
SUBSTITUTE HOUSE BILL 1456

State of Washington 59th Legislature 2005 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representative Haigh)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to changing primary dates and associated election
2 procedures; amending RCW 29A.04.321, 29A.24.040, 29A.24.050,
3 29A.40.091, 29A.48.050, and 42.17.710; reenacting and amending RCW
4 29A.04.310; repealing RCW 29A.04.158, 29A.04.311, 29A.24.031, and
5 29A.24.211; and providing an effective date.

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

7 **Sec. 1.** RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No.
8 872) are each reenacted and amended to read as follows:

9 Primaries for general elections to be held in November must be held
10 on((+

11 ~~(1))~~ the ((third)) first Tuesday of the preceding September(~~(; or~~
12 ~~(2) The seventh Tuesday immediately preceding that general~~
13 election, whichever occurs first)).

14 **Sec. 2.** RCW 29A.04.321 and 2004 c 271 s 106 are each amended to
15 read as follows:

16 (1) All state, county, city, town, and district general elections
17 for the election of federal, state, legislative, judicial, county,
18 city, town, and district officers, and for the submission to the voters

1 of the state, county, city, town, or district of any measure for their
2 adoption and approval or rejection, shall be held on the first Tuesday
3 after the first Monday of November, in the year in which they may be
4 called. A statewide general election shall be held on the first
5 Tuesday after the first Monday of November of each year. However, the
6 statewide general election held in odd-numbered years shall be limited
7 to (a) city, town, and district general elections as provided for in
8 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
9 federal officers for the remainder of any unexpired terms in the
10 membership of either branch of the Congress of the United States; (c)
11 the election of state and county officers for the remainder of any
12 unexpired terms of offices created by or whose duties are described in
13 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
14 and 23, and Article IV, sections 3 and 5 of the state Constitution and
15 RCW 2.06.080; (d) the election of county officers in any county
16 governed by a charter containing provisions calling for general county
17 elections at this time; and (e) the approval or rejection of state
18 measures, including proposed constitutional amendments, matters
19 pertaining to any proposed constitutional convention, initiative
20 measures and referendum measures proposed by the electorate, referendum
21 bills, and any other matter provided by the legislature for submission
22 to the electorate.

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

- 29 (a) The first Tuesday after the first Monday in February;
30 (b) The second Tuesday in March;
31 (c) The fourth Tuesday in April;
32 (d) The third Tuesday in May;
33 (e) The day of the primary as specified by RCW ((~~29A.04.311~~))
34 29A.04.310; or
35 (f) The first Tuesday after the first Monday in November.

36 (3) In addition to the dates set forth in subsection (2)(a) through
37 (f) of this section, a special election to validate an excess levy or

1 bond issue may be called at any time to meet the needs resulting from
2 fire, flood, earthquake, or other act of God. Such county special
3 election shall be noticed and conducted in the manner provided by law.

4 (4) In a presidential election year, if a presidential preference
5 primary is conducted in February, March, April, or May under chapter
6 29A.56 RCW, the date on which a special election may be called by the
7 county legislative authority under subsection (2) of this section
8 during the month of that primary is the date of the presidential
9 primary.

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

18 **Sec. 3.** RCW 29A.24.040 and 2003 c 111 s 604 are each amended to
19 read as follows:

20 A candidate may file his or her declaration of candidacy for an
21 office by electronic means on a system specifically designed and
22 authorized by a filing officer to accept filings.

23 (1) Filings that are received electronically must capture all
24 information specified in RCW 29A.24.030 (1) through (4).

