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SENATE BILL 5745

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State of Washington

59th Legislature

2005 Regular Session

By Senators Roach, Hargrove, Berkey, Fairley, Finkbeiner, Haugen, Benson, Sheldon, Schmidt, Mulliken and Rockefeller; by request of Secretary of State

Read first time 02/03/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to primary elections; amending RCW 29A.04.008,  
2 29A.04.086, 29A.04.128, 29A.04.216, 29A.04.311, 29A.04.321, 29A.08.161,  
3 29A.20.021, 29A.20.121, 29A.20.141, 29A.20.151, 29A.20.161, 29A.20.171,  
4 29A.20.181, 29A.20.191, 29A.24.031, 29A.24.081, 29A.24.091, 29A.24.101,  
5 29A.24.111, 29A.24.131, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171,  
6 29A.24.181, 29A.24.191, 29A.24.311, 29A.28.041, 29A.28.061, 29A.28.071,  
7 29A.32.031, 29A.32.121, 29A.32.241, 29A.36.011, 29A.36.071, 29A.36.101,  
8 29A.36.121, 29A.36.131, 29A.36.151, 29A.36.161, 29A.36.171, 29A.36.201,  
9 29A.40.091, 29A.44.201, 29A.44.221, 29A.44.231, 29A.52.011, 29A.52.210,  
10 29A.52.220, 29A.52.231, 29A.52.311, 29A.52.321, 29A.52.351, 29A.60.010,  
11 29A.60.021, 29A.60.030, 29A.60.040, 29A.60.080, 29A.60.221, 29A.64.011,  
12 29A.64.021, 29A.64.030, 29A.64.041, 29A.64.050, 29A.64.061, 29A.64.081,  
13 29A.64.090, 29A.68.011, 29A.68.020, 29A.68.030, 29A.72.130, 29A.80.011,  
14 29A.80.020, 29A.80.041, 29A.80.051, 29A.84.210, 29A.84.261, 29A.84.311,  
15 29A.84.711, 42.12.040, and 42.17.020; adding a new section to chapter  
16 29A.24 RCW; adding a new section to chapter 29A.28 RCW; adding new  
17 sections to chapter 29A.52 RCW; repealing RCW 29A.04.157, 29A.04.158,  
18 29A.04.610, 29A.20.110, 29A.20.111, 29A.20.130, 29A.20.131, 29A.20.200,  
19 29A.20.201, 29A.24.200, 29A.24.201, 29A.24.210, 29A.24.211, 29A.28.010,  
20 29A.28.011, 29A.28.020, 29A.28.021, 29A.32.036, 29A.36.104, 29A.36.106,  
21 29A.36.190, 29A.36.191, 29A.44.220, 29A.52.106, 29A.52.111, 29A.52.116,

1 29A.52.130, 29A.52.141, and 29A.52.151; repealing 2005 c 2 (Initiative  
2 Measure No. 872) s 18 (uncodified); repealing 2005 c 2 (Initiative  
3 Measure No. 872) ss 8, 9, 12, 13, and 14; and declaring an emergency.

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

5 **Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to  
6 read as follows:

7 As used in this title:

8 (1) "Ballot" means, as the context implies, either:

9 (a) The issues and offices to be voted upon in a jurisdiction or  
10 portion of a jurisdiction at a particular primary, general election, or  
11 special election;

12 (b) A facsimile of the contents of a particular ballot whether  
13 printed on a paper ballot or ballot card or as part of a voting machine  
14 or voting device;

15 (c) A physical or electronic record of the choices of an individual  
16 voter in a particular primary, general election, or special election;  
17 or

18 (d) The physical document on which the voter's choices are to be  
19 recorded;

20 (2) "Paper ballot" means a piece of paper on which the ballot for  
21 a particular election or primary has been printed, on which a voter may  
22 record his or her choices for any candidate or for or against any  
23 measure, and that is to be tabulated manually;

24 (3) "Ballot card" means any type of card or piece of paper of any  
25 size on which a voter may record his or her choices for any candidate  
26 and for or against any measure and that is to be tabulated on a vote  
27 tallying system;

28 (4) "Sample ballot" means a printed facsimile of all the issues and  
29 offices on the ballot in a jurisdiction and is intended to give voters  
30 notice of the issues, offices, and candidates that are to be voted on  
31 at a particular primary, general election, or special election;

32 (5) "Provisional ballot" means a ballot issued to a voter at the  
33 polling place on election day by the precinct election board, for one  
34 of the following reasons:

35 (a) The voter's name does not appear in the poll book;

1 (b) There is an indication in the poll book that the voter has  
2 requested an absentee ballot, but the voter wishes to vote at the  
3 polling place;

4 (c) There is a question on the part of the voter concerning the  
5 issues or candidates on which the voter is qualified to vote((÷

6 ~~(6) "Party ballot" means a primary election ballot specific to a  
7 particular major political party that lists all partisan offices to be  
8 voted on at that primary, and the candidates for those offices who  
9 affiliate with that same major political party;~~

10 ~~(7) "Nonpartisan ballot" means a primary election ballot that lists  
11 all nonpartisan races and ballot measures to be voted on at that  
12 primary)).~~

13 **Sec. 2.** RCW 29A.04.086 and 2004 c 271 s 103 are each amended to  
14 read as follows:

15 "Major political party" means a political party ((~~of which at least  
16 one nominee for president, vice president, United States senator, or a  
17 statewide office received at least five percent of the total vote cast  
18 at the last preceding state general election in an even-numbered year.  
19 A political party qualifying as a major political party under this  
20 section retains such status until the next even-year election at which  
21 a candidate of that party does not achieve at least five percent of the  
22 vote for one of the previously specified offices. If none of these  
23 offices appear on the ballot in an even-year general election, the  
24 major party retains its status as a major party through that election.  
25 However, a political party of which no nominee received at least ten  
26 percent of the total vote cast may forgo its status as a major  
27 political party by filing with the secretary of state an appropriate  
28 party rule within sixty days of attaining major party status under this  
29 section, or within fifteen days of June 10, 2004, whichever is later))  
30 identified on the declaration of candidacy of at least one candidate  
31 for statewide office who received at least five percent of the total  
32 votes cast for that office at the last primary or general election in  
33 a year in which the office of governor appeared on the ballot. Once  
34 qualified, a major political party retains that status until the next  
35 primary or general election in a year in which the office of governor  
36 appears on the ballot.~~

1       **Sec. 3.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to  
2 read as follows:

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

12       **Sec. 4.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
13 read as follows:

14       The county auditor of each county shall be ex officio the  
15 supervisor of all primaries and elections, general or special, and it  
16 shall be the county auditor's duty to provide places for holding such  
17 primaries and elections; to appoint the precinct election officers and  
18 to provide for their compensation; to provide the supplies and  
19 materials necessary for the conduct of elections to the precinct  
20 election officers; and to publish and post notices of calling such  
21 primaries and elections in the manner provided by law. The notice of  
22 a (~~(primary)~~) general election held in an even-numbered year must  
23 indicate that the office of precinct committee officer will be on the  
24 ballot. The auditor shall also apportion to each city, town, or  
25 district, and to the state of Washington in the odd-numbered year, its  
26 share of the expense of such primaries and elections. This section  
27 does not apply to general or special elections for any city, town, or  
28 district that is not subject to RCW 29A.04.321 and 29A.04.330, but all  
29 such elections must be held and conducted at the time, in the manner,  
30 and by the officials (with such notice, requirements for filing for  
31 office, and certifications by local officers) as provided and required  
32 by the laws governing such elections.

33       **Sec. 5.** RCW 29A.04.311 and 2004 c 271 s 105 are each amended to  
34 read as follows:

35       (~~(Nominating)~~) Qualifying primaries for general elections to be  
36 held in November(~~(, and the election of precinct committee officers,)~~)

1 must be held on the third Tuesday of the preceding September or on the  
2 seventh Tuesday immediately preceding such general election, whichever  
3 occurs first.

4 **Sec. 6.** RCW 29A.04.321 and 2004 c 271 s 106 are each amended to  
5 read as follows:

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

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

37 (a) The first Tuesday after the first Monday in February;

- 1 (b) The second Tuesday in March;  
2 (c) The fourth Tuesday in April;  
3 (d) The third Tuesday in May;  
4 (e) The day of the primary as specified by RCW 29A.04.311; or  
5 (f) The first Tuesday after the first Monday in November.

6 (3) In addition to the dates set forth in subsection (2)(a) through  
7 (f) of this section, a special election to validate an excess levy or  
8 bond issue may be called at any time to meet the needs resulting from  
9 fire, flood, earthquake, or other act of God. Such county special  
10 election shall be noticed and conducted in the manner provided by law.

11 (4) In a presidential election year, if a presidential preference  
12 primary is conducted in February, March, April, or May under chapter  
13 29A.56 RCW, the date on which a special election may be called by the  
14 county legislative authority under subsection (2) of this section  
15 during the month of that primary is the date of the presidential  
16 primary.

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

25 **Sec. 7.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to  
26 read as follows:

27 No record may be created or maintained by a state or local  
28 governmental agency or a political organization that identifies a voter  
29 with the information marked on the voter's ballot(~~(, including the~~  
30 ~~choice that a voter makes on a partisan primary ballot regarding~~  
31 ~~political party affiliation)~~).

32 **Sec. 8.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to  
33 read as follows:

34 (1) A person filing a declaration of candidacy for an office shall,  
35 at the time of filing, be a registered voter and possess the

1 qualifications specified by law for persons who may be elected to the  
2 office.

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

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

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

25 **Sec. 9.** RCW 29A.20.121 and 2004 c 271 s 110 are each amended to  
26 read as follows:

27 (~~((1) Any nomination of a candidate for partisan public office by  
28 other than a major political party may be made only: (a) In a  
29 convention held not earlier than the last Saturday in June and not  
30 later than the first Saturday in July or during any of the seven days  
31 immediately preceding the first day for filing declarations of  
32 candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided  
33 by RCW 29A.60.021; or (c) as otherwise provided in this section.))~~)  
34 Minor political party and independent candidates for president and vice  
35 president of the United States may appear only on the general election  
36 ballot.

