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**SENATE BILL 5681**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senators Hargrove, Fairley, Roach, Hatfield, Pridemore, McCaslin, Sheldon, Holmquist, and Shin; by request of Secretary of State

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to updating election laws with a top two primary  
2 election system; amending RCW 29A.04.008, 29A.04.086, 29A.04.097,  
3 29A.04.128, 29A.04.133, 29A.04.216, 29A.04.311, 29A.08.161, 29A.12.080,  
4 29A.20.021, 29A.20.121, 29A.20.131, 29A.20.141, 29A.24.031, 29A.24.081,  
5 29A.24.101, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181,  
6 29A.24.191, 29A.24.311, 29A.28.041, 29A.28.061, 29A.28.071, 29A.32.031,  
7 29A.32.032, 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.36.201, 29A.40.091,  
9 29A.44.201, 29A.44.221, 29A.48.020, 29A.52.011, 29A.52.210, 29A.52.231,  
10 29A.52.321, 29A.52.351, 29A.56.040, 29A.60.021, 29A.60.221, 29A.64.011,  
11 29A.64.021, 29A.64.041, 29A.64.061, 29A.64.081, 29A.68.011, 29A.80.020,  
12 29A.80.041, 29A.80.051, 29A.84.261, 29A.84.311, 29A.84.711, 42.17.020,  
13 42.17.040, 42.17.093, and 42.17.510; reenacting and amending RCW  
14 29A.36.170, 29A.52.112, and 42.12.040; adding a new section to chapter  
15 29A.24 RCW; and repealing RCW 29A.04.310, 29A.20.201, 29A.24.030,  
16 29A.24.210, 29A.24.211, 29A.28.011, 29A.28.021, 29A.32.036, 29A.36.010,  
17 29A.36.104, 29A.36.106, 29A.36.171, 29A.36.191, 29A.52.106, 29A.52.111,  
18 29A.52.116, 29A.52.141, 29A.52.151, and 29A.80.011.

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

1       **Sec. 1.** RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read  
2 as follows:

3       As used in this title:

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

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

8       (b) A facsimile of the contents of a particular ballot whether  
9 printed on a paper ballot or ballot card or as part of a voting machine  
10 or voting device;

11       (c) A physical or electronic record of the choices of an individual  
12 voter in a particular primary, general election, or special election;  
13 or

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

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

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

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

28       (5) "Provisional ballot" means a ballot issued at the polling place  
29 on election day by the precinct election board to a voter who would  
30 otherwise be denied an opportunity to vote a regular ballot, for any  
31 reason authorized by the Help America Vote Act, including but not  
32 limited to the following:

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

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

37       (c) There is a question on the part of the voter concerning the  
38 issues or candidates on which the voter is qualified to vote;

1 (d) Any other reason allowed by law((+

2 ~~(6) "Party ballot" means a primary election ballot specific to a~~  
3 ~~particular major political party that lists all candidates for partisan~~  
4 ~~office who affiliate with that same major political party, as well as~~  
5 ~~the nonpartisan races and ballot measures to be voted on at that~~  
6 ~~primary;~~

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

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

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

30 **Sec. 3.** RCW 29A.04.097 and 2003 c 111 s 116 are each amended to  
31 read as follows:

32 "Minor political party" means ~~((a political organization other than~~  
33 ~~a major political party)) an organization that submitted to the~~  
34 ~~secretary of state a petition bearing the valid signatures of at least~~  
35 ~~one hundred registered voters. The petition must be in a form~~  
36 ~~prescribed by the secretary of state, include the name and contact~~

1 information of the political party, be circulated no earlier than the  
2 first day of December in an odd-numbered year, and be submitted no  
3 later than the first Monday of March in the following even-numbered  
4 year. Once submitted, the secretary of state must approve or reject  
5 the sufficiency of the petition within five business days. If approved  
6 as sufficient, the organization retains its status as a minor political  
7 party until March 31st of the next even-numbered year.

8 **Sec. 4.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to  
9 read as follows:

10 "Primary" or "primary election" means a statutory procedure for  
11 ~~((nominating candidates to public office at the polls))~~ qualifying  
12 candidates for public office to appear on the general election ballot.

13 **Sec. 5.** RCW 29A.04.133 and 2007 c 374 s 1 are each amended to read  
14 as follows:

15 "Qualified" when pertaining to a winner of ~~((an))~~ a general  
16 election means that for such election:

- 17 (1) The results have been certified;  
18 (2) Any required bond has been posted; and  
19 (3) The winner has taken and subscribed an oath or affirmation in  
20 compliance with the appropriate statute, or if none is specified, that  
21 he or she will faithfully and impartially discharge the duties of the  
22 office to the best of his or her ability. This oath or affirmation  
23 shall be administered and certified by any officer or notary public  
24 authorized to administer oaths, without charge therefor.

25 "Qualified" when pertaining to the candidates in a primary means  
26 that such persons received either the highest or second highest number  
27 of votes in that race in the primary and are eligible to be placed on  
28 the general election ballot.

29 **Sec. 6.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
30 read as follows:

31 The county auditor of each county shall be ex officio the  
32 supervisor of all primaries and elections, general or special, and it  
33 shall be the county auditor's duty to provide places for holding such  
34 primaries and elections; to appoint the precinct election officers and  
35 to provide for their compensation; to provide the supplies and

1 materials necessary for the conduct of elections to the precinct  
2 election officers; and to publish and post notices of calling such  
3 primaries and elections in the manner provided by law. (~~The notice of~~  
4 ~~a primary held in an even-numbered year must indicate that the office~~  
5 ~~of precinct committee officer will be on the ballot.~~) The auditor  
6 shall also apportion to each city, town, or district, and to the state  
7 of Washington in the odd-numbered year, its share of the expense of  
8 such primaries and elections. This section does not apply to general  
9 or special elections for any city, town, or district that is not  
10 subject to RCW 29A.04.321 and 29A.04.330, but all such elections must  
11 be held and conducted at the time, in the manner, and by the officials  
12 (with such notice, requirements for filing for office, and  
13 certifications by local officers) as provided and required by the laws  
14 governing such elections.

15 **Sec. 7.** RCW 29A.04.311 and 2006 c 344 s 1 are each amended to read  
16 as follows:

17 (~~Nominating~~) Qualifying primaries for general elections to be  
18 held in November(~~, and the election of precinct committee officers,~~)  
19 must be held on the third Tuesday of the preceding August.

20 **Sec. 8.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to  
21 read as follows:

22 No record may be created or maintained by a state or local  
23 governmental agency or a political organization that identifies a voter  
24 with the information marked on the voter's ballot, (~~including the~~  
25 ~~choice that a voter makes on a partisan primary ballot regarding~~  
26 ~~political party affiliation~~) except as allowed by RCW 29A.56.050.

27 **Sec. 9.** RCW 29A.12.080 and 2006 c 207 s 2 are each amended to read  
28 as follows:

29 No voting device shall be approved by the secretary of state unless  
30 it:

31 (1) Secures to the voter secrecy in the act of voting;  
32 (2) Permits the voter to vote for any person for any office and  
33 upon any measure that he or she has the right to vote for;

34 (3) (~~Permits the voter to vote for all the candidates of one~~  
35 ~~party;~~

1       ~~(4)~~) Correctly registers all votes cast for any and all persons  
2 and for or against any and all measures;

3       ~~((5))~~ (4) Provides that a vote for more than one candidate cannot  
4 be cast by one single operation of the voting device or vote tally  
5 system except when voting for president and vice president of the  
6 United States; and

7       ~~((6))~~ (5) Except for functions or capabilities unique to this  
8 state, has been tested and certified by an independent testing  
9 authority designated by the United States election assistance  
10 commission.