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

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

31 **Sec. 4.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to
32 read as follows:

33 Except where otherwise provided by this title, declarations of
34 candidacy for the following offices shall be filed during regular
35 business hours with the filing officer no earlier than the (~~fourth~~)

1 second Monday in July and no later than the following Friday in the
2 year in which the office is scheduled to be voted upon:

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

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

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

12 **Sec. 5.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
13 read as follows:

14 The county auditor shall send each absentee voter a ballot, a
15 security envelope in which to seal the ballot after voting, a larger
16 envelope in which to return the security envelope, and instructions on
17 how to mark the ballot and how to return it to the county auditor. The
18 instructions that accompany an absentee ballot for a partisan primary
19 must include instructions for voting the applicable ballot style, as
20 provided in chapter 29A.36 RCW. The larger return envelope must
21 contain a declaration by the absentee voter reciting his or her
22 qualifications and stating that he or she has not voted in any other
23 jurisdiction at this election, together with a summary of the penalties
24 for any violation of any of the provisions of this chapter. The return
25 envelope must provide space for the voter to indicate the date on which
26 the ballot was voted and for the voter to sign the oath. A summary of
27 the applicable penalty provisions of this chapter must be printed on
28 the return envelope immediately adjacent to the space for the voter's
29 signature. The signature of the voter on the return envelope must
30 affirm and attest to the statements regarding the qualifications of
31 that voter and to the validity of the ballot. For out-of-state voters,
32 overseas voters, and service voters, the signed declaration on the
33 return envelope constitutes the equivalent of a voter registration for
34 the election or primary for which the ballot has been issued. The
35 voter must be instructed to either return the ballot to the county
36 auditor by whom it was issued or attach sufficient first class postage,
37 if applicable, and mail the ballot to the appropriate county auditor no

1 later than the day of the general or special election (~~(or primary)~~)
2 for which the ballot was issued. For primary elections, voters must be
3 instructed to return the ballot by mail or in person at a designated
4 drop-off site or at the office of the county auditor no later than 8:00
5 p.m. on the day of the primary.

6 If the county auditor chooses to forward absentee ballots, he or
7 she must include with the ballot a clear explanation of the
8 qualifications necessary to vote in that election and must also advise
9 a voter with questions about his or her eligibility to contact the
10 county auditor. This explanation may be provided on the ballot
11 envelope, on an enclosed insert, or printed directly on the ballot
12 itself. If the information is not included, the envelope must clearly
13 indicate that the ballot is not to be forwarded and that return postage
14 is guaranteed.

15 **Sec. 6.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to
16 read as follows:

17 The voter shall return the ballot to the county auditor in the
18 return identification envelope. If mailed, a ballot must be postmarked
19 not later than the date of the (~~(primary)~~) general or special election.
20 Otherwise, the ballot must be deposited at the office of the county
21 auditor or the designated place of deposit not later than 8:00 p.m. on
22 the date of the (~~(primary)~~) general or special election. For primary
23 elections, ballots must be returned by 8:00 p.m. on the day of the
24 primary in order for the ballot to be counted. If mailed, a ballot
25 must be received by the auditor on the date of the election.
26 Otherwise, the ballot must be deposited at the office of the county
27 auditor or the designated place of deposit not later than 8:00 p.m. on
28 the date of the primary.

29 **Sec. 7.** RCW 42.17.710 and 2003 c 164 s 3 are each amended to read
30 as follows:

31 (1) During the period beginning on (~~(the thirtieth day)~~) December
32 24th before (~~(the date)~~) a regular legislative session convenes and
33 continuing (~~(thirty days past)~~) through the date of final adjournment,
34 and during the period beginning on the date a special legislative
35 session convenes and continuing through the date that session adjourns,
36 no state official or a person employed by or acting on behalf of a

1 state official or state legislator may solicit or accept contributions
2 to a public office fund, to a candidate or authorized committee, or to
3 retire a campaign debt.

4 (2) This section does not apply to activities authorized in RCW
5 43.07.370.

6 NEW SECTION. **Sec. 8.** The following acts or parts of acts are each
7 repealed:

8 (1) RCW 29A.04.158 (September primary) and 2004 c 271 s 187;

9 (2) RCW 29A.04.311 (Primaries) and 2004 c 271 s 105;

10 (3) RCW 29A.24.031 (Declaration of candidacy) and 2004 c 271 s 158;

11 and

12 (4) RCW 29A.24.211 (Lapse of election when no filing for single
13 positions--Effect) and 2004 c 271 s 116.

14 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2006.

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