1       ~~((2))~~ Nominations of candidates for president and vice president  
2 of the United States other than by a major political party ~~((may))~~ must  
3 be made ~~((either at a convention conducted under subsection (1) of this~~  
4 ~~section, or))~~ at a ~~((similar))~~ convention ~~((taking place))~~ held not  
5 earlier than the first Sunday in July and not later than seventy days  
6 before the general election. ~~((Conventions held during this time~~  
7 ~~period may not nominate candidates for any public office other than~~  
8 ~~president and vice president of the United States, except as provided~~  
9 ~~in subsection (3) of this section.~~

10       ~~(3) If a special filing period for a partisan office is opened~~  
11 ~~under RCW 29A.24.211, candidates of minor political parties and~~  
12 ~~independent candidates may file for office during that special filing~~  
13 ~~period. The names of those candidates may not appear on the general~~  
14 ~~election ballot unless they are nominated by convention held no later~~  
15 ~~than five days after the close of the special filing period and a~~  
16 ~~certificate of nomination is filed with the filing officer no later~~  
17 ~~than three days after the convention. The requirements of RCW~~  
18 ~~29A.20.131 do not apply to such a convention.~~

19       ~~(4) A minor political party may hold more than one convention but~~  
20 ~~in no case shall any such party nominate more than one candidate for~~  
21 ~~any one partisan public office or position. For the purpose of~~  
22 ~~nominating candidates for the offices of president and vice president,~~  
23 ~~United States senator, United States representative, or a statewide~~  
24 ~~office, a minor party or independent candidate holding multiple~~  
25 ~~conventions may add together the number of signatures of different~~  
26 ~~individuals from each convention obtained in support of the candidate~~  
27 ~~or candidates in order to obtain the number required by RCW 29A.20.141.~~  
28 ~~For all other offices for which nominations are made, signatures of the~~  
29 ~~requisite number of registered voters must be obtained at a single~~  
30 ~~convention.))~~

31       **Sec. 10.** RCW 29A.20.141 and 2004 c 271 s 111 are each amended to  
32 read as follows:

33       ~~((1) To be valid, a convention must be attended by at least one~~  
34 ~~hundred registered voters.~~

35       ~~(2))~~ In order to nominate candidates for the offices of president  
36 and vice president of the United States, ~~((United States senator,~~  
37 ~~United States representative, or any statewide office,))~~ a nominating



1 convention shall obtain and submit to the filing officer the signatures  
2 of at least one thousand registered voters of the state of Washington.  
3 ~~((In order to nominate candidates for any other office, a nominating  
4 convention shall obtain and submit to the filing officer the signatures  
5 of one hundred persons who are registered to vote in the jurisdiction  
6 of the office for which the nominations are made.))~~

7 **Sec. 11.** RCW 29A.20.151 and 2004 c 271 s 112 are each amended to  
8 read as follows:

9 A nominating petition submitted under this chapter shall clearly  
10 identify the names of the minor party or independent candidates  
11 ~~((convention as it appears on the certificate of nomination as required  
12 by RCW 29A.20.161(3))).~~ The petition shall also contain a statement  
13 that the person signing the petition is a registered voter of the state  
14 of Washington and shall have a space for the voter to sign his or her  
15 name and to print his or her name and address. ~~((No person may sign  
16 more than one nominating petition under this chapter for an office for  
17 an election.))~~ The nominating petition must be submitted to the  
18 secretary of state not later than ten days after adjournment of the  
19 convention.

20 **Sec. 12.** RCW 29A.20.161 and 2004 c 271 s 154 are each amended to  
21 read as follows:

22 A certificate evidencing nominations of candidates for the offices  
23 of president and vice president made at a convention must:

- 24 (1) Be in writing;
- 25 (2) Contain the name of each person nominated, ~~((his or her  
26 residence, and the office for which he or she is named, and if the  
27 nomination is for the offices of president and vice president of the  
28 United States,))~~ their addresses, and a sworn statement from both  
29 nominees giving their consent to the nomination;
- 30 (3) Identify the minor political party or the independent candidate  
31 on whose behalf the convention was held;
- 32 (4) Be verified by the oath of the presiding officer and secretary;
- 33 (5) Be accompanied by a nominating petition or petitions bearing  
34 the signatures and addresses of registered voters equal in number to  
35 that required by RCW 29A.20.141;

1 (6) Contain proof of publication of the notice of calling the  
2 convention; and

3 (7) Be submitted to the (~~appropriate filing officer~~) secretary of  
4 state not later than (~~one week~~) ten days following the adjournment of  
5 the convention at which the nominations were made. (~~If the~~  
6 ~~nominations are made only for offices whose jurisdiction is entirely~~  
7 ~~within one county, the certificate and nominating petitions must be~~  
8 ~~filed with the county auditor. If a minor party or independent~~  
9 ~~candidate convention nominates any candidates for offices whose~~  
10 ~~jurisdiction encompasses more than one county, all nominating petitions~~  
11 ~~and the convention certificates must be filed with the secretary of~~  
12 ~~state.~~)

13 **Sec. 13.** RCW 29A.20.171 and 2004 c 271 s 155 are each amended to  
14 read as follows:

15 (1) If two or more valid certificates of nomination are filed  
16 purporting to nominate different candidates for (~~the same position~~)  
17 president and vice president using the same party name, the filing  
18 officer must give effect to both certificates. If conflicting claims  
19 to the party name are not resolved either by mutual agreement or by a  
20 judicial determination of the right to the name, the candidates must be  
21 treated as independent candidates. Disputes over the right to the name  
22 must not be permitted to delay the printing of either ballots or a  
23 voters' pamphlet. (~~Other candidates nominated by the same conventions~~  
24 ~~may continue to use the partisan affiliation unless a court of~~  
25 ~~competent jurisdiction directs otherwise.~~)

26 (2) A person affected may petition the superior court of the county  
27 in which the filing officer is located for a judicial determination of  
28 the right to the name of a minor political party, either before or  
29 after documents are filed with the filing officer. The court shall  
30 resolve the conflict between competing claims to the use of the same  
31 party name according to the following principles: (a) The prior  
32 established public use of the name during previous elections by a party  
33 composed of or led by the same individuals or individuals in documented  
34 succession; (b) prior established public use of the name earlier in the  
35 same election cycle; (c) (~~the nomination of a more complete slate of~~  
36 ~~candidates for a number of offices or in a number of different regions~~  
37 ~~of the state; (d)) documented affiliation with a national or statewide~~

1 party organization with an established use of the name; ~~((e))~~ (d) the  
2 first date of filing of a certificate of nomination; and ~~((f))~~ (e)  
3 such other indicia of an established right to use of the name as the  
4 court may deem relevant. ~~((If more than one filing officer is  
5 involved, and one of them is the secretary of state, the petition must  
6 be filed in the superior court for Thurston county.))~~ Upon resolving  
7 the conflict between competing claims, the court may also address any  
8 ballot designation for the candidate who does not prevail.

9 **Sec. 14.** RCW 29A.20.181 and 2004 c 271 s 156 are each amended to  
10 read as follows:

11 A minor political party or independent candidate convention  
12 nominating candidates for the offices of president and vice president  
13 of the United States shall, not later than ten days after the  
14 adjournment of the convention, submit a list of presidential electors  
15 to the office of the secretary of state. The list shall contain the  
16 names and the mailing addresses of the persons selected and shall be  
17 verified by the ~~((presiding officer of the convention))~~ candidates  
18 named on the nominating petition.

19 **Sec. 15.** RCW 29A.20.191 and 2004 c 271 s 157 are each amended to  
20 read as follows:

21 Upon the receipt of the ~~((certificate of nomination))~~ nominating  
22 petition, the ~~((officer with whom it is filed shall check the  
23 certificate and))~~ secretary of state shall canvass the signatures ~~((on  
24 the accompanying nominating petitions to determine if the requirements  
25 of RCW 29A.20.141 have been met))~~. Once the determination of the  
26 sufficiency of the petitions has been made, the ~~((filing officer))~~  
27 secretary of state shall notify the ~~((presiding officer of the  
28 convention))~~ candidates and any other persons requesting ~~((the))~~  
29 notification~~((, of his or her decision regarding the sufficiency of the  
30 certificate or the nominating petitions))~~. Any appeal regarding the  
31 ~~((filing officer's))~~ secretary of state's determination must be filed  
32 ~~((with))~~ in the superior court ~~((of the))~~ for Thurston county ~~((in  
33 which the certificate or petitions were filed))~~ not later than five  
34 days from the date the determination is made, and shall be heard and  
35 finally disposed of by the court within five days of the filing.

1 Nominating petitions shall not be available for public inspection or  
2 copying.

3 **Sec. 16.** RCW 29A.24.031 and 2004 c 271 s 158 are each amended to  
4 read as follows:

5 A candidate who desires to have his or her name printed on the  
6 ballot for election to an office other than president of the United  
7 States, vice president of the United States, or an office for which  
8 ownership of property is a prerequisite to voting shall complete and  
9 file a declaration of candidacy. The secretary of state shall adopt,  
10 by rule, a declaration of candidacy form for the office of precinct  
11 committee officer and a separate standard form for candidates for all  
12 other offices filing under this chapter. Included on the standard form  
13 shall be:

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

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

19 (3) For partisan offices, a place for the candidate to ((indicate  
20 a party designation, if applicable)) identify a major or minor  
21 political party, if any, the candidate regards as best approximating  
22 his or her own political philosophy. No candidate may list more than  
23 one political party. Nothing in this indication of political  
24 philosophy may be construed as denoting an endorsement or nomination by  
25 that party. The sole purpose of allowing candidates to identify a  
26 political party preference is to provide to voters a brief description  
27 of each candidate's political philosophy, which the voters may consider  
28 when casting their votes at the primary or general election. If a  
29 court of competent jurisdiction holds that a political party has a  
30 right to control the use of the party's name in a manner inconsistent  
31 with this subsection, this subsection is inoperative and section 17 of  
32 this act applies;

33 (4) A place for the candidate to indicate the amount of the filing  
34 fee accompanying the declaration of candidacy or for the candidate to  
35 indicate that he or she is filing a ((nominating)) petition in lieu of  
36 the filing fee under RCW 29A.24.091;

1 (5) A place for the candidate to sign the declaration of candidacy,  
2 stating that the information provided on the form is true and swearing  
3 or affirming that he or she will support the Constitution and laws of  
4 the United States and the Constitution and laws of the state of  
5 Washington.

6 In the case of a declaration of candidacy filed electronically,  
7 submission of the form constitutes agreement that the information  
8 provided with the filing is true, that he or she will support the  
9 Constitutions and laws of the United States and the state of  
10 Washington, and that he or she agrees to electronic payment of the  
11 filing fee established in RCW 29A.24.091.

12 The secretary of state may require any other information on the  
13 form he or she deems appropriate to facilitate the filing process.

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

16 If, as provided in RCW 29A.24.031(3), a court of competent  
17 jurisdiction holds that a political party has the right to control the  
18 use of its name in a manner inconsistent with the provisions of that  
19 subsection, then the following process applies:

20 For partisan offices, a place for the candidate to submit a  
21 description of up to three words that the candidate regards as best  
22 approximating his or her own political philosophy. The sole purpose of  
23 allowing a candidate to submit a three-word description is to provide  
24 to voters information about each candidate's political philosophy,  
25 which the voters may consider when casting their votes at a primary or  
26 general election. The secretary of state shall adopt rules as  
27 necessary to implement this section.

