
SENATE BILL 6733

State of Washington

58th Legislature

2004 Regular Session

By Senators Jacobsen, Swecker, Kline, Prentice and Thibaudeau

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

1 AN ACT Relating to an open primary with voluntary partisan
2 registration; amending RCW 29A.04.085, 29A.12.100, 29A.20.120,
3 29A.20.140, 29A.20.150, 29A.20.200, 29A.24.100, 29A.24.210, 29A.24.310,
4 29A.28.040, 29A.28.060, 29A.32.240, 29A.36.100, 29A.36.130, 29A.36.190,
5 29A.36.200, 29A.40.090, 29A.52.310, 29A.80.060, 29A.04.610, and
6 42.17.020; adding new sections to chapter 29A.08 RCW; adding new
7 sections to chapter 29A.36 RCW; adding new sections to chapter 29A.52
8 RCW; repealing RCW 29A.36.140, 29A.52.110, 29A.52.120, 29A.52.130, and
9 29A.04.903; and declaring an emergency.

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

11 **Sec. 1.** 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 a
15 statewide office received at least five percent of the total vote cast
16 at the last preceding state general election in an even-numbered year.
17 A political party qualifying as a major political party under this
18 section retains such status until the next even-year election at which
19 a candidate of that party does not achieve at least five percent of the

1 vote for one of the previously specified offices. If none of these
2 offices appear on the ballot in an even-year general election, the
3 major party retains its status as a major party through that election.
4 However, a political party of which no nominee received at least ten
5 percent of the total vote cast may forgo its status as a major
6 political party by filing with the secretary of state an appropriate
7 party rule within sixty days of attaining major party status under this
8 section, or within fifteen days of the effective date of this act,
9 whichever is later.

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

12 No record may be created or maintained by a state or local
13 governmental agency or a political organization that identifies a voter
14 with the information marked on the voter's ballot, other than the
15 choice that a voter makes on a partisan primary ballot regarding
16 political party affiliation.

17 NEW SECTION. Sec. 3. A new section is added to chapter 29A.08 RCW
18 to read as follows:

19 Under no circumstances may an individual be required to affiliate
20 with, join, adhere to, express faith in, or declare a preference for,
21 a political party or organization upon registering to vote. The
22 secretary of state shall adopt rules allowing for the voluntary
23 affiliation by voters with political parties and organizations. The
24 voters' choices shall include the major political parties.

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

27 The secretary of state shall not approve a vote tallying system
28 unless it:

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

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

34 (3) Accumulates a count of the specific number of ballots tallied

1 for each precinct, total votes by candidate for each office, and total
2 votes for and against each issue of the ballot in that precinct;

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

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

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

9 **Sec. 5.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
10 read as follows:

11 (1) Any nomination of a candidate for partisan public office by
12 other than a major political party may be made only: (a) In a
13 convention held not earlier than the last Saturday in June and not
14 later than the first Saturday in July or during any of the seven days
15 immediately preceding the first day for filing declarations of
16 candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided
17 by RCW 29A.60.020; or (c) as otherwise provided in this section. Minor
18 political party and independent candidates may appear only on the
19 general election ballot.

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

29 (3) If a special filing period for a partisan office is opened
30 under RCW 29A.24.210, candidates of minor political parties and
31 independent candidates may file for office during that special filing
32 period. The names of those candidates may not appear on the general
33 election ballot unless they are nominated by convention held no later
34 than five days after the close of the special filing period and a
35 certificate of nomination is filed with the filing officer no later
36 than three days after the convention. The requirements of RCW
37 29A.20.130 do not apply to such a convention. ~~((If primary ballots or~~

1 a voters' pamphlet are ordered to be printed before the deadline for
2 submitting the certificate of nomination and the certificate has not
3 been filed, then the candidate's name will be included but may not
4 appear on the general election ballot unless the certificate is timely
5 filed and the candidate otherwise qualifies to appear on that ballot.)

6 (4) A minor political party may hold more than one convention but
7 in no case shall any such party nominate more than one candidate for
8 any one partisan public office or position. For the purpose of
9 nominating candidates for the offices of president and vice president,
10 United States senator, or a statewide office, a minor party or
11 independent candidate holding multiple conventions may add together the
12 number of signatures of different individuals from each convention
13 obtained in support of the candidate or candidates in order to obtain
14 the number required by RCW 29A.20.140. For all other offices for which
15 nominations are made, signatures of the requisite number of registered
16 voters must be obtained at a single convention.

