 party shall not nominate more than three candidates for any one

1 partisan public office or position. A minor political party shall not
2 nominate more than one candidate for any one partisan public office or
3 position. For the purpose of nominating candidates for the offices of
4 president and vice president, United States senator, or a statewide
5 office, a ((~~minor~~)) party or independent candidate holding multiple
6 conventions may add together the number of signatures of different
7 individuals from each convention obtained in support of the candidate
8 or candidates in order to obtain the number required by RCW 29A.20.140.
9 For all other offices for which nominations are made, signatures of the
10 requisite number of registered voters must be obtained at a single
11 convention.

12 **Sec. 4.** RCW 29A.20.130 and 2003 c 111 s 507 are each amended to
13 read as follows:

14 Each ((~~minor~~)) party or independent candidate must publish a notice
15 in a newspaper of general circulation within the county in which the
16 party or the candidate intends to hold a convention. The notice must
17 appear at least ten days before the convention is to be held, and shall
18 state the date, time, and place of the convention. Additionally, it
19 shall include the mailing address of the person or organization
20 sponsoring the convention.

21 **Sec. 5.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
22 read as follows:

23 A nominating petition submitted under this chapter shall clearly
24 identify the name of the ((~~minor~~)) party or independent candidate
25 convention as it appears on the certificate of nomination as required
26 by RCW 29A.20.160(3). The petition shall also contain a statement that
27 the person signing the petition is a registered voter of the state of
28 Washington and shall have a space for the voter to sign his or her name
29 and to print his or her name and address. No person may sign more than
30 one nominating petition under this chapter for an office for a primary
31 ((~~or~~)) election.

32 **Sec. 6.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
33 read as follows:

34 A certificate evidencing nominations made at a convention must:

35 (1) Be in writing;

1 (2) Contain the name of each person nominated, his or her
2 residence, and the office for which he or she is named, and if the
3 nomination is for the offices of president and vice president of the
4 United States, a sworn statement from both nominees giving their
5 consent to the nomination;

6 (3) Identify the (~~minor~~) political party or the independent
7 candidate on whose behalf the convention was held;

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

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

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

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

23 **Sec. 7.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
24 read as follows:

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

36 (2) A person affected may petition the superior court of the county
37 in which the filing officer is located for a judicial determination of

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

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

21 Not later than the Friday immediately preceding the first day for
22 candidates to file, the secretary of state shall notify the county
23 auditors of the names and designations of the major party candidates
24 and all minor party and independent candidates who have filed valid
25 convention certificates and nominating petitions with that office.
26 Except for the offices of president and vice president, persons
27 nominated under this chapter shall file declarations of candidacy as
28 provided by RCW 29A.24.030 and 29A.24.070. The name of a candidate
29 nominated at a convention shall not be printed upon the primary ballot
30 unless he or she pays the fee required by law to be paid (~~by~~
31 ~~candidates for the same office to be nominated at a primary~~)).

32 **Sec. 9.** RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to
33 read as follows:

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

- 1 ~~(1) Congressional offices;~~
- 2 ~~(2) All state offices except (a) judicial offices and (b) the~~
3 ~~office of superintendent of public instruction;~~
- 4 ~~(3) All county offices except (a) judicial offices and (b) those~~
5 ~~offices where a county home rule charter provides otherwise)).~~

6 **Sec. 10.** RCW 29A.36.170 and 2003 c 111 s 917 are each amended to
7 read as follows:

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

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

27 NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.52
28 RCW to read as follows:

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

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

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 29A.04
2 RCW to read as follows:

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

- 6 (1) United States senator and representative;
- 7 (2) All state offices except: (a) Judicial offices; and (b) the
8 office of superintendent of public instruction;
- 9 (3) All county offices except: (a) Judicial offices; and (b) those
10 offices where a county home rule charter provides otherwise.

11 **Sec. 13.** RCW 29A.04.127 and 2003 c 111 s 122 are each amended to
12 read as follows:

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

21 **Sec. 14.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
22 read as follows:

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

27 **Sec. 15.** RCW 29A.24.160 and 2003 c 111 s 616 are each amended to
28 read as follows:

29 Filings to fill a void in candidacy for (~~(nonpartisan))~~ an office
30 must be made in the same manner and with the same official as required
31 during the regular filing period for such office(~~(, except that))~~.
32 Nominating (~~(signature))~~ petitions that (~~(may be))~~ are required of
33 candidates filing (~~(for certain district offices))~~ during the normal
34 filing period may not be required of candidates filing during the
35 special three-day filing period.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.28

2 RCW to read as follows:

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

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

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

21 (3) If the candidate dies or becomes disqualified on or after the
22 day of the primary, and he or she would have otherwise qualified to
23 appear on the general election ballot, then his or her name will appear
24 on the general election ballot and all otherwise valid votes for that
25 candidate will be tabulated. If the candidate received a number of
26 votes sufficient to be elected to office, but for his or her death or
27 disqualification, then the office will be regarded as vacant as of the
28 time the newly elected official would have otherwise taken office.

29 **Sec. 17.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
30 read as follows:

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

34 (2) Within ten days of such vacancy occurring, he or she shall
35 issue a writ of election fixing a date for the special vacancy election
36 not less than ninety days after the issuance of the writ, fixing a date
37 for the primary for (~~nominating~~) qualifying candidates for the

1 special vacancy election not less than thirty days before the day fixed
2 for holding the special vacancy election, fixing the dates for the
3 special filing period, and designating the term or part of the term for
4 which the vacancy exists. If the vacancy is in the office of United
5 States representative, the writ of election shall specify the
6 congressional district that is vacant.