28 **Sec. 18.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
29 read as follows:

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

33 (1) Any declaration received by the filing officer by mail before  
34 the tenth business day immediately preceding the first day for  
35 candidates to file for office shall be returned to the candidate  
36 submitting it, together with a notification that the declaration of

1 candidacy was received too early to be processed. The candidate shall  
2 then be permitted to resubmit his or her declaration of candidacy  
3 during the filing period.

4 (2) Any properly executed declaration of candidacy received by mail  
5 on or after the tenth business day immediately preceding the first day  
6 for candidates to file for office and before the close of business on  
7 the last day of the filing period shall be included with filings made  
8 in person during the filing period. (~~In partisan and judicial~~  
9 ~~elections~~) The filing officer shall determine by lot the order in  
10 which the names of (~~those~~) candidates shall appear upon sample and  
11 absentee primary ballots.

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

16 **Sec. 19.** RCW 29A.24.091 and 2004 c 271 s 160 are each amended to  
17 read as follows:

18 A filing fee of one dollar shall accompany each declaration of  
19 candidacy for precinct committee officer; a filing fee of ten dollars  
20 shall accompany the declaration of candidacy for any office with a  
21 fixed annual salary of one thousand dollars or less; a filing fee equal  
22 to one percent of the annual salary of the office at the time of filing  
23 shall accompany the declaration of candidacy for any office with a  
24 fixed annual salary of more than one thousand dollars per annum. No  
25 filing fee need accompany a declaration of candidacy for any office for  
26 which compensation is on a per diem or per meeting attended basis.

27 A candidate who lacks sufficient assets or income at the time of  
28 filing to pay the filing fee required by this section shall submit with  
29 his or her declaration of candidacy a (~~nominating~~) filing petition.  
30 The petition shall contain not less than a number of signatures of  
31 registered voters equal to the number of dollars of the filing fee.  
32 The signatures shall be of voters registered to vote within the  
33 jurisdiction of the office for which the candidate is filing.

34 When the candidacy is for:

35 (1) A legislative or judicial office that includes territory from  
36 more than one county, the fee shall be paid to the secretary of state

1 for equal division between the treasuries of the counties comprising  
2 the district.

3 (2) A city or town office, the fee shall be paid to the county  
4 auditor who shall transmit it to the city or town clerk for deposit in  
5 the city or town treasury.

6 **Sec. 20.** RCW 29A.24.101 and 2004 c 271 s 114 are each amended to  
7 read as follows:

8 (1) The ~~((nominating))~~ filing petition authorized by RCW 29A.24.091  
9 must be printed on sheets of uniform color and size, must include a  
10 place for each individual to sign and print his or her name and the  
11 address, city, and county at which he or she is registered to vote,  
12 ~~((and))~~ must contain no more than twenty numbered lines~~((-~~

13 ~~(2) For candidates for nonpartisan office and candidates of a major~~  
14 ~~political party for partisan office, the nominating petition)), and~~  
15 must be in substantially the following form:

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

17 We, the undersigned registered voters of     (the state of  
18 Washington or the political subdivision for which the ((nomination))  
19 filing is made), hereby petition that the name of     (candidate's  
20 name) be printed on the official primary ballot for the office of  
21     (insert name of office).

22 ~~((3) For independent candidates and candidates of a minor~~  
23 ~~political party for partisan office, the nominating petition must be in~~  
24 ~~substantially the following form:~~

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

26 ~~We, the undersigned registered voters of     (the state of~~  
27 ~~Washington or the political subdivision for which the nomination is~~  
28 ~~made), hereby petition that the name of     (candidate's name) be~~  
29 ~~printed on the official general election ballot for the office of~~  
30 ~~(insert name of office).~~

31 (2) If the candidate listed a political party on the declaration of  
32 candidacy, the name of that party must appear on the filing petition.

33 **Sec. 21.** RCW 29A.24.111 and 2004 c 271 s 161 are each amended to  
34 read as follows:

1 ((Nominating)) Filing petitions may be rejected for the following  
2 reasons:

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

8 If the petition is accepted, the officer with whom it is filed  
9 shall canvass the signatures contained on it and shall reject the  
10 signatures of those persons who are not registered voters and the  
11 signatures of those persons who are not registered to vote within the  
12 jurisdiction of the office for which the ((nominating)) filing petition  
13 is filed. He or she shall additionally reject any signature that  
14 appears on the ((nominating)) filing petitions of two or more  
15 candidates for the same office and shall also reject, each time it  
16 appears, the name of any person who signs the same petition more than  
17 once.

18 If the officer with whom the petition is filed refuses to accept  
19 the petition or refuses to certify the petition as bearing sufficient  
20 valid signatures, the person filing the petition may appeal that action  
21 to the superior court. The application for judicial review shall take  
22 precedence over other cases and matters and shall be speedily heard and  
23 determined.

24 **Sec. 22.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to  
25 read as follows:

26 A candidate may withdraw his or her declaration of candidacy at any  
27 time before the close of business on the Thursday following the last  
28 day for candidates to file under RCW 29A.24.050 by filing, with the  
29 officer with whom the declaration of candidacy was filed, a signed  
30 request that his or her name not be printed on the ballot. There shall  
31 be no withdrawal period for declarations of candidacy filed during  
32 special filing periods held under this title. The filing officer may  
33 permit the withdrawal of a filing for the office of precinct committee  
34 officer at the request of the candidate at any time if no absentee  
35 ballots have been issued for that office and the general election  
36 ballots for that precinct have not been printed. The filing officer  
37 may permit the withdrawal of a filing for any elected office of a city,



1 town, or special district at the request of the candidate at any time  
2 before a primary if the primary ballots for that city, town, or special  
3 district have not been ordered. No filing fee may be refunded to any  
4 candidate who withdraws under this section. Notice of the deadline for  
5 withdrawal of candidacy and that the filing fee is not refundable shall  
6 be given to each candidate at the time he or she files.

7 **Sec. 23.** RCW 29A.24.141 and 2004 c 271 s 162 are each amended to  
8 read as follows:

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

14 **Sec. 24.** RCW 29A.24.151 and 2004 c 271 s 163 are each amended to  
15 read as follows:

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

22 **Sec. 25.** RCW 29A.24.161 and 2004 c 271 s 164 are each amended to  
23 read as follows:

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

31 **Sec. 26.** RCW 29A.24.171 and 2004 c 271 s 165 are each amended to  
32 read as follows:

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

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

6 (1) A void in candidacy occurs;

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

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

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

15 **Sec. 27.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to  
16 read as follows:

17 Filings for a nonpartisan office (other than judge of the supreme  
18 court or superintendent of public instruction) shall be reopened for a  
19 period of three normal business days, such three-day period to be fixed  
20 by the election officer with whom such declarations of candidacy are  
21 filed and notice thereof given by notifying press, radio, and  
22 television in the county and by such other means as may now or  
23 hereafter be provided by law, when:

24 (1) A void in candidacy for such nonpartisan office occurs on or  
25 after the sixth Tuesday prior to a primary but prior to the sixth  
26 Tuesday before an election; or

27 (2) A (~~(nominee)~~) candidate for judge of the superior court  
28 eligible after a contested primary for a certificate of election by  
29 Article 4, section 29, Amendment 41 of the state Constitution, dies or  
30 is disqualified within the ten-day period immediately following the  
31 last day allotted for a candidate to withdraw; or

32 (3) A vacancy occurs in any nonpartisan office on or after the  
33 sixth Tuesday prior to a primary but prior to the sixth Tuesday before  
34 an election leaving an unexpired term to be filled by an election for  
35 which filings have not been held.

36 The candidate receiving a plurality of the votes cast for that  
37 office in the general election shall be deemed elected.

1       **Sec. 28.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to  
2 read as follows:

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

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

11       (2) Except as otherwise specified in RCW 29A.24.181, a (~~((nominee))~~)  
12 candidate for judge of the superior court entitled to a certificate of  
13 election pursuant to Article 4, section 29, Amendment 41 of the state  
14 Constitution dies or is disqualified on or after the sixth Tuesday  
15 prior to a primary;

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

19       **Sec. 29.** RCW 29A.24.311 and 2004 c 271 s 117 are each amended to  
20 read as follows:

21       Any person who desires to be a write-in candidate and have such  
22 votes counted at a primary or election may file a declaration of  
23 candidacy with the officer designated in RCW 29A.24.070 not later than  
24 the day before the primary or election. Declarations of candidacy for  
25 write-in candidates must be accompanied by a filing fee in the same  
26 manner as required of other candidates filing for the office as  
27 provided in RCW 29A.24.091.

28       Votes cast for write-in candidates who have filed such declarations  
29 of candidacy (~~((and write in votes for persons appointed by major~~  
30 ~~political parties pursuant to RCW 29A.28.021))~~) need only specify the  
31 name of the candidate in the appropriate location on the ballot in  
32 order to be counted. Write-in votes cast for any other candidate, in  
33 order to be counted, must designate the office sought and position  
34 number (~~((or political party))~~), if the manner in which the write-in is  
35 done does not make the office or position clear.

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

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

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

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

12 The declaration of candidacy shall be similar to that required by  
13 RCW 29A.24.031. No write-in candidate filing under this section may be  
14 included in any voter's pamphlet produced under chapter 29A.32 RCW  
15 unless that candidate qualifies to have his or her name printed on the  
16 general election ballot. The legislative authority of any jurisdiction  
17 producing a local voter's pamphlet under chapter 29A.32 RCW may  
18 provide, by ordinance, for the inclusion of write-in candidates in such  
19 pamphlets.

20 NEW SECTION. **Sec. 30.** A new section is added to chapter 29A.28  
21 RCW to read as follows:

22 If the death or disqualification of a candidate for a partisan or  
23 nonpartisan office does not give rise to the opening of a new filing  
24 period under RCW 29A.24.171, then the following will occur:

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

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

1 general election for that office lapses, and the office will be  
2 regarded as vacant as of the time the newly elected official would have  
3 otherwise taken office;

4 (3) If the candidate dies or becomes disqualified on or after the  
5 day of the primary, and he or she would have otherwise qualified to  
6 appear on the general election ballot, then his or her name will appear  
7 on the general election ballot and all otherwise valid votes for that  
8 candidate will be tabulated. If the candidate received a number of  
9 votes sufficient to be elected to office, but for his or her death or  
10 disqualification, then the office will be regarded as vacant as of the  
11 time the newly elected official would have otherwise taken office.