11       **Sec. 10.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to  
12 read as follows:

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

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

20       (3) The name of a candidate for an office shall not appear on a  
21 ballot for that office unless, except as provided in RCW 3.46.067 and  
22 3.50.057, the candidate is, at the time the candidate's declaration of  
23 candidacy is filed, properly registered to vote in the geographic area  
24 represented by the office. For the purposes of this section, each  
25 geographic area in which registered voters may cast ballots for an  
26 office is represented by that office. If a person elected to an office  
27 must be ~~((nominated))~~ qualified from a district or similar division of  
28 the geographic area represented by the office, the name of a candidate  
29 for the office shall not appear on a primary ballot for that office  
30 unless the candidate is, at the time the candidate's declaration of  
31 candidacy is filed, properly registered to vote in that district or  
32 division. The officer with whom declarations of candidacy must be  
33 filed under this title shall review each such declaration filed  
34 regarding compliance with this subsection.

35       (4) The requirements of voter registration and residence within the  
36 geographic area of a district at the time of filing a declaration of

1 candidacy do not apply to candidates for congressional office.  
2 Qualifications for the United States congress are specified in the  
3 United States Constitution.

4 **Sec. 11.** RCW 29A.20.121 and 2006 c 344 s 4 are each amended to  
5 read as follows:

6 ~~((1) Any nomination of a candidate for partisan public office by  
7 other than a major political party may be made only: (a) In a  
8 convention held not earlier than the first Saturday in May and not  
9 later than the second Saturday in May or during any of the seven days  
10 immediately preceding the first day for filing declarations of  
11 candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided  
12 by RCW 29A.60.021; or (c) as otherwise provided in this section.))~~  
13 Minor political party and independent candidates for president and vice  
14 president of the United States may appear only on the general election  
15 ballot.

16 ~~((2))~~ Nominations of candidates for president and vice president  
17 of the United States other than by a major political party ~~((may))~~  
18 shall be made ~~((either at a convention conducted under subsection (1)~~  
19 ~~of this section, or))~~ at a ~~((similar))~~ convention ~~((taking place))~~ to  
20 be held not earlier than the first Saturday in June and not later than  
21 the fourth Saturday in July. ~~((Conventions held during this time~~  
22 ~~period may not nominate candidates for any public office other than~~  
23 ~~president and vice president of the United States, except as provided~~  
24 ~~in subsection (3) of this section.~~

25 ~~(3) If a special filing period for a partisan office is opened~~  
26 ~~under RCW 29A.24.211, candidates of minor political parties and~~  
27 ~~independent candidates may file for office during that special filing~~  
28 ~~period. The names of those candidates may not appear on the general~~  
29 ~~election ballot unless they are nominated by convention held no later~~  
30 ~~than five days after the close of the special filing period and a~~  
31 ~~certificate of nomination is filed with the filing officer no later~~  
32 ~~than three days after the convention. The requirements of RCW~~  
33 ~~29A.20.131 do not apply to such a convention.~~

34 ~~(4) A minor political party may hold more than one convention but~~  
35 ~~in no case shall any such party nominate more than one candidate for~~  
36 ~~any one partisan public office or position.))~~ For the purpose of  
37 nominating candidates for the offices of president and vice president,

1 (~~United States senator, United States representative, or a statewide~~  
2 ~~office,~~) a minor political party or independent candidate (~~holding~~  
3 ~~multiple conventions~~) may hold more than one convention and may add  
4 together the number of signatures of different individuals from each  
5 convention obtained in support of the candidate or candidates in order  
6 to obtain the number required by RCW 29A.20.141. (~~For all other~~  
7 ~~offices for which nominations are made, signatures of the requisite~~  
8 ~~number of registered voters must be obtained at a single convention.~~)

9 **Sec. 12.** RCW 29A.20.131 and 2004 c 271 s 189 are each amended to  
10 read as follows:

11 Each minor party or independent candidate seeking nomination for  
12 president or vice president of the United States must publish a notice  
13 in a newspaper of general circulation within the county in which the  
14 party or the candidate intends to hold a convention. The notice must  
15 appear at least ten days before the convention is to be held, and shall  
16 state the date, time, and place of the convention. Additionally, it  
17 shall include the mailing address of the person or organization  
18 sponsoring the convention.

19 **Sec. 13.** RCW 29A.20.141 and 2004 c 271 s 111 are each amended to  
20 read as follows:

21 (1) To be valid, a convention must be attended by at least one  
22 hundred registered voters.

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

32 **Sec. 14.** RCW 29A.24.031 and 2004 c 271 s 158 are each amended to  
33 read as follows:

34 A candidate who desires to have his or her name printed on the  
35 ballot for election to an office (~~other than president of the United~~



1 ~~States, vice president of the United States, or an office for which~~  
2 ~~ownership of property is a prerequisite to voting)) shall complete and~~  
3 file a declaration of candidacy. This requirement does not apply to  
4 election for president and vice president of the United states or an  
5 office for which ownership of property is a prerequisite to voting.  
6 The secretary of state shall adopt, by rule, a declaration of candidacy  
7 form for the office of precinct committee officer and a separate  
8 standard form for candidates for all other offices filing under this  
9 chapter. Included on the standard form shall be:

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

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

15 (3) A place for the partisan office candidate to indicate a  
16 preference for a political party (~~(designation)~~), if (~~(applicable)~~)  
17 any;

18 (4) A place for the candidate to indicate the amount of the filing  
19 fee accompanying the declaration of candidacy or for the candidate to  
20 indicate that he or she is filing a (~~(nominating)~~) filing fee petition  
21 in lieu of the filing fee under RCW 29A.24.091;

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

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

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

35 **Sec. 15.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
36 read as follows:

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

4 (1) Any declaration received by the filing officer by mail before  
5 the tenth business day immediately preceding the first day for  
6 candidates to file for office shall be returned to the candidate  
7 submitting it, together with a notification that the declaration of  
8 candidacy was received too early to be processed. The candidate shall  
9 then be permitted to resubmit his or her declaration of candidacy  
10 during the filing period.

11 (2) Any properly executed declaration of candidacy received by mail  
12 on or after the tenth business day immediately preceding the first day  
13 for candidates to file for office and before the close of business on  
14 the last day of the filing period shall be included with filings made  
15 in person during the filing period. In primaries for partisan offices  
16 and judicial ~~((elections))~~ offices the filing officer shall determine  
17 by lot the order in which the names of those candidates shall appear  
18 upon sample and absentee primary ballots.

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

23 **Sec. 16.** RCW 29A.24.101 and 2006 c 206 s 4 are each amended to  
24 read as follows:

25 ~~((+1))~~ The secretary of state shall adopt, by rule, a filing fee  
26 petition. The filing fee petition authorized by RCW 29A.24.091 must be  
27 printed on sheets of uniform color and size, must include a place for  
28 each individual to sign and print his or her name and the address,  
29 city, and county at which he or she is registered to vote, and must  
30 contain no more than twenty numbered lines.