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

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

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

29 **Sec. 18.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
30 read as follows:

31 The voters' pamphlet must contain:

32 (1) Information about each ballot measure initiated by or referred
33 to the voters for their approval or rejection as required by RCW
34 29A.32.070;

35 (2) In even-numbered years, statements, if submitted, advocating
36 the candidacies of (~~(nominees)~~) candidates qualified to appear on the
37 ballot for the office of president and vice president of the United

1 States, United States senator, United States representative, governor,
2 lieutenant governor, secretary of state, state treasurer, state
3 auditor, attorney general, commissioner of public lands, superintendent
4 of public instruction, insurance commissioner, state senator, state
5 representative, justice of the supreme court, judge of the court of
6 appeals, or judge of the superior court. Candidates may also submit a
7 campaign mailing address and telephone number and a photograph not more
8 than five years old and of a size and quality that the secretary of
9 state determines to be suitable for reproduction in the voters'
10 pamphlet;

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

15 (4) In even-numbered years, a section explaining how voters may
16 participate in the election campaign process; the address and telephone
17 number of the public disclosure commission established under RCW
18 42.17.350; and a summary of the disclosure requirements that apply when
19 contributions are made to candidates and political committees;

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

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

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

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

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

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

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

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

16 **Sec. 20.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
17 read as follows:

18 Except for the candidates for the positions of president and vice
19 president or for a partisan or nonpartisan office for which no primary
20 is required, the names of all candidates who, under this title, filed
21 a declaration of candidacy(~~(, were certified as a candidate to fill a~~
22 ~~vacancy on a major party ticket, or were nominated as an independent or~~
23 ~~minor party candidate))~~ and valid convention certificates and
24 nominating petitions will appear on the appropriate ballot at the
25 primary throughout the jurisdiction (~~(in which they are to be~~
26 ~~nominated))~~ of the office for which they are a candidate.

27 **Sec. 21.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to
28 read as follows:

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

33 No name of any candidate (~~(whose nomination at a primary is~~
34 ~~required by law shall))~~ for an office for which a primary is conducted
35 may be placed upon the ballot at a general or special election unless

1 it appears upon the certificate of either (1) the secretary of
2 state(~~(7)~~) or (2) the county canvassing board(~~(7, or (3) a minor party~~
3 ~~convention or the state or county central committee of a major~~
4 ~~political party to fill a vacancy on its ticket under RCW 29A.28.020)~~).

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

9 **Sec. 22.** RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to
10 read as follows:

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

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

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

22 In (~~either~~) this event, the officer with whom the declarations of
23 candidacy were filed shall immediately notify all candidates concerned
24 and the names of the candidates that would have been printed upon the
25 (~~September~~) primary ballot, but for the provisions of this section,
26 shall be printed as (~~nominees~~) candidates for the positions sought
27 upon the (~~November~~) general election ballot.

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

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

1 **Sec. 24.** RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to
2 read as follows:

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

23 **Sec. 25.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
24 read as follows:

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

36 (2) The number of write-in votes cast for each office must be
37 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~~) qualified to appear on the general election
5 ballot or elected, and the write-in votes could not have altered the
6 outcome of the primary or election. In the case of write-in votes for
7 statewide office or for any office whose jurisdiction encompasses more
8 than one county, write-in votes for an individual candidate must be
9 tallied whenever the county auditor is notified by either the office of
10 the secretary of state or another auditor in a multicounty jurisdiction
11 that it appears that the write-in votes could alter the outcome of the
12 primary or election.

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

22 **Sec. 26.** RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to
23 read as follows:

24 (1) If the requisite number of any federal, state, county, city, or
25 district offices have not (~~been nominated~~) qualified to appear on the
26 general election ballot in a primary by reason of two or more persons
27 having an equal and requisite number of votes for being placed on the
28 general election ballot, the official empowered by state law to certify
29 candidates for the general election ballot shall give notice to the
30 several persons so having the equal and requisite number of votes to
31 attend at the appropriate office at the time designated by that
32 official, who shall then and there proceed publicly to decide by lot
33 which of those persons will be declared (~~nominated~~) qualified and
34 placed on the general election ballot.

35 (2) If the requisite number of any federal, state, county, city,
36 district, or precinct officers have not been elected by reason of two
37 or more persons having an equal and highest number of votes for one and

1 the same office, the official empowered by state law to issue the
2 original certificate of election shall give notice to the several
3 persons so having the highest and equal number of votes to attend at
4 the appropriate office at the time to be appointed by that official,
5 who shall then and there proceed publicly to decide by lot which of
6 those persons will be declared duly elected, and the official shall
7 make out and deliver to the person thus duly declared elected a
8 certificate of election.

9 NEW SECTION. **Sec. 27.** The following acts or parts of acts are
10 each repealed:

- 11 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;
- 12 (2) RCW 29A.24.200 (Lapse of election when no filing for single
13 positions--Effect) and 2003 c 111 s 620;
- 14 (3) RCW 29A.24.210 (Vacancy in partisan elective office--Special
15 filing period) and 2003 c 111 s 621;
- 16 (4) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990
17 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;
- 18 (5) RCW 29A.28.020 (Death or disqualification--Correcting ballots--
19 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &
20 1977 ex.s. c 329 s 13; and
- 21 (6) RCW 29A.36.190 (Partisan candidates qualified for general
22 election) and 2003 c 111 s 919.

23 NEW SECTION. **Sec. 28.** The secretary of state and county auditors
24 may take such steps before this act takes effect as may be necessary to
25 prepare to conduct an election under the terms of this act.

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

30 NEW SECTION. **Sec. 30.** This act takes effect July 1, 2004, if, as
31 of that date, the decision issued by the United States Court of Appeals
32 for the Ninth Circuit on September 15, 2003, in the case of *Democratic*

1 *Party of Washington State v. Reed* has not been withdrawn, stayed,
2 reversed, or otherwise superseded.

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