12 **Sec. 31.** RCW 29A.28.041 and 2004 c 271 s 118 are each amended to  
13 read as follows:

14 (1) Whenever a vacancy occurs in the United States house of  
15 representatives or the United States senate from this state, the  
16 governor shall order a special election to fill the vacancy. (~~Minor~~  
17 ~~political party candidates and independent candidates may be nominated~~  
18 ~~through the convention procedures provided in chapter 29A.20 RCW.~~)

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

29 (3) If the vacancy occurs less than six months before a state  
30 general election and before the second Friday following the close of  
31 the filing period for that general election, the special primary(~~(7)~~)  
32 and special vacancy election(~~(7, and minor party and independent~~  
33 ~~candidate nominating conventions))~~) must be held in concert with the  
34 state primary and state general election in that year.

35 (4) If the vacancy occurs on or after the first day for filing  
36 under RCW 29A.24.050 and on or before the second Friday following the  
37 close of the filing period, a special filing period of three normal

1 business days shall be fixed by the governor and notice thereof given  
2 to all media, including press, radio, and television within the area in  
3 which the vacancy election is to be held, to the end that, insofar as  
4 possible, all interested persons will be aware of such filing period.  
5 The last day of the filing period shall not be later than the third  
6 Tuesday before the primary (~~(at which major political party candidates~~  
7 ~~are to be nominated)~~). The names of (~~(major political party)~~)  
8 candidates who have filed valid declarations of candidacy during this  
9 three-day period shall appear on the approaching primary ballot. (~~(The~~  
10 ~~requirements of RCW 29A.20.131 do not apply to a minor political party~~  
11 ~~or independent candidate convention held under this subsection.)~~)

12 (5) If the vacancy occurs later than the second Friday following  
13 the close of the filing period, a special primary(~~(7)~~) and special  
14 vacancy election(~~(7, and the minor party and independent candidate~~  
15 ~~conventions)~~) to fill the position shall be held after the next state  
16 general election but, in any event, no later than the ninetieth day  
17 following the November election.

18 **Sec. 32.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
19 read as follows:

20 The general election laws and laws relating to (~~(partisan)~~)  
21 primaries (~~(shall)~~) for partisan offices apply to the special primaries  
22 and vacancy elections provided for in this chapter (~~(29A.28 RCW)~~) to  
23 the extent that they are not inconsistent with the provisions of these  
24 sections. (~~(Minor political party and independent candidates may~~  
25 ~~appear only on the general election ballot.)~~) Statutory time deadlines  
26 relating to availability of absentee ballots, certification,  
27 canvassing, and related procedures that cannot be met in a timely  
28 fashion may be modified for the purposes of a specific primary or  
29 vacancy election under this chapter by the secretary of state through  
30 emergency rules adopted under RCW 29A.04.611.

31 **Sec. 33.** RCW 29A.28.071 and 2004 c 271 s 120 are each amended to  
32 read as follows:

33 If a vacancy occurs in the office of precinct committee officer by  
34 reason of death, resignation, or disqualification of the incumbent, or  
35 because of failure to elect, the respective county chair of the county  
36 central committee shall fill the vacancy by appointment. However, in

1 a legislative district having a majority of its precincts in a county  
2 with a population of one million or more, the appointment may be made  
3 only upon the recommendation of the legislative district chair. The  
4 person so appointed must have the same qualifications as candidates  
5 when filing for election to the office for that precinct. When a  
6 vacancy in the office of precinct committee officer exists because of  
7 failure to elect at a state ((primary)) general election, the vacancy  
8 may not be filled until after the organization meeting of the county  
9 central committee and the new county chair has been selected as  
10 provided by RCW 29A.80.030.

11 **Sec. 34.** RCW 29A.32.031 and 2004 c 271 s 121 are each amended to  
12 read as follows:

13 The voters' pamphlet must contain:

14 (1) Information about each ballot measure initiated by or referred  
15 to the voters for their approval or rejection as required by RCW  
16 29A.32.070;

17 (2) In even-numbered years, statements, if submitted, advocating  
18 the ((~~candidacies of nominees~~)) candidates qualified to appear on the  
19 general election ballot for the offices of president and vice president  
20 of the United States, United States senator, United States  
21 representative, governor, lieutenant governor, secretary of state,  
22 state treasurer, state auditor, attorney general, commissioner of  
23 public lands, superintendent of public instruction, insurance  
24 commissioner, state senator, state representative, justice of the  
25 supreme court, judge of the court of appeals, or judge of the superior  
26 court. Candidates may also submit a campaign mailing address and  
27 telephone number and a photograph not more than five years old and of  
28 a size and quality that the secretary of state determines to be  
29 suitable for reproduction in the voters' pamphlet;

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

34 (4) In even-numbered years, a section explaining how voters may  
35 participate in the election campaign process; the address and telephone  
36 number of the public disclosure commission established under RCW

1 42.17.350; and a summary of the disclosure requirements that apply when  
2 contributions are made to candidates and political committees;

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

10 (6) In each odd-numbered year immediately before a year in which a  
11 president of the United States is to be nominated and elected,  
12 information explaining the precinct caucus and convention process used  
13 by each major political party to elect delegates to its national  
14 presidential candidate nominating convention. The pamphlet must also  
15 provide a description of the statutory procedures by which minor  
16 political parties are formed and the statutory methods used by the  
17 parties to nominate candidates for president;

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

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

21 ~~((+8))~~ (9) A brief statement explaining the deletion and addition  
22 of language for proposed measures under RCW 29A.32.080;

23 ~~((+9))~~ (10) Any additional information pertaining to elections as  
24 may be required by law or in the judgment of the secretary of state is  
25 deemed informative to the voters.

26 **Sec. 35.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to  
27 read as follows:

28 (1) The maximum number of words for statements submitted by  
29 candidates is as follows: State representative, one hundred words;  
30 state senator, judge of the superior court, judge of the court of  
31 appeals, justice of the supreme court, and all state offices voted upon  
32 throughout the state, except that of governor, two hundred words;  
33 president and vice president, United States senator, United States  
34 representative, and governor, three hundred words.

35 (2) Arguments written by committees under RCW 29A.32.060 may not  
36 exceed two hundred fifty words in length.



1 (3) Rebuttal arguments written by committees may not exceed  
2 seventy-five words in length.

3 (4) The secretary of state shall allocate space in the pamphlet  
4 based on the number of candidates (~~(or nominees)~~) for each office.

5 **Sec. 36.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
6 read as follows:

7 The local voters' pamphlet shall include but not be limited to the  
8 following:

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

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

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

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

24 (5) The arguments for and against each measure submitted by  
25 committees selected pursuant to RCW 29A.32.280(~~(+and~~

26 ~~(6) For partisan primary elections, information on how to vote the  
27 applicable ballot format and an explanation that minor political party  
28 candidates and independent candidates will appear only on the general  
29 election ballot)).~~

30 **Sec. 37.** RCW 29A.36.011 and 2004 c 271 s 124 are each amended to  
31 read as follows:

32 On or before the day following the last day allowed for (~~(major~~  
33 ~~political parties to fill vacancies in the ticket as provided by RCW~~  
34 ~~29A.28.011)) candidates to withdraw under RCW 29A.24.131, the secretary  
35 of state shall certify to each county auditor a list of the candidates  
36 who have filed declarations of candidacy in his or her office for the~~

1 primary. For each office, the certificate shall include the name of  
2 each candidate, his or her address, and his or her party  
3 ((~~designation~~)) preference, if any. ((~~Minor political party and~~  
4 ~~independent candidates may appear only on the general election~~  
5 ~~ballot.~~))

6 **Sec. 38.** RCW 29A.36.071 and 2004 c 271 s 169 are each amended to  
7 read as follows:

8 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
9 or 82.80.090, the ballot title of any referendum filed on an enactment  
10 or portion of an enactment of a local government and any other question  
11 submitted to the voters of a local government consists of three  
12 elements: (a) An identification of the enacting legislative body and  
13 a statement of the subject matter; (b) a concise description of the  
14 measure; and (c) a question. The ballot title must conform with the  
15 requirements and be displayed substantially as provided under RCW  
16 29A.72.050, except that the concise description must not exceed  
17 seventy-five words. If the local governmental unit is a city or a  
18 town, the concise statement shall be prepared by the city or town  
19 attorney. If the local governmental unit is a county, the concise  
20 statement shall be prepared by the prosecuting attorney of the county.  
21 If the unit is a unit of local government other than a city, town, or  
22 county, the concise statement shall be prepared by the prosecuting  
23 attorney of the county within which the majority area of the unit is  
24 located.

25 (2) A referendum measure on the enactment of a unit of local  
26 government shall be advertised in the manner provided for ((~~nominees~~))  
27 candidates for elective office.

28 (3) Subsection (1) of this section does not apply if another  
29 provision of law specifies the ballot title for a specific type of  
30 ballot question or proposition.

31 **Sec. 39.** RCW 29A.36.101 and 2004 c 271 s 125 are each amended to  
32 read as follows:

33 Except for the candidates for the positions of president and vice  
34 president((~~7~~)) or for a partisan or nonpartisan office for which no  
35 primary is required, ((~~or for independent or minor party candidates,~~))  
36 the names of all candidates who, under this title, filed a declaration

1 of candidacy (~~or were certified as a candidate to fill a vacancy on a~~  
2 ~~major party ticket~~) will appear on the appropriate ballot at the  
3 primary throughout the jurisdiction (~~in which they are to be~~  
4 ~~nominated~~) of the office for which they are a candidate.

5 **Sec. 40.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
6 read as follows:

7 (1)(~~(a)~~) The positions or offices on a primary (~~consolidated~~)  
8 ballot shall be arranged in substantially the following order: United  
9 States senator; United States representative; governor; lieutenant  
10 governor; secretary of state; state treasurer; state auditor; attorney  
11 general; commissioner of public lands; superintendent of public  
12 instruction; insurance commissioner; state senator; state  
13 representative; county officers; justices of the supreme court; judges  
14 of the court of appeals; judges of the superior court; and judges of  
15 the district court. For all other jurisdictions on the primary  
16 (~~consolidated~~) ballot, the offices in each jurisdiction shall be  
17 grouped together and be in the order of the position numbers assigned  
18 to those offices, if any.

19 (~~(b)(i)~~ The positions or offices on a primary party ballot must be  
20 arranged in substantially the following order: United States senator;  
21 United States representative; governor; lieutenant governor; secretary  
22 of state; state treasurer; state auditor; attorney general;  
23 commissioner of public lands; insurance commissioner; state senator;  
24 state representative; and partisan county officers. For all other  
25 jurisdictions on the primary party ballot, the offices in each  
26 jurisdiction must be grouped together and be in the order of the  
27 position numbers assigned to those offices, if any.