17 **Sec. 6.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
18 read as follows:

19 (1) To be valid, a convention must be attended by at least
20 (~~twenty-five~~) one hundred registered voters.

21 (2) In order to nominate candidates for the offices of president
22 and vice president of the United States, United States senator, United
23 States representative, or any statewide office, a nominating convention
24 shall obtain and submit to the filing officer the signatures of at
25 least (~~two hundred~~) one thousand registered voters of the state of
26 Washington. In order to nominate candidates for any other office, a
27 nominating convention shall obtain and submit to the filing officer the
28 signatures of (~~twenty-five~~) one hundred persons who are registered to
29 vote in the jurisdiction of the office for which the nominations are
30 made.

31 **Sec. 7.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
32 read as follows:

33 A nominating petition submitted under this chapter shall clearly
34 identify the name of the minor party or independent candidate
35 convention as it appears on the certificate of nomination as required
36 by RCW 29A.20.160(3). The petition shall also contain a statement that

1 the person signing the petition is a registered voter of the state of
2 Washington and shall have a space for the voter to sign his or her name
3 and to print his or her name and address. No person may sign more than
4 one nominating petition under this chapter for an office for ((a
5 ~~primary or~~) an election.

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

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

19 **Sec. 9.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
20 read as follows:

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

26 (2) For candidates for nonpartisan office and candidates of a major
27 political party for partisan office, the nominating petition must be in
28 substantially the following form:

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

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

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

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

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

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

13 **Sec. 10.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to
14 read as follows:

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

20 Any such special three-day filing period shall be fixed by the
21 election officer with whom declarations of candidacy for that office
22 are filed. The election officer shall give notice of the special
23 three-day filing period by notifying the press, radio, and television
24 in the county or counties involved, and by such other means as may be
25 required by law.

26 Candidacies validly filed within the special three-day filing
27 period shall appear on the primary ballot or ballots as if filed during
28 the regular filing period.

29 **Sec. 11.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
30 read as follows:

31 Any person who desires to be a write-in candidate and have such
32 votes counted at a primary or election may file a declaration of
33 candidacy with the officer designated in RCW 29A.24.070 not later than
34 the day before the primary or election. Declarations of candidacy for
35 write-in candidates must be accompanied by a filing fee in the same

1 manner as required of other candidates filing for the office as
2 provided in RCW 29A.24.090.

3 Votes cast for write-in candidates who have filed such declarations
4 of candidacy and write-in votes for persons appointed by major
5 political parties pursuant to RCW 29A.28.020 need only specify the name
6 of the candidate in the appropriate location on the ballot in order to
7 be counted. Write-in votes cast for any other candidate, in order to
8 be counted, must designate the office sought and position number or
9 political party, if the manner in which the write-in is done does not
10 make the office or position clear. In order for write-in votes to be
11 valid in jurisdictions employing optical-scan mark sense ballot systems
12 the voter must complete the proper mark next to the write-in line for
13 that office.

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

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

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

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

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

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

36 (1) Whenever a vacancy occurs in the United States house of

1 representatives or the United States senate from this state, the
2 governor shall order a special election to fill the vacancy.

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

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

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

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

35 **Sec. 13.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
36 read as follows:

37 The general election laws and laws relating to partisan primaries

1 shall apply to the special primaries and vacancy elections provided for
2 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
3 inconsistent with the provisions of these sections. Minor political
4 party and independent candidates may appear only on the general
5 election ballot. Statutory time deadlines relating to availability of
6 absentee ballots, certification, canvassing, and related procedures
7 that cannot be met in a timely fashion may be modified for the purposes
8 of a specific primary or vacancy election under this chapter by the
9 secretary of state through emergency rules adopted under RCW
10 29A.04.610.