31 ~~((+2) For candidates for nonpartisan office and candidates of a~~  
32 ~~major political party for partisan office, the filing fee petition must~~  
33 ~~be in substantially the following form:~~

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

1        ~~We, the undersigned registered voters of \_\_\_\_\_ (the state of~~  
2 ~~Washington or the political subdivision for which the nomination is~~  
3 ~~made) \_\_\_\_\_, hereby petition that the name of \_\_\_\_\_ (candidate's name) \_\_\_\_\_ be~~  
4 ~~printed on the official primary ballot for the office of \_\_\_\_\_ (insert~~  
5 ~~name of office) \_\_\_\_\_.~~

6        ~~(3) For independent candidates and candidates of a minor political~~  
7 ~~party for partisan office, the filing fee petition must be in~~  
8 ~~substantially the following form:~~

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

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

15        **Sec. 17.** RCW 29A.24.141 and 2004 c 271 s 162 are each amended to  
16 read as follows:

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

22        **Sec. 18.** RCW 29A.24.151 and 2004 c 271 s 163 are each amended to  
23 read as follows:

24        The election officer with whom declarations of candidacy are filed  
25 shall give notice of a void in candidacy for ((~~a nonpartisan~~)) an  
26 office, by notifying press, radio, and television in the county or  
27 counties involved and by such other means as may now or hereafter be  
28 provided by law. The notice shall state the office, and the time and  
29 place for filing declarations of candidacy.

30        **Sec. 19.** RCW 29A.24.161 and 2004 c 271 s 164 are each amended to  
31 read as follows:

32        Filings to fill a void in candidacy ((~~for nonpartisan office~~)) must

1 be made in the same manner and with the same official as required  
2 during the regular filing period for such office(~~(, except that~~  
3 ~~nominating signature petitions that may be required of candidates~~  
4 ~~filing for certain district offices during the normal filing period may~~  
5 ~~not be required of candidates filing during the special three day~~  
6 ~~filing period)).~~

7 **Sec. 20.** RCW 29A.24.171 and 2006 c 344 s 7 are each amended to  
8 read as follows:

9 Filings for (~~a nonpartisan~~) an office shall be reopened for a  
10 period of three normal business days, such three-day period to be fixed  
11 by the election officer with whom such declarations of candidacy are  
12 filed and notice thereof given by notifying press, radio, and  
13 television in the county or counties involved and by such other means  
14 as may now or hereafter be provided by law whenever before the  
15 (~~eleventh~~) tenth Tuesday prior to a primary:

- 16 (1) A void in candidacy occurs;
- 17 (2) A vacancy occurs in any (~~nonpartisan~~) office leaving an  
18 unexpired term to be filled by an election for which filings have not  
19 been held; or
- 20 (3) A (~~nominee~~) candidate for judge of the superior court  
21 entitled to a certificate of election pursuant to Article 4, section  
22 29, Amendment 41 of the state Constitution, dies or is disqualified.

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

25 **Sec. 21.** RCW 29A.24.181 and 2006 c 344 s 8 are each amended to  
26 read as follows:

27 Filings for (~~a nonpartisan~~) an office (other than judge of the  
28 supreme court or superintendent of public instruction) shall be  
29 reopened for a period of three normal business days, such three-day  
30 period to be fixed by the election officer with whom such declarations  
31 of candidacy are filed and notice thereof given by notifying press,  
32 radio, and television in the county or counties involved and by such  
33 other means as may now or hereafter be provided by law, when:

- 34 (1) A void in candidacy (~~for such nonpartisan office~~) occurs on  
35 or after the (~~eleventh~~) tenth Tuesday prior to a primary but prior to  
36 the (~~eleventh~~) tenth Tuesday before an election; or

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

6 (3) A vacancy occurs in (~~any nonpartisan~~) an office on or after  
7 the (~~eleventh~~) tenth Tuesday prior to a primary but prior to the  
8 (~~eleventh~~) tenth Tuesday before an election leaving an unexpired term  
9 to be filled by an election for which filings have not been held.

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

12 **Sec. 22.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to  
13 read as follows:

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

17 (1) In an election for judge of the supreme court or superintendent  
18 of public instruction, a void in candidacy occurs on or after the  
19 (~~eleventh~~) tenth Tuesday prior to a primary, public filings and the  
20 primary being an indispensable phase of the election process for such  
21 offices;

22 (2) Except as otherwise specified in RCW 29A.24.181, a (~~nominee~~)  
23 candidate for judge of the superior court entitled to a certificate of  
24 election pursuant to Article 4, section 29, Amendment 41 of the state  
25 Constitution dies or is disqualified (~~on or after the eleventh Tuesday~~  
26 ~~prior to a primary~~) more than ten days after the last date for  
27 candidates to withdraw under RCW 29A.24.131;

28 (3) In other elections (~~for nonpartisan office~~), a void in  
29 candidacy occurs or a vacancy occurs involving an unexpired term to be  
30 filled on or after the (~~eleventh~~) tenth Tuesday prior to an election.

31 **Sec. 23.** RCW 29A.24.311 and 2004 c 271 s 117 are each amended to  
32 read as follows:

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

1 write-in candidates must be accompanied by a filing fee in the same  
2 manner as required of other candidates filing for the office as  
3 provided in RCW 29A.24.091.

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

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

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

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

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

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

32 NEW SECTION. **Sec. 24.** A new section is added to chapter 29A.24  
33 RCW to read as follows:

34 If, after filing a valid declaration of candidacy for a partisan  
35 office, a candidate dies, his or her name shall remain on the ballot  
36 for the primary. If the candidate receives the highest or second  
37 highest number of votes in the primary, the candidate shall qualify for

1 the general election, and the candidate's name shall appear on the  
2 general election ballot. In the general election, if the candidate  
3 receives the most number of votes, the office to which the person  
4 sought election shall be treated as a vacant office under Article II,  
5 section 15 of the state Constitution.

6 **Sec. 25.** RCW 29A.28.041 and 2006 c 344 s 12 are each amended to  
7 read as follows:

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

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

23 (3) If the vacancy occurs less than six months before a state  
24 general election and before the second Friday following the close of  
25 the filing period for that general election, the special primary((~~7~~))  
26 and the special vacancy election((~~7~~ and minor party and independent  
27 candidate nominating conventions)) must be held in concert with the  
28 state primary and state general election in that year.

29 (4) If the vacancy occurs on or after the first day for filing  
30 under RCW 29A.24.050 and on or before the second Friday following the  
31 close of the filing period, a special filing period of three normal  
32 business days shall be fixed by the governor and notice thereof given  
33 to all media, including press, radio, and television within the area in  
34 which the vacancy election is to be held, to the end that, insofar as  
35 possible, all interested persons will be aware of such filing period.  
36 The last day of the filing period shall not be later than the sixth  
37 Tuesday before the date of the primary ((at which major political party

1 ~~candidates are to be nominated)). The names of ((major political~~  
2 ~~party)) all candidates who have filed valid declarations of candidacy~~  
3 ~~during this three-day period shall appear on the approaching primary~~  
4 ~~ballot. ((The requirements of RCW 29A.20.131 do not apply to a minor~~  
5 ~~political party or independent candidate convention held under this~~  
6 ~~subsection.))~~

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

13 **Sec. 26.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
14 read as follows:

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

26 **Sec. 27.** RCW 29A.28.071 and 2004 c 271 s 120 are each amended to  
27 read as follows:

28 If a vacancy occurs in the office of precinct committee officer by  
29 reason of death, resignation, or disqualification of the incumbent, or  
30 because of failure to elect, the respective county chair of the county  
31 central committee shall fill the vacancy by appointment. However, in  
32 a legislative district having a majority of its precincts in a county  
33 with a population of one million or more, the appointment may be made  
34 only upon the recommendation of the legislative district chair. The  
35 person so appointed must have the same qualifications as candidates  
36 when filing for election to the office for that precinct. When a



1 vacancy in the office of precinct committee officer exists because of  
2 failure to elect at (~~a state primary~~) the general election, the  
3 vacancy may not be filled until after the organization meeting of the  
4 county central committee and the new county chair has been selected as  
5 provided by RCW 29A.80.030.