28 (~~(ii)~~ The positions or offices on a primary nonpartisan ballot must  
29 be arranged in substantially the following order: Superintendent of  
30 public instruction; justices of the supreme court; judges of the court  
31 of appeals; judges of the superior court; and judges of the district  
32 court. For all other jurisdictions on the primary nonpartisan ballot,  
33 the offices in each jurisdiction must be grouped together and be in the  
34 order of the position numbers assigned to those offices, if any.)

35 (2) The order of the positions or offices on (~~an~~) a general  
36 election ballot shall be substantially the same as on a primary  
37 (~~consolidated~~) ballot except that state ballot issues must be placed

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

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

21 **Sec. 41.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
22 read as follows:

23 After the close of business on the last day for candidates to file  
24 for office, the filing officer shall ~~((, from among those filings made  
25 in person and by mail,))~~ determine by lot the order in which the names  
26 of ~~((those))~~ candidates will appear on all primary, sample, and  
27 absentee ballots. The determination shall be done publicly and may be  
28 witnessed by the media and by any candidate. If no primary is required  
29 for any nonpartisan office under RCW 29A.52.011 or 29A.52.220, ~~((or if  
30 any independent or minor party candidate files a declaration of  
31 candidacy,))~~ the names shall appear on the general election ballot in  
32 the order determined by lot.

33 **Sec. 42.** RCW 29A.36.151 and 2004 c 271 s 131 are each amended to  
34 read as follows:

35 Except in each county with a population of one million or more, on  
36 or before the fifteenth day before a primary or election, the county

1 auditor shall prepare a sample ballot which shall be made readily  
2 available to members of the public. The secretary of state shall adopt  
3 rules governing the preparation of sample ballots in counties with a  
4 population of one million or more. The rules shall permit, among other  
5 alternatives, the preparation of more than one sample ballot by a  
6 county with a population of one million or more for a primary or  
7 election, each of which lists a portion of the offices and issues to be  
8 voted on in that county. The position of precinct committee officer  
9 shall be shown on the sample ballot for the ((primary)) general  
10 election, but the names of candidates for the individual positions need  
11 not be shown.

12 **Sec. 43.** RCW 29A.36.161 and 2004 c 271 s 132 are each amended to  
13 read as follows:

14 (1) On the top of each ballot must be printed clear and concise  
15 instructions directing the voter how to mark the ballot, including  
16 write-in votes. ~~((On the top of each primary ballot must be printed  
17 the instructions required by this chapter.))~~

18 (2) The questions of adopting constitutional amendments or any  
19 other state measure authorized by law to be submitted to the voters at  
20 that election must appear after the instructions and before any  
21 offices.

22 (3) In a year that president and vice president appear on the  
23 general election ballot, the names of candidates for president and vice  
24 president for each political party must be grouped together with a  
25 single response position for a voter to indicate his or her choice.

26 (4) ~~((On a general election ballot, the candidate or candidates of  
27 the major political party that received the highest number of votes  
28 from the electors of this state for the office of president of the  
29 United States at the last presidential election must appear first  
30 following the appropriate office heading. The candidate or candidates  
31 of the other major political parties will follow according to the votes  
32 cast for their nominees for president at the last presidential  
33 election, and independent candidates and the candidate or candidates of  
34 all other parties will follow in the order of their qualification with  
35 the secretary of state.~~

36 (5)) All paper ballots and ballot cards used at a polling place

1 must be sequentially numbered in such a way to permit removal of such  
2 numbers without leaving any identifying marks on the ballot.

3 **Sec. 44.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
4 read as follows:

5 (1) Except as provided in RCW 29A.36.180, 29A.52.011, and  
6 29A.52.220 and in subsection (2) of this section, on the ballot at the  
7 general election for (~~a nonpartisan~~) an office for which a primary  
8 was held, only the names of the candidate who received the greatest  
9 number of votes and the candidate who received the next greatest number  
10 of votes for that office shall appear under the title of that office,  
11 and the names shall appear in that order. If a primary was conducted,  
12 no candidate's name may be printed on the subsequent general election  
13 ballot unless he or she receives at least one percent of the total  
14 votes cast for that office at the preceding primary. On the ballot at  
15 the general election for (~~any other nonpartisan~~) an office for which  
16 no primary was held, the names of the candidates shall be listed in the  
17 order determined under RCW 29A.36.131.

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

25 **Sec. 45.** RCW 29A.36.201 and 2004 c 271 s 171 are each amended to  
26 read as follows:

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

31 No name of any candidate (~~whose nomination at a primary is~~  
32 ~~required by law shall~~) for an office for which a primary is conducted  
33 may be placed upon the ballot at a general or special election unless  
34 it appears upon the certificate of either (1) the secretary of  
35 state(~~(7)~~) or (2) the county canvassing board(~~(7, or (3) a minor party~~

1 ~~convention or the state or county central committee of a major~~  
2 ~~political party to fill a vacancy on its ticket under RCW 29A.28.021)).~~

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

7 **Sec. 46.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to  
8 read as follows:

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

35 If the county auditor chooses to forward absentee ballots, he or  
36 she must include with the ballot a clear explanation of the  
37 qualifications necessary to vote in that election and must also advise

1 a voter with questions about his or her eligibility to contact the  
2 county auditor. This explanation may be provided on the ballot  
3 envelope, on an enclosed insert, or printed directly on the ballot  
4 itself. If the information is not included, the envelope must clearly  
5 indicate that the ballot is not to be forwarded and that return postage  
6 is guaranteed.

7 **Sec. 47.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
8 read as follows:

9 A voter desiring to vote shall give his or her name to the precinct  
10 election officer who has the precinct list of registered voters. This  
11 officer shall announce the name to the precinct election officer who  
12 has the copy of the inspector's poll book for that precinct. If the  
13 right of this voter to participate in the primary or election is not  
14 challenged, the voter must be issued a ballot or permitted to enter a  
15 voting booth or to operate a voting device. ~~((For a partisan primary  
16 in a jurisdiction using the physically separate ballot format, the  
17 voter must be issued a nonpartisan ballot and each party ballot.))~~ The  
18 number of the ballot or the voter must be recorded by the precinct  
19 election officers. If the right of the voter to participate is  
20 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

21 **Sec. 48.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to  
22 read as follows:

23 On signing the precinct list of registered voters or being issued  
24 a ballot, the voter shall, without leaving the polling place or  
25 disability access location, proceed to one of the voting booths or  
26 voting devices to cast his or her vote. When county election  
27 procedures so provide, the election officers may tear off and retain  
28 the numbered stub from the ballot before delivering it to the voter.  
29 If an election officer has not already done so, when the voter has  
30 finished, he or she shall either (1) remove the numbered stub from the  
31 ballot, place the ballot in the ballot box, and return the number to  
32 the election officers, or (2) deliver the entire ballot to the election  
33 officers, who shall remove the numbered stub from the ballot and place  
34 the ballot in the ballot box. ~~((For a partisan primary in a  
35 jurisdiction using the physically separate ballot format, the voter  
36 shall also return unvoted party ballots to the precinct election~~



1 ~~officers, who shall void the unvoted party ballots and return them to~~  
2 ~~the county auditor.))~~ If poll-site ballot counting devices are used,  
3 the voter shall put the ballot in the device.

4 **Sec. 49.** RCW 29A.44.231 and 2004 c 271 s 138 are each amended to  
5 read as follows:

6 As each voter casts his or her vote, the precinct election officers  
7 shall insert in the poll books or precinct list of registered voters  
8 opposite that voter's name, a notation to credit the voter with having  
9 participated in that primary or election. (~~No record may be made of~~  
10 ~~a voter's party affiliation in a partisan primary.))~~ The precinct  
11 election officers shall record the voter's name so that a separate  
12 record is kept.

13 **Sec. 50.** RCW 29A.52.011 and 2004 c 271 s 172 are each amended to  
14 read as follows:

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

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

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

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

32 NEW SECTION. **Sec. 51.** A new section is added to chapter 29A.52  
33 RCW to read as follows:

34 (1) The purpose of any primary held in this state is to qualify  
35 candidates to appear on the general election ballot. Partisan primary

1 elections do not function as a procedure to determine the nominees of  
2 political parties. The sole purpose of allowing candidates for  
3 partisan office to identify a political party preference is to provide  
4 voters a brief description of each candidate's political philosophy,  
5 which the voters may consider when casting their votes at a primary or  
6 general election. In a primary election, each voter, regardless of  
7 party affiliation, may vote for any candidate listed on the ballot, and  
8 the two candidates who receive the most votes, also known as the top  
9 two vote getters, and who receive at least one percent of the total  
10 votes cast for that office, advance to the general election. Primary  
11 election voters are not choosing a party's nominee. A qualifying  
12 primary, as opposed to a nominating primary, ensures more choice,  
13 greater participation, increased privacy, and a sense of fairness for  
14 voters.

15 (2) The provisions of this title relating to primaries must be  
16 liberally construed to further the following interests:

17 (a) The legislature finds that the process of determining which  
18 candidates will appear on the general election ballot or be elected to  
19 office is a public process, in which all voters must be permitted to  
20 participate. The legislature further finds that it is not in the  
21 public interest to expend public funds on an election procedure that  
22 limits the rights of voters by restricting their ability to participate  
23 based on the party affiliation, if any, of the voters or the  
24 candidates, or that requires voters to declare an affiliation with a  
25 political party;

26 (b) All qualified registered voters of the state of Washington must  
27 be permitted to participate in all meaningful stages of the process for  
28 qualifying candidates to appear on the general election ballot by  
29 voting for the candidates of their choice in the districts and  
30 jurisdictions where they are eligible to vote; and

31 (c) No registered voter of the state of Washington should be  
32 required to divulge to any public or private entity his or her party  
33 affiliation, if any, as a prerequisite to voting.

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

36 (1) Whenever candidates for partisan office are to be elected, the  
37 general election must be preceded by a primary conducted under this

1 chapter, except as otherwise provided in law. Based upon votes cast at  
2 the primary and according to RCW 29A.36.171 and section 51 of this act,  
3 two candidates may be certified under RCW 29A.52.321 as qualified to  
4 appear on the general election ballot.

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

8 (3) If a candidate for partisan office indicates a political  
9 philosophy as provided by RCW 29A.24.031(3) or section 17 of this act  
10 on his or her declaration of candidacy, then the philosophy will be  
11 listed for the candidate on the primary and general election ballots.  
12 Each candidate who does not express a philosophy will be listed as an  
13 independent candidate on the primary and general election ballots.  
14 Political philosophy will be listed for the information of the voters  
15 only, and may not be used for any purpose relating to the conduct,  
16 canvassing, or certification of the primary, and may in no way limit  
17 the options available to voters in deciding for whom to cast a vote.