11 **Sec. 14.** RCW 29A.32.240 and 2003 c 111 s 816 are each amended to
12 read as follows:

13 The local voters' pamphlet shall include but not be limited to the
14 following:

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

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

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

22 (4) The text of each measure accompanied by an explanatory
23 statement prepared by the prosecuting attorney for any county measure
24 or by the attorney for the jurisdiction submitting the measure if other
25 than a county measure. All explanatory statements for city, town, or
26 district measures not approved by the attorney for the jurisdiction
27 submitting the measure shall be reviewed and approved by the county
28 prosecuting attorney or city attorney, when applicable, before
29 inclusion in the pamphlet;

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

32 (6) For partisan primary elections, information on how to vote a
33 physically separate ballot.

34 **Sec. 15.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
35 read as follows:

36 Except for the candidates for the positions of president and vice

1 president (~~(or)~~), for a partisan or nonpartisan office for which no
2 primary is required, or for independent or minor party candidates, the
3 names of all candidates who, under this title, filed a declaration of
4 candidacy(~~(or)~~) or were certified as a candidate to fill a vacancy on a
5 major party ticket(~~(, or were nominated as an independent or minor~~
6 ~~party candidate)~~) will appear on the appropriate ballot at the primary
7 throughout the jurisdiction in which they are to be nominated.

8 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.36
9 RCW to read as follows:

10 Partisan primaries must be conducted using a physically separate
11 ballot format that requires physically separate ballots for each major
12 political party. A major political party ballot may include only the
13 names of candidates who designated that same major political party in
14 their declarations of candidacy, as required by RCW 29A.24.030. Each
15 major political party ballot must include all nonpartisan races and
16 ballot measures appearing on the ballot.

17 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.36
18 RCW to read as follows:

19 Clear and concise instructions to the voter must be prominently
20 displayed on each physically separate ballot, and must include:

- 21 (1) A statement explaining that only one ballot may be voted;
22 (2) A statement explaining that if more than one ballot is voted,
23 none of the ballots will be tabulated or reported; and
24 (3) A statement explaining that the voter's affiliation with a
25 major political party will be inferred from the act of voting the
26 ballot for that major political party.

27 **Sec. 18.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to
28 read as follows:

29 After the close of business on the last day for candidates to file
30 for office, the filing officer shall, from among those filings made in
31 person and by mail, determine by lot the order in which the names of
32 those candidates will appear on all primary, sample, and absentee
33 ballots. (~~(In the case of candidates for city, town, and district~~
34 ~~office, this procedure shall also determine the order for candidate~~
35 ~~names on the official primary ballot used at the polling place.)) The~~

1 determination shall be done publicly and may be witnessed by the media
2 and by any candidate. If no primary is required for any nonpartisan
3 office under RCW 29A.52.010 or 29A.52.220, or if any independent or
4 minor party candidate files a declaration of candidacy, the names shall
5 appear on the general election ballot in the order determined by lot.

6 **Sec. 19.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to
7 read as follows:

8 The name of a candidate for a partisan office for which a primary
9 was conducted shall not be printed on the ballot for that office at the
10 subsequent general election unless the candidate receives a number of
11 votes equal to at least one percent of the total number of votes cast
12 for all candidates for that (~~(position sought))~~ office and a plurality
13 of the votes cast for the candidates of his or her party for that
14 office at the preceding primary.

15 **Sec. 20.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to
16 read as follows:

17 The names of the persons certified as nominees by the secretary of
18 state or the county canvassing board shall be printed on the ballot at
19 the ensuing election.

20 No name of any candidate whose nomination at a primary is required
21 by law shall be placed upon the ballot at a general or special election
22 unless it appears upon the certificate of either (1) the secretary of
23 state, (~~(or)~~) (2) the county canvassing board, (~~(or)~~) (3) (~~(a)~~) an
24 independent candidate or minor party convention, or (4) the state or
25 county central committee of a major or minor political party to fill a
26 vacancy on its ticket under RCW 29A.28.020.