6 **Sec. 28.** RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No.  
7 960) are each amended to read as follows:

8 The voters' pamphlet must contain:

9 (1) Information about each measure for an advisory vote of the  
10 people and each ballot measure initiated by or referred to the voters  
11 for their approval or rejection as required by RCW 29A.32.070;

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

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

29 (4) In even-numbered years, a section explaining how voters may  
30 participate in the election campaign process; the address and telephone  
31 number of the public disclosure commission established under RCW  
32 42.17.350; and a summary of the disclosure requirements that apply when  
33 contributions are made to candidates and political committees;

34 (5) In even-numbered years the name, address, and telephone number  
35 of each current political party (~~with nominees listed in the pamphlet,~~  
36 ~~if filed with the secretary of state by the state committee of a major~~

1 ~~political party or the presiding officer of the convention of a minor~~  
2 ~~political party)), if the party has provided that information to the~~  
3 ~~secretary of state;~~

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

12 (7) An application form for an absentee ballot;

13 (8) A brief statement explaining the deletion and addition of  
14 language for proposed measures under RCW 29A.32.080;

15 (9) Any additional information pertaining to elections as may be  
16 required by law or in the judgment of the secretary of state is deemed  
17 informative to the voters.

18 **Sec. 29.** RCW 29A.32.032 and 2005 c 2 s 11 are each amended to read  
19 as follows:

20 For partisan offices, the voters' pamphlet must also contain the  
21 political party preference ((~~or independent status where a candidate~~  
22 ~~appearing on the ballot has expressed such a preference)), if any,~~  
23 indicated by each candidate on his or her declaration of candidacy.

24 **Sec. 30.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to  
25 read as follows:

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

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

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

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

3 **Sec. 31.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
4 read as follows:

5 The local voters' pamphlet shall include but not be limited to the  
6 following:

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

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

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

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

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

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

28 **Sec. 32.** RCW 29A.36.011 and 2004 c 271 s 124 are each amended to  
29 read as follows:

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

1 ((~~designation~~)) preference, if any. ((~~Minor political party and~~  
2 ~~independent candidates may appear only on the general election~~  
3 ~~ballot.~~))

4 **Sec. 33.** RCW 29A.36.071 and 2006 c 311 s 9 are each amended to  
5 read as follows:

6 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
7 or 82.80.090, the ballot title of any referendum filed on an enactment  
8 or portion of an enactment of a local government and any other question  
9 submitted to the voters of a local government consists of three  
10 elements: (a) An identification of the enacting legislative body and  
11 a statement of the subject matter; (b) a concise description of the  
12 measure; and (c) a question. The ballot title must conform with the  
13 requirements and be displayed substantially as provided under RCW  
14 29A.72.050, except that the concise description must not exceed  
15 seventy-five words; however, a concise description submitted on behalf  
16 of a proposed or existing regional transportation investment district  
17 may exceed seventy-five words. If the local governmental unit is a  
18 city or a town, the concise statement shall be prepared by the city or  
19 town 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. 34.** 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, or for a partisan or nonpartisan office for which no primary  
35 is required, ((~~or for independent or minor party candidates,~~)) the  
36 names of all candidates who, under this title, filed a declaration of

1 candidacy (~~or were certified as a candidate to fill a vacancy on a~~  
2 ~~major party ticket will~~)) shall 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 candidates.

5 **Sec. 35.** 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 election ballot  
36 shall be substantially the same as on a primary (~~consolidated~~) ballot  
37 except that state ballot issues must be placed before all offices. The

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

6 (3) The political party (~~(or independent candidacy)~~) preference, if  
7 any, of each candidate for partisan office shall be indicated next to  
8 the name of the candidate on the primary and election ballots. (~~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 If a candidate filed more than one declaration of candidacy for the  
22 same office with differing party preferences, the ballot must contain  
23 the preference on the last validly filed declaration.~~

24 **Sec. 36.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
25 read as follows:

26 After the close of business on the last day for candidates to file  
27 for office, the filing officer shall, from among those filings made in  
28 person and by mail, determine by lot the order in which the names of  
29 those candidates will appear on all primary(~~(, sample, and absentee))~~  
30 and sample ballots. The determination shall be done publicly and may  
31 be witnessed by the media and by any candidate. If no primary is  
32 required (~~(for any nonpartisan office under RCW 29A.52.011 or~~  
33 ~~29A.52.220, or if any independent or minor party candidate files a~~  
34 ~~declaration of candidacy)), the names shall appear on the general  
35 election ballot in the order determined by lot.~~

1           **Sec. 37.** RCW 29A.36.151 and 2004 c 271 s 131 are each amended to  
2 read as follows:

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

16           **Sec. 38.** RCW 29A.36.161 and 2004 c 271 s 132 are each amended to  
17 read as follows:

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

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

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

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

1 last presidential election, and independent candidates and the  
2 candidate or candidates of all other parties will follow in the order  
3 of their qualification with the secretary of state.

4 ~~((+5+))~~ (4) All paper ballots and ballot cards used at a polling  
5 place must be sequentially numbered in such a way to permit removal of  
6 such numbers without leaving any identifying marks on the ballot.

7 **Sec. 39.** RCW 29A.36.170 and 2005 c 2 s 6 are each reenacted and  
8 amended to read as follows:

9 (1) For any office for which a primary was held, only the names of  
10 the top two candidates ~~((will))~~ shall appear on the general election  
11 ballot; the name of the candidate who received the greatest number of  
12 votes ~~((will))~~ shall appear first and the candidate who received the  
13 next greatest number of votes ~~((will))~~ shall appear second. No  
14 candidate's name may be printed on the subsequent general election  
15 ballot unless he or she receives at least ~~((one))~~ two percent of the  
16 total votes cast for that office at the preceding primary, if a primary  
17 was conducted. On the ballot at the general election for an office for  
18 which no primary was held, the names of the candidates shall be listed  
19 in the order determined under RCW ~~((29A.36.130))~~ 29A.36.131.