18 **Sec. 53.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to  
19 read as follows:

20 All city and town primaries shall be nonpartisan. Primaries for  
21 special purpose districts, except those districts that require  
22 ownership of property within the district as a prerequisite to voting,  
23 shall be nonpartisan. Subject to the exemptions in RCW 29A.52.220,  
24 city, town, and district primaries shall be held as provided in RCW  
25 ((29A.04.310)) 29A.04.311 and 29A.36.171.

26 ~~((The purpose of this section is to establish the holding of a~~  
27 ~~primary, subject to the exemptions in RCW 29A.52.220, as a uniform~~  
28 ~~procedural requirement to the holding of city, town, and district~~  
29 ~~elections. These provisions supersede any and all other statutes,~~  
30 ~~whether general or special in nature, having different election~~  
31 ~~requirements.))~~

32 **Sec. 54.** RCW 29A.52.220 and 2003 c 111 s 1306 are each amended to  
33 read as follows:

34 (1) No primary may be held for any single position in any city,  
35 town, district, or district court, as required by RCW 29A.52.210, if,  
36 after the last day allowed for candidates to withdraw, there are no

1 more than two candidates filed for the position. The county auditor  
2 shall, as soon as possible, notify all the candidates so affected that  
3 the office for which they filed will not appear on the primary ballot.

4 (2) No primary may be held for the office of commissioner of a park  
5 and recreation district or for the office of cemetery district  
6 commissioner.

7 (3) Names of candidates for offices that do not appear on the  
8 primary ballot shall be printed upon the general election ballot in the  
9 manner specified by RCW (~~29A.36.130~~) 29A.36.131.

10 **Sec. 55.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
11 read as follows:

12 The offices of superintendent of public instruction, justice of the  
13 supreme court, judge of the court of appeals, judge of the superior  
14 court, and judge of the district court shall be nonpartisan and the  
15 candidates therefor shall be (~~nominated~~) qualified and elected as  
16 such.

17 All city, town, and special purpose district elective offices shall  
18 be nonpartisan and the candidates therefor shall be (~~nominated~~)  
19 qualified and elected as such.

20 **Sec. 56.** RCW 29A.52.311 and 2004 c 271 s 145 are each amended to  
21 read as follows:

22 Not more than ten nor less than three days before the primary the  
23 county auditor shall publish notice of such primary in one or more  
24 newspapers of general circulation within the county. The notice must  
25 contain the (~~proper party designations~~) offices to be voted upon at  
26 the primary, the names and addresses of all persons who have filed  
27 ((a)) valid declarations of candidacy (~~to be voted upon at that~~  
28 ~~primary, instructions for voting the applicable ballot, as provided in~~  
29 ~~chapter 29A.36 RCW~~), the hours during which the polls will be open,  
30 and the address of each polling place((s)) for each precinct(~~, giving~~  
31 ~~the address of each polling place. The names of all candidates for~~  
32 ~~nonpartisan offices must be published separately with designation of~~  
33 ~~the offices for which they are candidates but without party~~  
34 ~~designation~~)). The notice must include the political party preference  
35 of candidates for partisan office, if one was provided, and may not

1 contain any political party preference for candidates for nonpartisan  
2 office. This is the only notice required for the holding of any  
3 primary.

4 **Sec. 57.** RCW 29A.52.321 and 2004 c 271 s 146 are each amended to  
5 read as follows:

6 No later than the day following the certification of the returns of  
7 any primary, the secretary of state shall certify to the appropriate  
8 county auditors the names of all persons (~~((nominated for offices at a~~  
9 ~~primary, or at an independent candidate or minor party convention))~~  
10 qualified to appear as candidates on the general election ballot.

11 **Sec. 58.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to  
12 read as follows:

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

1       **Sec. 59.** RCW 29A.60.010 and 2003 c 111 s 1501 are each amended to  
2 read as follows:

3       All elections, whether special or general, held under RCW  
4 (~~29A.04.320~~) 29A.04.321 and 29A.04.330 must be conducted by the  
5 county auditor as ex officio county supervisor of elections and, except  
6 as provided in RCW 29A.60.240, the returns canvassed by the county  
7 canvassing board.

8       **Sec. 60.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to  
9 read as follows:

10       (1) For any office at any election or primary, any voter may write  
11 in on the ballot the name of any person for an office who has filed as  
12 a write-in candidate for the office in the manner provided by RCW  
13 29A.24.311 and such vote shall be counted the same as if the name had  
14 been printed on the ballot and marked by the voter. (~~(For a partisan~~  
15 ~~primary in a jurisdiction using the physically separate ballot format,~~  
16 ~~a voter may write in on a party ballot only the names of write-in~~  
17 ~~candidates who affiliate with that major political party.)) No write-  
18 in vote made for any person who has not filed a declaration of  
19 candidacy pursuant to RCW 29A.24.311 is valid if that person filed for  
20 the same office, either as a regular candidate or a write-in candidate,  
21 at the preceding primary. Any abbreviation used to designate  
22 office(~~(r)~~) or position(~~(r, or political party)~~) shall be accepted if  
23 the canvassing board can determine, to (~~their~~) its satisfaction, the  
24 voter's intent.~~

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

27       (3) Write-in votes cast for an individual candidate for an office  
28 need not be tallied if the total number of write-in votes and under  
29 votes recorded by the vote tabulation system for the office is not  
30 greater than the number of votes cast for the candidate apparently  
31 (~~nominated~~) qualified to appear on the general election ballot or  
32 elected, and the write-in votes could not have altered the outcome of  
33 the primary or election. In the case of write-in votes for statewide  
34 office or for any office whose jurisdiction encompasses more than one  
35 county, write-in votes for an individual candidate must be tallied  
36 whenever the county auditor is notified by either the office of the

1 secretary of state or another auditor in a multicounty jurisdiction  
2 that it appears that the write-in votes could alter the outcome of the  
3 primary or election.

4 (4) In the case of statewide offices or jurisdictions that  
5 encompass more than one county, if the total number of write-in votes  
6 and under votes recorded by the vote tabulation system for an office  
7 within a county is greater than the number of votes cast for a  
8 candidate apparently (~~nominated~~) qualified to appear on the general  
9 election ballot or elected in a primary or election, the auditor shall  
10 tally all write-in votes for individual candidates for that office and  
11 notify the office of the secretary of state and the auditors of the  
12 other counties within the jurisdiction, that the write-in votes for  
13 individual candidates should be tallied.

14 **Sec. 61.** RCW 29A.60.030 and 2004 c 266 s 16 are each amended to  
15 read as follows:

16 Except as provided by rule under RCW (~~29A.04.610~~) 29A.04.611, on  
17 the day of the primary or election, the tabulation of ballots at the  
18 polling place or at the counting center shall proceed without  
19 interruption or adjournment until all of the ballots cast at the polls  
20 at that primary or election have been tabulated.

21 **Sec. 62.** RCW 29A.60.040 and 2003 c 111 s 1504 are each amended to  
22 read as follows:

23 A ballot is invalid and no votes on that ballot may be counted if  
24 it is found folded together with another ballot or it is marked so as  
25 to identify the voter.

26 Those parts of a ballot are invalid and no votes may be counted for  
27 those issues or offices where more votes are cast for the office or  
28 issue than are permitted by law; write-in votes do not contain all of  
29 the information required under RCW (~~29A.60.020~~) 29A.60.021; or that  
30 issue or office is not marked with sufficient definiteness to determine  
31 the voter's choice or intention. No write-in vote may be rejected due  
32 to a variation in the form of the name if the election board or the  
33 canvassing board can determine the issue for or against which or the  
34 person and the office for which the voter intended to vote.

1           **Sec. 63.** RCW 29A.60.080 and 2004 c 266 s 17 are each amended to  
2 read as follows:

3           Except for reopening to make a recanvass, the registering mechanism  
4 of each mechanical voting device used in any primary or election shall  
5 remain sealed until ten days after the completion of the canvass of  
6 that primary or election in that county. Except where provided by a  
7 rule adopted under RCW (~~(29A.04.610)~~) 29A.04.611, voting devices used  
8 in a primary or election shall remain sealed until ten days after the  
9 completion of the canvass of that primary or election in that county.

10           **Sec. 64.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to  
11 read as follows:

12           (1) If the requisite number of any federal, state, county, city, or  
13 district offices have not been (~~nominated~~) qualified in a primary by  
14 reason of two or more persons having an equal and requisite number of  
15 votes for being placed on the general election ballot, the official  
16 empowered by state law to certify candidates for the general election  
17 ballot shall give notice to the several persons so having the equal and  
18 requisite number of votes to attend at the appropriate office at the  
19 time designated by that official, who shall then and there proceed  
20 publicly to decide by lot which of those persons will be declared  
21 (~~nominated~~) qualified and placed on the general election ballot.

22           (2) If the requisite number of any federal, state, county, city,  
23 district, or precinct officers have not been elected by reason of two  
24 or more persons having an equal and highest number of votes for one and  
25 the same office, the official empowered by state law to issue the  
26 original certificate of election shall give notice to the several  
27 persons so having the highest and equal number of votes to attend at  
28 the appropriate office at the time to be appointed by that official,  
29 who shall then and there proceed publicly to decide by lot which of  
30 those persons will be declared duly elected, and the official shall  
31 make out and deliver to the person thus duly declared elected a  
32 certificate of election.

33           **Sec. 65.** RCW 29A.64.011 and 2004 c 271 s 177 are each amended to  
34 read as follows:

35           An officer of a political party or any person for whom votes were  
36 cast in a primary who was not declared (~~nominated~~) qualified to



1 appear on the general election ballot may file a written application  
2 for a recount of the votes or a portion of the votes cast at that  
3 primary for all persons for whom votes were cast for ((~~nomination to~~))  
4 that office.

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

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

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

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

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

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

29 **Sec. 66.** RCW 29A.64.021 and 2004 c 271 s 178 are each amended to  
30 read as follows:

31 (1) If the official canvass of all of the returns for any office at  
32 any primary or election reveals that the difference in the number of  
33 votes cast for a candidate apparently ((~~nominated~~)) qualified or  
34 elected to any office and the number of votes cast for the closest  
35 apparently defeated opponent is less than two thousand votes and also  
36 less than one-half of one percent of the total number of votes cast for

1 both candidates, the county canvassing board shall conduct a recount of  
2 all votes cast on that position.

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

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

15 (2) A mandatory recount shall be conducted in the manner provided  
16 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory  
17 recount may be charged to any candidate.