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

31 **Sec. 21.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to
32 read as follows:

33 The county auditor shall send each absentee voter a ballot, a
34 security envelope in which to seal the ballot after voting, a larger
35 envelope in which to return the security envelope, and instructions on

1 how to mark the ballot and how to return it to the county auditor. The
2 instructions that accompany an absentee ballot for a partisan primary
3 must include instructions for voting a physically separate ballot as
4 provided in section 17 of this act. The larger return envelope must
5 contain a declaration by the absentee voter reciting his or her
6 qualifications and stating that he or she has not voted in any other
7 jurisdiction at this election, together with a summary of the penalties
8 for any violation of any of the provisions of this chapter. The return
9 envelope must provide space for the voter to indicate the date on which
10 the ballot was voted and for the voter to sign the oath. A summary of
11 the applicable penalty provisions of this chapter must be printed on
12 the return envelope immediately adjacent to the space for the voter's
13 signature. The signature of the voter on the return envelope must
14 affirm and attest to the statements regarding the qualifications of
15 that voter and to the validity of the ballot. For out-of-state voters,
16 overseas voters, and service voters, the signed declaration on the
17 return envelope constitutes the equivalent of a voter registration for
18 the election or primary for which the ballot has been issued. The
19 voter must be instructed to either return the ballot to the county
20 auditor by whom it was issued or attach sufficient first class postage,
21 if applicable, and mail the ballot to the appropriate county auditor no
22 later than the day of the election or primary for which the ballot was
23 issued.

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

33 NEW SECTION. **Sec. 22.** A new section is added to chapter 29A.52
34 RCW to read as follows:

35 Major political party candidates for all partisan elected offices,
36 except for president and vice president, precinct committee officer,

1 and offices exempted from the primary under RCW 29A.52.010, must be
2 nominated at primaries held under sections 23 through 27 of this act.

3 NEW SECTION. **Sec. 23.** A new section is added to chapter 29A.52
4 RCW to read as follows:

5 It is the intent of the legislature to create a primary for all
6 partisan elected offices, except for president and vice president,
7 precinct committee officer, and offices exempted from the primary under
8 RCW 29A.52.010, that:

- 9 (1) Allows each voter to participate;
- 10 (2) Rejects mandatory voter registration by political party;
- 11 (3) Protects ballot access for all candidates, including minor
12 political party and independent candidates;
- 13 (4) Maintains a candidate's right to self-identify with any major
14 political party; and
- 15 (5) Upholds a political party's First Amendment right of
16 association.

17 NEW SECTION. **Sec. 24.** A new section is added to chapter 29A.52
18 RCW to read as follows:

19 Instructions for voting a physically separate ballot must appear,
20 at the very least, in:

- 21 (1) Any primary voters' pamphlet prepared by the secretary of state
22 or a local government if a partisan office will appear on the ballot;
- 23 (2) Instructions that accompany any partisan primary ballot sent by
24 a county auditor to an absentee voter;
- 25 (3) Any notice of a partisan primary published in compliance with
26 RCW 29A.52.310;
- 27 (4) A sample ballot prepared by a county auditor under RCW
28 29A.36.150 for a partisan primary; and
- 29 (5) The web site of the office of the secretary of state and any
30 existing web site of a county auditor's office.

31 NEW SECTION. **Sec. 25.** A new section is added to chapter 29A.52
32 RCW to read as follows:

33 Under the physically separate ballot format:

- 34 (1) Only one ballot may be voted;

1 (2) If more than one ballot is voted, none of the ballots will be
2 tabulated or reported; and

3 (3) A voter's affiliation with a major political party will be
4 inferred from the act of voting the ballot for that major political
5 party.

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

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

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

12 Nothing in this chapter may be construed to mean that a voter may
13 cast more than one vote for candidates for a given office in a single
14 election.

15 **Sec. 28.** RCW 29A.52.310 and 2003 c 111 s 1309 are each amended to
16 read as follows:

17 Not more than ten nor less than three days before the primary the
18 county auditor shall publish notice of such primary in one or more
19 newspapers of general circulation within the county. The notice must
20 contain the proper party designations, the names and addresses of all
21 persons who have filed a declaration of candidacy to be voted upon at
22 that primary, instructions for voting a physically separate ballot as
23 provided in section 17 of this act, the hours during which the polls
24 will be open, and the polling places for each precinct, giving the
25 address of each polling place. The names of all candidates for
26 nonpartisan offices must be published separately with designation of
27 the offices for which they are candidates but without party
28 designation. This is the only notice required for the holding of any
29 primary.