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

26 **Sec. 40.** RCW 29A.36.201 and 2004 c 271 s 171 are each amended to  
27 read as follows:

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

32 No name of any candidate ~~((whose nomination at a primary is~~  
33 ~~required by law shall))~~ for an office for which a primary was conducted  
34 may be placed upon the ballot at a general or special election unless  
35 it appears upon the certificate of either ~~((+1+))~~ the secretary of



1 state(~~(7)~~) or (~~(+2)~~) the county canvassing board(~~(, or (3) a minor~~  
2 ~~party convention or the state or county central committee of a major~~  
3 ~~political party to fill a vacancy on its ticket under RCW 29A.28.021))).~~

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

9 **Sec. 41.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to  
10 read as follows:

11 The county auditor shall send each absentee voter a ballot, a  
12 security envelope in which to seal the ballot after voting, a larger  
13 envelope in which to return the security envelope, and instructions on  
14 how to mark the ballot and how to return it to the county auditor. The  
15 instructions that accompany an absentee ballot for a partisan primary  
16 must include instructions for voting the (~~(applicable)~~) ballot  
17 (~~(style)~~), as provided in chapter 29A.36 RCW. The absentee voter's  
18 name and address must be printed on the larger return envelope, which  
19 must also contain a declaration by the absentee voter reciting his or  
20 her qualifications and stating that he or she has not voted in any  
21 other jurisdiction at this election, together with a summary of the  
22 penalties for any violation of any of the provisions of this chapter.  
23 The declaration must clearly inform the voter that it is illegal to  
24 vote if he or she is not a United States citizen; it is illegal to vote  
25 if he or she has been convicted of a felony and has not had his or her  
26 voting rights restored; and, except as otherwise provided by law, it is  
27 illegal to cast a ballot or sign an absentee envelope on behalf of  
28 another voter. The return envelope must provide space for the voter to  
29 indicate the date on which the ballot was voted and for the voter to  
30 sign the oath. It must also contain a space so that the voter may  
31 include a telephone number. A summary of the applicable penalty  
32 provisions of this chapter must be printed on the return envelope  
33 immediately adjacent to the space for the voter's signature. The  
34 signature of the voter on the return envelope must affirm and attest to  
35 the statements regarding the qualifications of that voter and to the  
36 validity of the ballot. The return envelope must also have a secrecy  
37 flap that the voter may seal that will cover the voter's signature and

1 optional telephone number. For out-of-state voters, overseas voters,  
2 and service voters, the signed declaration on the return envelope  
3 constitutes the equivalent of a voter registration for the election or  
4 primary for which the ballot has been issued. The voter must be  
5 instructed to either return the ballot to the county auditor by whom it  
6 was issued or attach sufficient first-class postage, if applicable, and  
7 mail the ballot to the appropriate county auditor no later than the day  
8 of the election or primary for which the ballot was issued.

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

18 **Sec. 42.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
19 read as follows:

20 A voter desiring to vote shall give his or her name to the precinct  
21 election officer who has the precinct list of registered voters. This  
22 officer shall announce the name to the precinct election officer who  
23 has the copy of the inspector's poll book for that precinct. If the  
24 right of this voter to participate in the primary or election is not  
25 challenged, the voter must be issued a ballot or permitted to enter a  
26 voting booth or to operate a voting device. ~~((For a partisan primary  
27 in a jurisdiction using the physically separate ballot format, the  
28 voter must be issued a nonpartisan ballot and each party ballot.))~~ The  
29 number of the ballot or the voter must be recorded by the precinct  
30 election officers. If the right of the voter to participate is  
31 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

32 **Sec. 43.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to  
33 read as follows:

34 On signing the precinct list of registered voters or being issued  
35 a ballot, the voter shall, without leaving the polling place or  
36 disability access location, proceed to one of the voting booths or

1 voting devices to cast his or her vote. When county election  
2 procedures so provide, the election officers may tear off and retain  
3 the numbered stub from the ballot before delivering it to the voter.  
4 If an election officer has not already done so, when the voter has  
5 finished, he or she shall either (1) remove the numbered stub from the  
6 ballot, place the ballot in the ballot box, and return the number to  
7 the election officers, or (2) deliver the entire ballot to the election  
8 officers, who shall remove the numbered stub from the ballot and place  
9 the ballot in the ballot box. (~~For a partisan primary in a~~  
10 ~~jurisdiction using the physically separate ballot format, the voter~~  
11 ~~shall also return unvoted party ballots to the precinct election~~  
12 ~~officers, who shall void the unvoted party ballots and return them to~~  
13 ~~the county auditor.)) If poll-site ballot counting devices are used,  
14 the voter shall put the ballot in the device.~~

15 **Sec. 44.** RCW 29A.48.020 and 2004 c 266 s 15 are each amended to  
16 read as follows:

17 At any nonpartisan special election not being held in conjunction  
18 with a state primary or general election, the county, city, town, or  
19 district requesting the election pursuant to RCW (~~29A.04.320~~)  
20 29A.04.321 or 29A.04.330 may also request that the special election be  
21 conducted by mail ballot. The county auditor may honor the request or  
22 may determine that the election is not to be conducted by mail ballot.  
23 The decision of the county auditor in this regard is final.

24 For all special elections not being held in conjunction with a  
25 state primary or state general election where voting is conducted by  
26 mail ballot, the county auditor shall, not less than eighteen days  
27 before the date of such election, mail to each registered voter a mail  
28 ballot. The auditor shall handle inactive voters in the same manner as  
29 inactive voters in mail ballot precincts. The requirements regarding  
30 certification, reporting, and the mailing of overseas and military  
31 ballots in RCW (~~29.36.270~~) 29A.40.070 apply to mail ballot elections.

32 **Sec. 45.** RCW 29A.52.011 and 2006 c 344 s 14 are each amended to  
33 read as follows:

34 Whenever it shall be necessary to hold a special election in an  
35 odd-numbered year to fill an unexpired term of any office which is  
36 scheduled to be voted upon for a full term in an even-numbered year, no

1 primary election shall be held in the odd-numbered year if, after the  
2 last day allowed for candidates to withdraw, (~~either of the following~~  
3 ~~circumstances exist:~~

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

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

9 (~~In either event,~~) The officer with whom the declarations of  
10 candidacy were filed shall immediately notify all candidates concerned  
11 and the names of the candidates that would have been printed upon the  
12 primary ballot, but for the provisions of this section, shall be  
13 printed (~~as nominees for the positions sought~~) upon the November  
14 general election ballot.

15 **Sec. 46.** RCW 29A.52.112 and 2005 c 2 s 7 are each reenacted and  
16 amended to read as follows:

17 (1) A primary is a first stage in the public process by which  
18 voters elect candidates to public office. A primary may not be used to  
19 select nominees of any political party.

20 (2) Whenever candidates for a partisan office are to be elected,  
21 the general election must be preceded by a primary conducted under this  
22 chapter. Based upon votes cast at the primary, the top two candidates  
23 (~~will~~) shall be certified as qualified to appear on the general  
24 election ballot, unless only one candidate qualifies as provided in RCW  
25 29A.36.170.

26 (3) For partisan office, if a candidate has expressed a (~~party or~~  
27 ~~independent~~) preference for a political party on the declaration of  
28 candidacy, then that preference (~~will~~) shall be shown after the name  
29 of the candidate on the primary and general election ballots (~~by~~  
30 ~~appropriate abbreviation as set forth in rules of the secretary of~~  
31 ~~state~~). A candidate may choose to not express (~~no~~) a party (~~or~~  
32 ~~independent~~) preference. Any party (~~or independent~~) preferences are  
33 shown for the information of voters only and may in no way limit the  
34 options available to voters. Political party preference may not be  
35 used for any purpose relating to the conduct, canvassing, or  
36 certification of any primary or general election.

1           **Sec. 47.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to  
2 read as follows:

3           All city and town primaries shall be nonpartisan. Primaries for  
4 special purpose districts, except those districts that require  
5 ownership of property within the district as a prerequisite to voting,  
6 shall be nonpartisan. City, town, and district primaries shall be held  
7 as provided in RCW (~~(29A.04.310)~~) 29A.04.311.

8           The purpose of this section is to establish the holding of a  
9 primary, subject to the exemptions in RCW 29A.52.220, as a uniform  
10 procedural requirement to the holding of city, town, and district  
11 elections. These provisions supersede any and all other statutes,  
12 whether general or special in nature, having different election  
13 requirements.