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

31 **Sec. 67.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to  
32 read as follows:

33 An application for a recount shall state the office for which a  
34 recount is requested and whether the request is for all or only a  
35 portion of the votes cast in that jurisdiction of that office. The  
36 person filing an application for a manual recount shall, at the same  
37 time, deposit with the county canvassing board or secretary of state,

1 in cash or by certified check, a sum equal to twenty-five cents for  
2 each ballot cast in the jurisdiction or portion of the jurisdiction for  
3 which the recount is requested as security for the payment of any costs  
4 of conducting the recount. If the application is for a machine  
5 recount, the deposit must be equal to fifteen cents for each ballot.  
6 These charges shall be determined by the county canvassing board or  
7 boards under RCW (~~29A.64.080~~) 29A.64.081.

8 The county canvassing board shall determine a time and a place or  
9 places at which the recount will be conducted. This time shall be less  
10 than three business days after the day upon which: The application was  
11 filed with the board; the request for a recount or directive ordering  
12 a recount was received by the board from the secretary of state; or the  
13 returns are certified which indicate that a recount is required under  
14 RCW (~~29A.64.020~~) 29A.64.021 for an issue or office voted upon only  
15 within the county. Not less than two days before the date of the  
16 recount, the county auditor shall mail a notice of the time and place  
17 of the recount to the applicant or affected parties and, if the recount  
18 involves an office, to any person for whom votes were cast for that  
19 office. The county auditor shall also notify the affected parties by  
20 either telephone, fax, e-mail, or other electronic means at the time of  
21 mailing. At least three attempts must be made over a two-day period to  
22 notify the affected parties or until the affected parties have received  
23 the notification. Each attempt to notify affected parties must request  
24 a return response indicating that the notice has been received. Each  
25 person entitled to receive notice of the recount may attend, witness  
26 the recount, and be accompanied by counsel.

27 Proceedings of the canvassing board are public under chapter 42.30  
28 RCW. Subject to reasonable and equitable guidelines adopted by the  
29 canvassing board, all interested persons may attend and witness a  
30 recount.

31 **Sec. 68.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to  
32 read as follows:

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

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

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

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

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

21 **Sec. 69.** RCW 29A.64.050 and 2003 c 111 s 1605 are each amended to  
22 read as follows:

23 When a partial recount of votes cast for an office or issue changes  
24 the result of the election, the canvassing board or the secretary of  
25 state, if the office or issue is being recounted at his or her  
26 direction, shall order a complete recount of all ballots cast for the  
27 office or issue for the jurisdiction in question.

28 This recount will be conducted in a manner consistent with RCW  
29 (~~(29A.64.020)~~) 29A.64.021.

30 **Sec. 70.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to  
31 read as follows:

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

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

5 If the ((~~nomination, election,~~) office or issue for which a  
6 recount was conducted was submitted to the voters of more than one  
7 county, the secretary of state shall canvass the amended abstracts and  
8 shall file an amended abstract with the original results of that  
9 election. An amended abstract certified under this section supersedes  
10 any prior abstract of the results for the same offices or issues at the  
11 same primary or election.

12 **Sec. 71.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to  
13 read as follows:

14 The canvassing board shall determine the expenses for conducting a  
15 recount of votes.

16 The cost of the recount shall be deducted from the amount deposited  
17 by the applicant for the recount at the time of filing the request for  
18 the recount, and the balance shall be returned to the applicant. If  
19 the costs of the recount exceed the deposit, the applicant shall pay  
20 the difference. No charges may be deducted by the canvassing board  
21 from the deposit for a recount if the recount changes the result of the  
22 ((~~nomination~~) primary or election for which the recount was ordered.

23 **Sec. 72.** RCW 29A.64.090 and 2003 c 111 s 1609 are each amended to  
24 read as follows:

25 When the official canvass of returns of any election reveals that  
26 the difference in the number of votes cast for the approval of a  
27 statewide measure and the number of votes cast for the rejection of  
28 such measure is less than two thousand votes and also less than one-  
29 half of one percent of the total number of votes cast on such measure,  
30 the secretary of state shall direct that a recount of all votes cast on  
31 such measure be made on such measure, in the manner provided by RCW  
32 ((~~29A.64.040 and 29A.64.060~~) 29A.64.041 and 29A.64.061), and the cost  
33 of such recount will be at state expense.

34 **Sec. 73.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to  
35 read as follows:

1 Any justice of the supreme court, judge of the court of appeals, or  
2 judge of the superior court in the proper county shall, by order,  
3 require any person charged with error, wrongful act, or neglect to  
4 forthwith correct the error, desist from the wrongful act, or perform  
5 the duty and to do as the court orders or to show cause forthwith why  
6 the error should not be corrected, the wrongful act desisted from, or  
7 the duty or order not performed, whenever it is made to appear to such  
8 justice or judge by affidavit of an elector that:

9 (1) An error or omission has occurred or is about to occur in  
10 printing the name of any candidate on official ballots; or

11 (2) An error other than as provided in subsections (1) and (3) of  
12 this section has been committed or is about to be committed in printing  
13 the ballots; or

14 (3) The name of any person has been or is about to be wrongfully  
15 placed upon the ballots; or

16 (4) A wrongful act other than as provided for in subsections (1)  
17 and (3) of this section has been performed or is about to be performed  
18 by any election officer; or

19 (5) Any neglect of duty on the part of an election officer other  
20 than as provided for in subsections (1) and (3) of this section has  
21 occurred or is about to occur; or

22 (6) An error or omission has occurred or is about to occur in the  
23 issuance of a certificate of election.

24 An affidavit of an elector under subsections (1) and (3) (~~above~~)  
25 of this section when relating to a primary election must be filed with  
26 the appropriate court no later than the second Friday following the  
27 closing of the filing period (~~for nominations~~) for such office and  
28 shall be heard and finally disposed of by the court not later than five  
29 days after the filing thereof. An affidavit of an elector under  
30 subsections (1) and (3) of this section when relating to a general  
31 election must be filed with the appropriate court no later than three  
32 days following the official certification of the primary election  
33 returns and shall be heard and finally disposed of by the court not  
34 later than five days after the filing thereof. An affidavit of an  
35 elector under subsection (6) of this section shall be filed with the  
36 appropriate court no later than ten days following the issuance of a  
37 certificate of election.

1       **Sec. 74.** RCW 29A.68.020 and 2003 c 111 s 1702 are each amended to  
2 read as follows:

3       Any registered voter may contest the right of any person declared  
4 elected to an office to be issued a certificate of election for any of  
5 the following causes:

6       (1) For misconduct on the part of any member of any precinct  
7 election board involved therein;

8       (2) Because the person whose right is being contested was not at  
9 the time the person was declared elected eligible to that office;

10       (3) Because the person whose right is being contested was previous  
11 to the election convicted of a felony by a court of competent  
12 jurisdiction, the conviction not having been reversed nor the person's  
13 civil rights restored after the conviction;

14       (4) Because the person whose right is being contested gave a bribe  
15 or reward to a voter or to an inspector or judge of election for the  
16 purpose of procuring the election, or offered to do so;

17       (5) On account of illegal votes.

18       (a) Illegal votes include but are not limited to the following:

19       (i) More than one vote cast by a single voter;

20       (ii) A vote cast by a person disqualified under Article VI, section  
21 3 of the state Constitution.

22       (b) Illegal votes do not include votes cast by improperly  
23 registered voters who were not properly challenged under RCW 29A.08.810  
24 and 29A.08.820.

25       All election contests must proceed under RCW (~~29A.68.010~~)  
26 29A.68.011.

27       **Sec. 75.** RCW 29A.68.030 and 2003 c 111 s 1703 are each amended to  
28 read as follows:

29       An affidavit of an elector with respect to RCW (~~29A.68.010(6)~~)  
30 29A.68.011(6) must be filed with the appropriate court no later than  
31 ten days following the issuance of a certificate of election and must  
32 set forth specifically:

33       (1) The name of the contestant and that he or she is a registered  
34 voter in the county, district or precinct, as the case may be, in which  
35 the office is to be exercised;

36       (2) The name of the person whose right is being contested;

37       (3) The office;

1 (4) The particular causes of the contest.

2 No statement of contest may be dismissed for want of form if the  
3 particular causes of contest are alleged with sufficient certainty.  
4 The person charged with the error or omission must be given the  
5 opportunity to call any witness, including the candidate to whom he or  
6 she has issued or intends to issue the certificate of election.

7 **Sec. 76.** RCW 29A.72.130 and 2003 c 111 s 1814 are each amended to  
8 read as follows:

9 Petitions ordering that acts or parts of acts passed by the  
10 legislature be referred to the people at the next ensuing general  
11 election, or special election ordered by the legislature, must be  
12 substantially in the following form:

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

14 PETITION FOR REFERENDUM

15 To the Honorable . . . . ., Secretary of State of the State of  
16 Washington:

17 We, the undersigned citizens and legal voters of the State of  
18 Washington, respectfully order and direct that Referendum Measure No.  
19 . . . . ., filed to revoke a (or part or parts of a) bill that (concise  
20 statement required by RCW ((~~29A.36.070~~)) 29A.36.071) and that was  
21 passed by the . . . . . legislature of the State of Washington at the  
22 last regular (special) session of said legislature, shall be referred  
23 to the people of the state for their approval or rejection at the  
24 regular (special) election to be held on the . . . . day of November,  
25 (year); and each of us for himself or herself says: I have personally  
26 signed this petition; I am a legal voter of the State of Washington, in  
27 the city (or town) and county written after my name, my residence  
28 address is correctly stated, and I have knowingly signed this petition  
29 only once.

30 The petition must include a place for each petitioner to sign and  
31 print his or her name, and the address, city, and county at which he or  
32 she is registered to vote.

33 **Sec. 77.** RCW 29A.80.011 and 2004 c 271 s 183 are each amended to  
34 read as follows:

35 ((~~1~~)) Each political party organization may((~~+~~





1 declaration of candidacy as prescribed under RCW 29A.24.031 with the  
2 county auditor for the office of precinct committee officer of his or  
3 her party in that precinct. When elected at the (~~(primary)~~) general  
4 election, the precinct committee officer shall serve so long as the  
5 committee officer remains an eligible voter in that precinct.

6 **Sec. 80.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to  
7 read as follows:

8 The statutory requirements for filing as a candidate (~~(at the~~  
9 ~~primaries)~~) apply to candidates for precinct committee officer. The  
10 office must be voted upon at the (~~(primaries)~~) general election, and  
11 the names of all candidates must appear under the proper party and  
12 office designations on the general election ballot (~~(for the primary~~  
13 ~~for)~~) in each even-numbered year(~~(, and the one)~~). The candidate  
14 receiving the highest number of votes will be declared elected.  
15 (~~(However, to be declared elected, a candidate must receive at least~~  
16 ~~ten percent of the number of votes cast for the candidate of the~~  
17 ~~candidate's party receiving the greatest number of votes in the~~  
18 ~~precinct.)~~) The term of office of precinct committee officer is two  
19 years, commencing (~~(the first day of December following the primary)~~)  
20 upon completion of the official canvass of votes by the county  
21 canvassing board of election returns.