30 **Sec. 29.** RCW 29A.80.060 and 2003 c 111 s 2006 are each amended to
31 read as follows:

32 Within forty-five days after the statewide general election in
33 even-numbered years, the county chair of each major political party
34 shall call separate meetings of all elected precinct committee officers

1 in each legislative district(~~(, a majority of the precincts of which~~
2 ~~are within a county with a population of one million or more))~~) for the
3 purpose of electing a legislative district chair in such district. The
4 district chair shall hold office until the next legislative district
5 reorganizational meeting two years later, or until a successor is
6 elected.

7 The legislative district chair may be removed only by the majority
8 vote of the elected precinct committee officers in the chair's
9 district.

10 **Sec. 30.** RCW 29A.04.610 and 2003 c 111 s 161 are each amended to
11 read as follows:

12 The secretary of state as chief election officer shall make
13 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
14 with the federal and state election laws to effectuate any provision of
15 this title and to facilitate the execution of its provisions in an
16 orderly, timely, and uniform manner relating to any federal, state,
17 county, city, town, and district elections. To that end the secretary
18 shall assist local election officers by devising uniform forms and
19 procedures.

20 In addition to the rule-making authority granted otherwise by this
21 section, the secretary of state shall make rules governing the
22 following provisions:

- 23 (1) The maintenance of voter registration records;
- 24 (2) The preparation, maintenance, distribution, review, and filing
25 of precinct maps;
- 26 (3) Standards for the design, layout, and production of ballots;
- 27 (4) The examination and testing of voting systems for
28 certification;
- 29 (5) The source and scope of independent evaluations of voting
30 systems that may be relied upon in certifying voting systems for use in
31 this state;
- 32 (6) Standards and procedures for the acceptance testing of voting
33 systems by counties;
- 34 (7) Standards and procedures for testing the programming of vote
35 tallying software for specific primaries and elections;
- 36 (8) Standards and procedures for the preparation and use of each

1 type of certified voting system including procedures for the operation
2 of counting centers where vote tallying systems are used;

3 (9) Standards and procedures to ensure the accurate tabulation and
4 canvassing of ballots;

5 (10) Consistency among the counties of the state in the preparation
6 of ballots, the operation of vote tallying systems, and the canvassing
7 of primaries and elections;

8 (11) Procedures to ensure the secrecy of a voter's ballot when a
9 small number of ballots are counted at the polls or at a counting
10 center;

11 (12) The use of substitute devices or means of voting when a voting
12 device at the polling place is found to be defective, the counting of
13 votes cast on the defective device, the counting of votes cast on the
14 substitute device, and the documentation that must be submitted to the
15 county auditor regarding such circumstances;

16 (13) Procedures for the transportation of sealed containers of
17 voted ballots or sealed voting devices;

18 (14) The acceptance and filing of documents via electronic
19 facsimile;

20 (15) Voter registration applications and records;

21 (16) The use of voter registration information in the conduct of
22 elections;

23 (17) The coordination, delivery, and processing of voter
24 registration records accepted by driver licensing agents or the
25 department of licensing;

26 (18) The coordination, delivery, and processing of voter
27 registration records accepted by agencies designated by the governor to
28 provide voter registration services;

29 (19) Procedures to receive and distribute voter registration
30 applications by mail;

31 (20) Procedures for a voter to change his or her voter registration
32 address within a county by telephone;

33 (21) Procedures for a voter to change the name under which he or
34 she is registered to vote;

35 (22) Procedures for canceling dual voter registration records and
36 for maintaining records of persons whose voter registrations have been
37 canceled;

1 (23) Procedures for the electronic transfer of voter registration
2 records between county auditors and the office of the secretary of
3 state;

4 (24) Procedures and forms for declarations of candidacy;

5 (25) Procedures and requirements for the acceptance and filing of
6 declarations of candidacy by electronic means;

7 (26) Procedures for the circumstance in which two or more
8 candidates have a name similar in sound or spelling so as to cause
9 confusion for the voter;

10 (27) Filing for office;

11 (28) The order of positions and offices on a ballot;

12 (29) Sample ballots;

13 (30) Independent evaluations of voting systems;

14 (31) The testing, approval, and certification of voting systems;

15 (32) The testing of vote tallying software programming;

16 (33) Standards and procedures to prevent fraud and to facilitate
17 the accurate processing and canvassing of absentee ballots and mail
18 ballots;