14           **Sec. 48.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
15 read as follows:

16           The offices of superintendent of public instruction, justice of the  
17 supreme court, judge of the court of appeals, judge of the superior  
18 court, and judge of the district court shall be nonpartisan and the  
19 candidates therefor shall be (~~(nominated)~~) qualified and elected as  
20 such.

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

24           **Sec. 49.** RCW 29A.52.321 and 2004 c 271 s 146 are each amended to  
25 read as follows:

26           No later than the day following the certification of the returns of  
27 any primary, the secretary of state shall certify to the appropriate  
28 county auditors the names of all persons (~~(nominated for offices at a~~  
29 ~~primary, or at an independent candidate or minor party convention)~~)  
30 qualified to appear on the general election ballot as candidates for  
31 offices, the returns of which have been certified by the secretary of  
32 state.

33           **Sec. 50.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to  
34 read as follows:

35           Except as provided in RCW 29A.32.260, notice for any state, county,

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

20 **Sec. 51.** RCW 29A.56.040 and 2007 c 385 s 1 are each amended to  
21 read as follows:

22 (1) (~~((Except where necessary to accommodate the national or state  
23 rules of a major political party or where this chapter specifically  
24 provides otherwise, the presidential primary must be conducted in  
25 substantially the same manner as a state partisan primary under this  
26 title.~~

27 (2) ~~Except as provided under this chapter or by rule of the  
28 secretary of state adopted under RCW 29A.04.620, the arrangement and  
29 form of presidential primary ballots must be consistent with RCW  
30 29A.52.151.)~~ Only the candidates who have qualified under RCW  
31 29A.56.030 may appear on the ballots.

32 (~~((3))~~) (2) Each party's ballot or portion of the ballot must list  
33 alphabetically the names of all candidates for the office of president.  
34 The ballot must clearly indicate the political party of each candidate.  
35 (~~((Each ballot must include a blank space to allow the voter to write in  
36 the name of any other candidate.~~

1       ~~(4))~~ (3) A presidential primary ballot with votes for more than  
2 one candidate is void, and notice to this effect, stated in clear,  
3 simple language and printed in large type, must appear on the face of  
4 each presidential primary ballot or on or about each voting device.

5       **Sec. 52.** RCW 29A.60.021 and 2005 c 243 s 12 are each amended to  
6 read as follows:

7       (1) For any office at any election or primary, any voter may write  
8 in on the ballot the name of any person for an office who has filed as  
9 a write-in candidate for the office in the manner provided by RCW  
10 29A.24.311 and such vote shall be counted the same as if the name had  
11 been printed on the ballot and marked by the voter. No write-in vote  
12 made for any person (~~who has not filed a declaration of candidacy~~  
13 ~~pursuant to RCW 29A.24.311~~) is valid if that person filed for the same  
14 office, either as a regular candidate or a write-in candidate, at the  
15 preceding primary. Any abbreviation used to designate office or  
16 position (~~will~~) shall be accepted if the canvassing board can  
17 determine, to its satisfaction, the voter's intent.

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

20       (3) A write-in vote for an individual candidate for an office whose  
21 name appears on the ballot for that same office is a valid vote for  
22 that candidate as long as the candidate's name is clearly discernible,  
23 even if other requirements of RCW 29A.24.311 are not satisfied and even  
24 if the voter also marked a vote for that candidate such as to register  
25 an overvote. (~~These votes need not be tabulated unless: (a) The~~  
26 ~~difference between the number of votes cast for the candidate~~  
27 ~~apparently qualified to appear on the general election ballot or~~  
28 ~~elected and the candidate receiving the next highest number of votes is~~  
29 ~~less than the sum of the total number of write in votes cast for the~~  
30 ~~office plus the overvotes and undervotes recorded by the vote~~  
31 ~~tabulating system; or (b) a manual recount is conducted for that~~  
32 ~~office.~~)

33       (4) Write-in votes (~~cast for an individual candidate for an office~~  
34 ~~whose name does not appear on the ballot~~) need not be tallied unless  
35 the total number of write-in votes and (~~undervotes recorded by the~~  
36 ~~vote tabulation system~~) overvotes for the office is greater than the

1 number of votes cast for (~~the~~) any candidate apparently qualified to  
2 appear on the general election ballot or elected.

3 (5) In the case of write-in votes for a statewide office or any  
4 office whose jurisdiction encompasses more than one county, write-in  
5 votes for an individual candidate must be tallied when the county  
6 auditor is notified by either the secretary of state or another county  
7 auditor in the multicounty jurisdiction that it appears that the write-  
8 in votes must be tabulated under the terms of this section. In all  
9 other cases, the county auditor determines when write-in votes must be  
10 tabulated. Any abstract of votes must be modified to reflect the  
11 tabulation and certified by the canvassing board. Tabulation of write-  
12 in votes may be performed simultaneously with a recount.

13 **Sec. 53.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to  
14 read as follows:

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

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



1       **Sec. 54.** RCW 29A.64.011 and 2004 c 271 s 177 are each amended to  
2 read as follows:

3       An officer of a political party or any person for whom votes were  
4 cast in a primary who was not declared (~~nominated~~) qualified to  
5 appear on the general election ballot may file a written application  
6 for a recount of the votes or a portion of the votes cast at that  
7 primary for all persons for whom votes were cast for (~~nomination to~~)  
8 that office.

9       An officer of a political party or any person for whom votes were  
10 cast at any election may file a written application for a recount of  
11 the votes or a portion of the votes cast at that election for all  
12 candidates for election to that office.

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

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

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

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

30       This chapter applies to the recounting of votes cast by paper  
31 ballots and to the recounting of votes recorded on ballots counted by  
32 a vote tally system.

33       **Sec. 55.** RCW 29A.64.021 and 2005 c 243 s 19 are each amended to  
34 read as follows:

35       (1) If the official canvass of all of the returns for any office at  
36 any primary (~~or election~~) reveals that the difference in the number  
37 of votes cast for (~~a~~) any candidate apparently (~~nominated~~)

1 qualified or elected to any office and the number of votes cast for the  
2 closest apparently defeated opponent is less than two thousand votes  
3 and also less than one-half of one percent of the total number of votes  
4 cast for both candidates, the county canvassing board shall conduct a  
5 recount of all votes cast on that position.

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

13 (b)(i) For statewide elections, if the difference in the number of  
14 votes cast for the apparent winner and the closest apparently defeated  
15 opponent is less than one thousand votes and also less than one-fourth  
16 of one percent of the total number of votes cast for both candidates,  
17 the votes shall be recounted manually or as provided in subsection (3)  
18 of this section.

19 (ii) For elections not included in (b)(i) of this subsection, if  
20 the difference in the number of votes cast for the apparent winner and  
21 the closest apparently defeated opponent is less than one hundred fifty  
22 votes and also less than one-fourth of one percent of the total number  
23 of votes cast for both candidates, the votes shall be recounted  
24 manually or as provided in subsection (3) of this section.

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

28 (3) The apparent winner and closest apparently defeated opponent  
29 for an office for which a manual recount is required under subsection  
30 (1)(b) of this section may select an alternative method of conducting  
31 the recount. To select such an alternative, the two candidates shall  
32 agree to the alternative in a signed, written statement filed with the  
33 election official for the office. The recount shall be conducted using  
34 the alternative method if: It is suited to the balloting system that  
35 was used for casting the votes for the office; it involves the use of  
36 a vote tallying system that is approved for use in this state by the  
37 secretary of state; and the vote tallying system is readily available

1 in each county required to conduct the recount. If more than one  
2 balloting system was used in casting votes for the office, an  
3 alternative to a manual recount may be selected for each system.

