
HOUSE BILL 2152

State of Washington 60th Legislature 2007 Regular Session

By Representatives Appleton, Sequist, Rolfes, Haigh, Eickmeyer,
Lantz and Ormsby

Read first time 02/12/2007. Referred to Committee on State
Government & Tribal Affairs.

1 AN ACT Relating to election certification dates; and amending RCW
2 29A.04.133, 29A.52.360, 29A.68.011, 29A.68.020, 29A.68.030, and
3 29A.68.120.

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

5 **Sec. 1.** RCW 29A.04.133 and 2003 c 111 s 123 are each amended to
6 read as follows:

7 "Qualified" when pertaining to a winner of an election means that
8 for such election:

9 (1) The results have been certified;

10 (2) ~~((A certificate has been issued;~~

11 ~~+3+)) Any required bond has been posted; and~~

12 ~~((+4))~~ (3) The winner has taken and subscribed an oath or
13 affirmation in compliance with the appropriate statute, or if none is
14 specified, that he or she will faithfully and impartially discharge the
15 duties of the office to the best of his or her ability. This oath or
16 affirmation shall be administered and certified by any officer or
17 notary public authorized to administer oaths, without charge therefor.

1 **Sec. 2.** RCW 29A.52.360 and 2003 c 111 s 1314 are each amended to
2 read as follows:

3 Immediately after the ascertainment of the result of an election
4 for an office to be filled by the voters of a single county, or of a
5 precinct, or of a constituency within a county for which the county
6 auditor serves as supervisor of elections, the county auditor shall
7 notify the person elected, and issue to the person a ceremonial
8 certificate of election.

9 **Sec. 3.** RCW 29A.68.011 and 2005 c 243 s 22 are each amended to
10 read as follows:

11 Any justice of the supreme court, judge of the court of appeals, or
12 judge of the superior court in the proper county shall, by order,
13 require any person charged with error, wrongful act, or neglect to
14 forthwith correct the error, desist from the wrongful act, or perform
15 the duty and to do as the court orders or to show cause forthwith why
16 the error should not be corrected, the wrongful act desisted from, or
17 the duty or order not performed, whenever it is made to appear to such
18 justice or judge by affidavit of an elector that:

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

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

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

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

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

32 (6) An error or omission has occurred or is about to occur in the
33 (~~issuance of a certificate~~) official certification of the election.

34 An affidavit of an elector under subsections (1) and (3) of this
35 section when relating to a primary election must be filed with the
36 appropriate court no later than the second Friday following the closing
37 of the filing period for nominations for such office and shall be heard

1 and finally disposed of by the court not later than five days after the
2 filing thereof. An affidavit of an elector under subsections (1) and
3 (3) of this section when relating to a general election must be filed
4 with the appropriate court no later than three days following the
5 official certification of the primary election returns and shall be
6 heard and finally disposed of by the court not later than five days
7 after the filing thereof. An affidavit of an elector under subsection
8 (6) of this section shall be filed with the appropriate court no later
9 than ten days following the official certification of the election as
10 provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case
11 of a recount, ten days after the official certification of the amended
12 abstract as provided in RCW 29A.64.061.

13 **Sec. 4.** RCW 29A.68.020 and 2003 c 111 s 1702 are each amended to
14 read as follows:

15 Any (~~registered voter may contest the right of any person declared~~
16 ~~elected to an office to be issued a certificate of election for any of~~
17 ~~the following causes~~) of the following causes may be asserted by a
18 registered voter to challenge the right to assume office of a candidate
19 declared elected to that office:

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

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

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

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

31 (5) On account of illegal votes.

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

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

34 (ii) A vote cast by a person disqualified under Article VI, section
35 3 of the state Constitution.

36 (b) Illegal votes do not include votes cast by improperly

1 registered voters who were not properly challenged under RCW 29A.08.810
2 and 29A.08.820.

3 All election contests must proceed under RCW ~~((29A.68.010))~~
4 29A.68.011.

5 **Sec. 5.** RCW 29A.68.030 and 2003 c 111 s 1703 are each amended to
6 read as follows:

7 An affidavit of an elector ~~((with respect to RCW 29A.68.010(6) must~~
8 ~~be filed with the appropriate court no later than ten days following~~
9 ~~the issuance of a certificate of election and))~~ filed pursuant to RCW
10 29A.68.011(6) must set forth specifically:

- 11 (1) The name of the contestant and that he or she is a registered
- 12 voter in the county, district or precinct, as the case may be, in which
- 13 the office is to be exercised;
- 14 (2) The name of the person whose right is being contested;
- 15 (3) The office;
- 16 (4) The particular causes of the contest.

17 No statement of contest may be dismissed for want of form if the
18 particular causes of contest are alleged with sufficient certainty.
19 The person charged with the error or omission must be given the
20 opportunity to call any witness, including the candidate ~~((to whom he~~
21 ~~or she has issued or intends to issue the certificate of election))~~.

22 **Sec. 6.** RCW 29A.68.120 and 2003 c 111 s 1712 are each amended to
23 read as follows:

24 If an election is set aside by the judgment of the superior court
25 and if no appeal is taken therefrom within ten days, ~~((the certificate~~
26 ~~issued))~~ the election of the person challenged shall be thereby
27 rendered void.

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