19 (34) Standards and procedures to guarantee the secrecy of absentee
20 ballots and mail ballots;

21 (35) Uniformity among the counties of the state in the conduct of
22 absentee voting and mail ballot elections;

23 (36) Standards and procedures to accommodate out-of-state voters,
24 overseas voters, and service voters;

25 (37) The tabulation of paper ballots before the close of the polls;

26 (38) The accessibility of polling places and registration
27 facilities that are accessible to elderly and disabled persons;

28 (39) The aggregation of precinct results if reporting the results
29 of a single precinct could jeopardize the secrecy of a person's ballot;

30 (40) Procedures for conducting a statutory recount;

31 (41) Procedures for filling vacancies in congressional offices if
32 the general statutory time requirements for availability of absentee
33 ballots, certification, canvassing, and related procedures cannot be
34 met;

35 (42) Procedures for the statistical sampling of signatures for
36 purposes of verifying and canvassing signatures on initiative,
37 referendum, and recall election petitions;

1 (43) Standards and deadlines for submitting material to the office
2 of the secretary of state for the voters' pamphlet;

3 (44) Deadlines for the filing of ballot titles for referendum bills
4 and constitutional amendments if none have been provided by the
5 legislature;

6 (45) Procedures for the publication of a state voters' pamphlet;
7 (~~and~~)

8 (46) Procedures for conducting special elections regarding nuclear
9 waste sites if the general statutory time requirements for availability
10 of absentee ballots, certification, canvassing, and related procedures
11 cannot be met; and

12 (47) Procedures for conducting partisan primary elections.

13 **Sec. 31.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
14 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) Announces publicly or files for office;

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

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

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

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

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

36 (12) "Compensation" unless the context requires a narrower meaning,
37 includes payment in any form for real or personal property or services
38 of any kind: PROVIDED, That for the purpose of compliance with RCW

1 42.17.241, the term "compensation" shall not include per diem
2 allowances or other payments made by a governmental entity to reimburse
3 a public official for expenses incurred while the official is engaged
4 in the official business of the governmental entity.

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

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

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

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

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

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

23 (b) "Contribution" does not include:

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

26 (ii) Ordinary home hospitality;

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

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

35 (v) An internal political communication primarily limited to the
36 members of or contributors to a political party organization or
37 political committee, or to the officers, management staff, or

1 stockholders of a corporation or similar enterprise, or to the members
2 of a labor organization or other membership organization;

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

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

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

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

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

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

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

33 (16) "Election" includes any primary, general, or special election
34 for public office and any election in which a ballot proposition is
35 submitted to the voters: PROVIDED, That an election in which the
36 qualifications for voting include other than those requirements set
37 forth in Article VI, section 1 (Amendment 63) of the Constitution of

1 the state of Washington shall not be considered an election for
2 purposes of this chapter.

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

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

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

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

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

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

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

1 stepchild, grandchild, parent, stepparent, grandparent, brother, half
2 brother, sister, or half sister of the individual's spouse and the
3 spouse of any such person.

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

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

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

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

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

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

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

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

1 (26) "Legislation" means bills, resolutions, motions, amendments,
2 nominations, and other matters pending or proposed in either house of
3 the state legislature, and includes any other matter that may be the
4 subject of action by either house or any committee of the legislature
5 and all bills and resolutions that, having passed both houses, are
6 pending approval by the governor.

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

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

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

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

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

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

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

1 (34) "Primary" for the purposes of RCW 42.17.640 means the
2 (~~procedure for nominating~~) election that nominates a candidate to
3 state office (~~under chapter 29.18 or 29.21 RCW or any other primary~~
4 ~~for an election that uses, in large measure, the procedures established~~
5 ~~in chapter 29.18 or 29.21 RCW~~)).

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

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

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

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

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

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

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

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

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

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

15 NEW SECTION. **Sec. 32.** The following acts or parts of acts are
16 each repealed:

- 17 (1) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
18 2003 c 111 s 914;
- 19 (2) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;
- 20 (3) RCW 29A.52.120 (General election laws govern primaries) and
21 2003 c 111 s 1303;
- 22 (4) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
23 1304; and
- 24 (5) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
25 2405.

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

--- END ---