4 **Sec. 56.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to  
5 read as follows:

6 (1) At the time and place established for a recount, the canvassing  
7 board or its duly authorized representatives, in the presence of all  
8 witnesses who may be in attendance, shall open the sealed containers  
9 containing the ballots to be recounted, and shall recount the votes for  
10 the offices or issues for which the recount has been ordered. Ballots  
11 shall be handled only by the members of the canvassing board or their  
12 duly authorized representatives.

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

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

21 (3) The recount may be observed by persons representing the  
22 candidates affected by the recount or the persons representing both  
23 sides of an issue that is being recounted. The observers may not make  
24 a record of the names, addresses, or other information on the ballots,  
25 poll books, or applications for absentee ballots unless authorized by  
26 the superior court. The secretary of state or county auditor may limit  
27 the number of observers to not less than two on each side if, in his or  
28 her opinion, a greater number would cause undue delay or disruption of  
29 the recount process.

30 **Sec. 57.** RCW 29A.64.061 and 2005 c 243 s 21 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. The secretary of state may require that the amended  
10 abstracts be certified by each canvassing board on a uniform date. An  
11 amended abstract certified under this section supersedes any prior  
12 abstract of the results for the same offices or issues at the same  
13 primary or election.

14        **Sec. 58.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to  
15 read as follows:

16        The canvassing board shall determine the expenses for conducting a  
17 recount of votes.

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

25        **Sec. 59.** RCW 29A.68.011 and 2007 c 374 s 3 are each amended to  
26 read as follows:

27        Any justice of the supreme court, judge of the court of appeals, or  
28 judge of the superior court in the proper county shall, by order,  
29 require any person charged with error, wrongful act, or neglect to  
30 forthwith correct the error, desist from the wrongful act, or perform  
31 the duty and to do as the court orders or to show cause forthwith why  
32 the error should not be corrected, the wrongful act desisted from, or  
33 the duty or order not performed, whenever it is made to appear to such  
34 justice or judge by affidavit of an elector that:

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

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

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

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

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

12 (6) An error or omission has occurred or is about to occur in the  
13 official certification of the election.

14 An affidavit of an elector under subsections (1) and (3) of this  
15 section when relating to a primary election must be filed with the  
16 appropriate court no later than the second Friday following the closing  
17 of the filing period (~~for nominations~~) for such office and shall be  
18 heard and finally disposed of by the court not later than five days  
19 after the filing thereof. An affidavit of an elector under subsections  
20 (1) and (3) of this section when relating to a general election must be  
21 filed with the appropriate court no later than three days following the  
22 official certification of the primary election returns and shall be  
23 heard and finally disposed of by the court not later than five days  
24 after the filing thereof. An affidavit of an elector under subsection  
25 (6) of this section shall be filed with the appropriate court no later  
26 than ten days following the official certification of the election as  
27 provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case  
28 of a recount, ten days after the official certification of the amended  
29 abstract as provided in RCW 29A.64.061.

30 **Sec. 60.** RCW 29A.80.020 and 2003 c 111 s 2002 are each amended to  
31 read as follows:

32 The state committee of each major political party consists of one  
33 committeeman and one committeewoman from each county elected by the  
34 county central committee at its organization meeting. It must have a  
35 chair and vice-chair of opposite sexes. This committee shall meet  
36 during January of each odd-numbered year for the purpose of  
37 organization at a time and place designated by a notice mailed at least

1 one week before the date of the meeting to all the newly elected state  
2 committeemen and committeewomen by the authorized officers of the  
3 retiring committee. At its organizational meeting it shall elect its  
4 chair and vice-chair, and such officers as its bylaws may provide, and  
5 adopt bylaws, rules, and regulations. It may:

6 (1) Call conventions at such time and place and under such  
7 circumstances and for such purposes as the call to convention  
8 designates. The manner, number, and procedure for selection of state  
9 convention delegates is subject to the committee's rules and  
10 regulations duly adopted;

11 (2) Provide for the election of delegates to national conventions;

12 (3) ~~((Fill vacancies on the ticket for any federal or state office  
13 to be voted on by the electors of more than one county;~~

14 ~~(4))~~ Provide for the nomination of presidential electors; and

15 ~~((5))~~ (4) Perform all functions inherent in such an organization.

16 Notwithstanding any provision of this chapter, the committee may  
17 not adopt rules governing the conduct of the actual proceedings at a  
18 party state convention.

19 **Sec. 61.** RCW 29A.80.041 and 2004 c 271 s 148 are each amended to  
20 read as follows:

21 Any member of a major political party who is a registered voter in  
22 the precinct may upon payment of a fee of one dollar file his or her  
23 declaration of candidacy as prescribed under RCW 29A.24.031 with the  
24 county auditor for the office of precinct committee officer of his or  
25 her party in that precinct. When elected at the ~~((primary))~~ general  
26 election in an even-numbered year, the precinct committee officer shall  
27 serve so long as the committee officer remains an eligible voter in  
28 that precinct.

29 **Sec. 62.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to  
30 read as follows:

31 The statutory requirements for filing as a candidate at the  
32 primaries apply to candidates for precinct committee officer. The  
33 office must be voted upon at the ~~((primaries))~~ general election, and  
34 the names of all candidates must appear under the proper party and  
35 office designations on the ballot for the ~~((primary))~~ general election  
36 for each even-numbered year, and the one receiving the highest number

1 of votes (~~(will)~~) shall be declared elected. However, to be declared  
2 elected, a candidate must receive at least (~~(ten percent of the number~~  
3 ~~of votes cast for the candidate of the candidate's party receiving the~~  
4 ~~greatest number of votes in the precinct)~~) twenty votes, unless there  
5 are less than fifty registered voters in the precinct. The term of  
6 office of precinct committee officer is two years, commencing the first  
7 day of December following the (~~(primary)~~) general election.

8 **Sec. 63.** RCW 29A.84.261 and 2004 c 271 s 184 are each amended to  
9 read as follows:

10 The following apply to persons signing filing fee or nominating  
11 petitions prescribed by RCW 29A.20.151 and 29A.24.101:

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

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

18 **Sec. 64.** RCW 29A.84.311 and 2004 c 271 s 185 are each amended to  
19 read as follows:

20 Every person who:

21 (1) Knowingly provides false information on his or her declaration  
22 of candidacy (~~(or)~~) petition of nomination, or filing fee petition; or

23 (2) Conceals or fraudulently defaces or destroys a certificate that  
24 has been filed with an elections officer under chapter 29A.20 RCW or a  
25 declaration of candidacy (~~(or)~~) petition of nomination, or filing fee  
26 petition that has been filed with an elections officer, or any part of  
27 such a certificate, declaration, or petition, is guilty of a class C  
28 felony punishable under RCW 9A.20.021.

29 **Sec. 65.** RCW 29A.84.711 and 2004 c 271 s 186 are each amended to  
30 read as follows:

31 Every person who:

32 (1) Knowingly and falsely issues a certificate of (~~(nomination)~~)  
33 qualification or election; or

34 (2) Knowingly provides false information on a certificate which

1 must be filed with an elections officer under chapter 29A.20 RCW, is  
2 guilty of a class C felony punishable under RCW 9A.20.021.