22 **Sec. 81.** RCW 29A.84.210 and 2003 c 111 s 2109 are each amended to  
23 read as follows:

24 Every officer who willfully violates any of the provisions of  
25 chapter 29A.72 RCW or RCW 29A.32.010 through (~~(29A.32.120)~~) 29A.32.121,  
26 for the violation of which no penalty is herein prescribed, or who  
27 willfully fails to comply with the provisions of chapter 29A.72 RCW or  
28 RCW 29A.32.010 through (~~(29A.32.120)~~) 29A.32.121, is guilty of a gross  
29 misdemeanor punishable to the same extent as a gross misdemeanor that  
30 is punishable under RCW 9A.20.021.

31 **Sec. 82.** RCW 29A.84.261 and 2004 c 271 s 184 are each amended to  
32 read as follows:

33 The following apply to persons signing nominating petitions  
34 prescribed by RCW 29A.20.151 and filing petitions prescribed by RCW  
35 29A.24.101:

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

3 (2) A person shall be guilty of a misdemeanor if the person  
4 knowingly: Signs more than one petition for any single candidacy of  
5 any single candidate; signs the petition when he or she is not a legal  
6 voter; or makes a false statement as to his or her residence.

7 **Sec. 83.** RCW 29A.84.311 and 2004 c 271 s 185 are each amended to  
8 read as follows:

9 Every person who:

10 (1) Knowingly provides false information on ~~((his or her))~~ a  
11 declaration of candidacy ~~((or)),~~ filing petition, nominating petition,  
12 or certificate of nomination; or

13 (2) Conceals or fraudulently defaces or destroys any part of a  
14 ~~((certificate that has been filed with an elections officer under~~  
15 ~~chapter 29A.20 RCW or a))~~ declaration of candidacy ~~((or)),~~ filing  
16 petition, nominating petition, or certificate of nomination that has  
17 been filed with an elections officer~~((, or any part of such a~~  
18 ~~certificate, declaration, or petition,))~~);  
19 is guilty of a class C felony punishable under RCW 9A.20.021.

20 **Sec. 84.** RCW 29A.84.711 and 2004 c 271 s 186 are each amended to  
21 read as follows:

22 Every person who~~((~~

23 ~~(1))~~ knowingly and falsely issues a certificate of ((nomination))  
24 qualification or election~~((~~

25 ~~(2) Knowingly provides false information on a certificate which~~  
26 ~~must be filed with an elections officer under chapter 29A.20 RCW,))~~ is  
27 guilty of a class C felony punishable under RCW 9A.20.021.

28 **Sec. 85.** RCW 42.12.040 and 2005 c 2 (Initiative Measure No. 872)  
29 s 15 are each amended to read as follows:

30 (1) If a vacancy occurs in any partisan elective office in the  
31 executive or legislative branches of state government or in any  
32 partisan county elective office before the sixth Tuesday prior to the  
33 primary for the next general election following the occurrence of the  
34 vacancy, a successor shall be elected to that office at that general  
35 election. Except during the last year of the term of office, if such

1 a vacancy occurs on or after the sixth Tuesday prior to the primary for  
2 that general election, the election of the successor shall occur at the  
3 next succeeding general election. The elected successor shall hold  
4 office for the remainder of the unexpired term. This section shall not  
5 apply to any vacancy occurring in a charter county that has charter  
6 provisions inconsistent with this section.

7 (2) If a vacancy occurs in any legislative office or in any  
8 partisan county office after the general election in a year that the  
9 position appears on the ballot and before the start of the next term,  
10 the term of the successor who is of the same party as the incumbent may  
11 commence once he or she has qualified, as defined in RCW 29A.04.133,  
12 and shall continue through the term for which he or she was elected.

13 **Sec. 86.** 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.04.086, 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))  
28 the majority caucus in the state senate or state house of  
29 representatives, or by the members of the minority caucus in the state  
30 senate or state house of representatives.

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

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

1 (12) "Compensation" unless the context requires a narrower meaning,  
2 includes payment in any form for real or personal property or services  
3 of any kind: PROVIDED, That for the purpose of compliance with RCW  
4 42.17.241, the term "compensation" shall not include per diem  
5 allowances or other payments made by a governmental entity to reimburse  
6 a public official for expenses incurred while the official is engaged  
7 in the official business of the governmental entity.

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

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

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

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

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

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

26 (b) "Contribution" does not include:

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

29 (ii) Ordinary home hospitality;

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

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

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

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

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

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

19 (A) A political party or caucus political committee if the person  
20 paying for the services is the regular employer of the person rendering  
21 such services; or

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

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

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

36 (16) "Election" includes any primary, general, or special election  
37 for public office and any election in which a ballot proposition is  
38 submitted to the voters: PROVIDED, That an election in which the

1 qualifications for voting include other than those requirements set  
2 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
3 the state of Washington shall not be considered an election for  
4 purposes of this chapter.

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

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

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

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

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

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

35 (23) "Immediate family" includes the spouse, dependent children,  
36 and other dependent relatives, if living in the household. For the  
37 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
38 an individual's spouse, and child, stepchild, grandchild, parent,



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (33) "Political committee" means any person (except a candidate or

1 an individual dealing with his or her own funds or property) having the  
2 expectation of receiving contributions or making expenditures in  
3 support of, or opposition to, any candidate or any ballot proposition.

4 (34) "Primary" for the purposes of RCW 42.17.640 means the  
5 procedure for (~~nominating~~) qualifying a candidate to state office  
6 under chapter (~~29.18 or 29.21~~ RCW or any other primary for an election  
7 that uses, in large measure, the procedures established in chapter  
8 ~~29.18 or 29.21~~) 29A.52 RCW.

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

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

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

27 (38) "State legislative office" means the office of a member of the  
28 state house of representatives or the office of a member of the state  
29 senate.

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

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

35 (41) "Surplus funds" mean, in the case of a political committee or  
36 candidate, the balance of contributions that remain in the possession  
37 or control of that committee or candidate subsequent to the election  
38 for which the contributions were received, and that are in excess of

1 the amount necessary to pay remaining debts incurred by the committee  
2 or candidate prior to that election. In the case of a continuing  
3 political committee, "surplus funds" mean those contributions remaining  
4 in the possession or control of the committee that are in excess of the  
5 amount necessary to pay all remaining debts when it makes its final  
6 report under RCW 42.17.065.

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

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

18 NEW SECTION. **Sec. 87.** The following acts or parts of acts are  
19 each repealed:

- 20 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;
- 21 (2) RCW 29A.04.158 (September primary) and 2004 c 271 s 187;
- 22 (3) RCW 29A.04.610 (Rules by secretary of state) and 2004 c 267 s  
23 702, 2003 c 111 s 161, 1971 ex.s. c 202 s 2, & 1965 c 9 s 29.04.080;
- 24 (4) RCW 29A.20.110 (Definitions--"Convention" and "election  
25 jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9  
26 s 29.24.010;
- 27 (5) RCW 29A.20.111 (Definitions--"Convention" and "election  
28 jurisdiction") and 2004 c 271 s 188;
- 29 (6) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;
- 30 (7) RCW 29A.20.131 (Convention--Notice) and 2004 c 271 s 189;
- 31 (8) RCW 29A.20.200 (Declarations of candidacy required,  
32 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,  
33 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;
- 34 (9) RCW 29A.20.201 (Declarations of candidacy required,  
35 exceptions--Payment of fees) and 2004 c 271 s 113;
- 36 (10) RCW 29A.24.200 (Lapse of election when no filing for single  
37 positions--Effect) and 2003 c 111 s 620;

1 (11) RCW 29A.24.201 (Lapse of election when no filing for single  
2 positions--Effect) and 2004 c 271 s 190;  
3 (12) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
4 filing period) and 2005 c 2 (Initiative Measure No. 872) s 10 and 2003  
5 c 111 s 621;  
6 (13) RCW 29A.24.211 (Lapse of election when no filing for single  
7 positions--Effect) and 2004 c 271 s 116;  
8 (14) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990  
9 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;  
10 (15) RCW 29A.28.011 (Major party ticket) and 2004 c 271 s 191;  
11 (16) RCW 29A.28.020 (Death or disqualification--Correcting  
12 ballots--Counting votes already cast) and 2003 c 111 s 702, 2001 c 46  
13 s 4, & 1977 ex.s. c 329 s 13;  
14 (17) RCW 29A.28.021 (Death or disqualification--Correcting  
15 ballots--Counting votes already cast) and 2004 c 271 s 192;  
16 (18) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s  
17 122;  
18 (19) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2004 c  
19 271 s 126;  
20 (20) RCW 29A.36.106 (Partisan primary ballots--Required statements)  
21 and 2004 c 271 s 127;  
22 (21) RCW 29A.36.190 (Partisan candidates qualified for general  
23 election) and 2003 c 111 s 919;  
24 (22) RCW 29A.36.191 (Partisan candidates qualified for general  
25 election) and 2004 c 271 s 133;  
26 (23) RCW 29A.44.220 (Casting vote) and 2004 c 267 s 319, 2003 c 111  
27 s 1121, 1990 c 59 s 43, 1988 c 181 s 4, 1965 ex.s. c 101 s 15, & 1965  
28 c 9 s 29.51.100;  
29 (24) RCW 29A.52.106 (Intent) and 2004 c 271 s 140;  
30 (25) RCW 29A.52.111 (Application of chapter--Exceptions) and 2004  
31 c 271 s 173;  
32 (26) RCW 29A.52.116 (Application of chapter--Exceptions) and 2004  
33 c 271 s 139;  
34 (27) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s  
35 1304;  
36 (28) RCW 29A.52.141 (Instructions) and 2004 c 271 s 141;  
37 (29) RCW 29A.52.151 (Ballot format--Procedures) and 2004 c 271 s  
38 142;

- 1 (30) 2005 c 2 (Initiative Measure No. 872) s 8;  
2 (31) 2005 c 2 (Initiative Measure No. 872) s 9;  
3 (32) 2005 c 2 (Initiative Measure No. 872) s 12;  
4 (33) 2005 c 2 (Initiative Measure No. 872) s 13;  
5 (34) 2005 c 2 (Initiative Measure No. 872) s 14; and  
6 (35) 2005 c 2 (Initiative Measure No. 872) s 18 (uncodified).

7 NEW SECTION. **Sec. 88.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and takes effect  
10 immediately.

--- END ---