3 **Sec. 66.** RCW 42.12.040 and 2005 c 2 s 15 are each reenacted and  
4 amended to read as follows:

5 (1) If a vacancy occurs in any partisan elective office in the  
6 executive or legislative branches of state government or in any  
7 partisan county elective office before the (~~sixth~~) tenth Tuesday  
8 prior to the (~~next~~) general election (~~following the occurrence of~~  
9 ~~the vacancy~~), a successor shall be elected to that office at that  
10 general election. Except during the last year of the term of office,  
11 if such a vacancy occurs on or after the (~~sixth~~) tenth Tuesday prior  
12 to the general election, the election of the successor shall occur at  
13 the next succeeding general election. The elected successor shall hold  
14 office for the remainder of the unexpired term. This section shall not  
15 apply to any vacancy occurring in a charter county that has charter  
16 provisions inconsistent with this section.

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

23 **Sec. 67.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to read  
24 as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Actual malice" means to act with knowledge of falsity or with  
28 reckless disregard as to truth or falsity.

29 (2) "Agency" includes all state agencies and all local agencies.  
30 "State agency" includes every state office, department, division,  
31 bureau, board, commission, or other state agency. "Local agency"  
32 includes every county, city, town, municipal corporation, quasi-  
33 municipal corporation, or special purpose district, or any office,  
34 department, division, bureau, board, commission, or agency thereof, or  
35 other local public agency.



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

5 (4) "Ballot proposition" means any "measure" as defined by RCW  
6 29A.04.091, or any initiative, recall, or referendum proposition  
7 proposed to be submitted to the voters of the state or any municipal  
8 corporation, political subdivision, or other voting constituency from  
9 and after the time when the proposition has been initially filed with  
10 the appropriate election officer of that constituency prior to its  
11 circulation for signatures.

12 (5) "Benefit" means a commercial, proprietary, financial, economic,  
13 or monetary advantage, or the avoidance of a commercial, proprietary,  
14 financial, economic, or monetary disadvantage.

15 (6) "Bona fide political party" means:

16 (a) (~~(An organization that has filed a valid certificate of~~  
17 ~~nomination with the secretary of state under chapter 29A.20 RCW)) A  
18 minor political party, as defined in RCW 29A.04.097;~~

19 (b) The governing body of the state organization of a major  
20 political party, as defined in RCW 29A.04.086, that is the body  
21 authorized by the charter or bylaws of the party to exercise authority  
22 on behalf of the state party; or

23 (c) The county central committee or legislative district committee  
24 of a major political party as defined in RCW 29A.04.086. There may be  
25 only one legislative district committee for each party in each  
26 legislative district.

27 (7) "Depository" means a bank designated by a candidate or  
28 political committee pursuant to RCW 42.17.050.

29 (8) "Treasurer" and "deputy treasurer" mean the individuals  
30 appointed by a candidate or political committee, pursuant to RCW  
31 42.17.050, to perform the duties specified in that section.

32 (9) "Candidate" means any individual who seeks (~~(nomination)~~)  
33 qualification for election or election to public office. An individual  
34 seeks (~~(nomination)~~) qualification or election when he or she first:

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

37 (b) Announces publicly or files for office;

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

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

5 (10) "Caucus political committee" means a political committee  
6 organized and maintained by the members of a major political party in  
7 the state senate or state house of representatives.

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

14 (12) "Commission" means the agency established under RCW 42.17.350.

15 (13) "Compensation" unless the context requires a narrower meaning,  
16 includes payment in any form for real or personal property or services  
17 of any kind: PROVIDED, That for the purpose of compliance with RCW  
18 42.17.241, the term "compensation" shall not include per diem  
19 allowances or other payments made by a governmental entity to reimburse  
20 a public official for expenses incurred while the official is engaged  
21 in the official business of the governmental entity.

22 (14) "Continuing political committee" means a political committee  
23 that is an organization of continuing existence not established in  
24 anticipation of any particular election campaign.

25 (15)(a) "Contribution" includes:

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

30 (ii) An expenditure made by a person in cooperation, consultation,  
31 or concert with, or at the request or suggestion of, a candidate, a  
32 political committee, the person or persons named on the candidate's or  
33 committee's registration form who direct expenditures on behalf of the  
34 candidate or committee, or their agents;

35 (iii) The financing by a person of the dissemination, distribution,  
36 or republication, in whole or in part, of broadcast, written, graphic,  
37 or other form of political advertising or electioneering communication

1 prepared by a candidate, a political committee, or its authorized  
2 agent;

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

6 (b) "Contribution" does not include:

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

9 (ii) Ordinary home hospitality;

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

13 (iv) A news item, feature, commentary, or editorial in a regularly  
14 scheduled news medium that is of primary interest to the general  
15 public, that is in a news medium controlled by a person whose business  
16 is that news medium, and that is not controlled by a candidate or a  
17 political committee;

18 (v) An internal political communication primarily limited to the  
19 members of or contributors to a political party organization or  
20 political committee, or to the officers, management staff, or  
21 stockholders of a corporation or similar enterprise, or to the members  
22 of a labor organization or other membership organization;

23 (vi) The rendering of personal services of the sort commonly  
24 performed by volunteer campaign workers, or incidental expenses  
25 personally incurred by volunteer campaign workers not in excess of  
26 fifty dollars personally paid for by the worker. "Volunteer services,"  
27 for the purposes of this section, means services or labor for which the  
28 individual is not compensated by any person;

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

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

36 (A) A political party or caucus political committee if the person  
37 paying for the services is the regular employer of the person rendering  
38 such services; or

1 (B) A candidate or an authorized committee if the person paying for  
2 the services is the regular employer of the individual rendering the  
3 services and if the services are solely for the purpose of ensuring  
4 compliance with state election or public disclosure laws; or

5 (ix) The performance of ministerial functions by a person on behalf  
6 of two or more candidates or political committees either as volunteer  
7 services defined in (b)(vi) of this subsection or for payment by the  
8 candidate or political committee for whom the services are performed as  
9 long as:

10 (A) The person performs solely ministerial functions;

11 (B) A person who is paid by two or more candidates or political  
12 committees is identified by the candidates and political committees on  
13 whose behalf services are performed as part of their respective  
14 statements of organization under RCW 42.17.040; and

15 (C) The person does not disclose, except as required by law, any  
16 information regarding a candidate's or committee's plans, projects,  
17 activities, or needs, or regarding a candidate's or committee's  
18 contributions or expenditures that is not already publicly available  
19 from campaign reports filed with the commission, or otherwise engage in  
20 activity that constitutes a contribution under (a)(ii) of this  
21 subsection.

22 A person who performs ministerial functions under this subsection  
23 (15)(b)(ix) is not considered an agent of the candidate or committee as  
24 long as he or she has no authority to authorize expenditures or make  
25 decisions on behalf of the candidate or committee.

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 (16) "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 (17) "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 (18) "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 (19) "Election cycle" means the period beginning on the first day  
9 of January after the date of the last previous general election for the  
10 office that the candidate seeks and ending on December 31st after the  
11 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 December 31st  
14 after the special election.

15 (20) "Electioneering communication" means any broadcast, cable, or  
16 satellite television or radio transmission, United States postal  
17 service mailing, billboard, newspaper, or periodical that:

18 (a) Clearly identifies a candidate for a state, local, or judicial  
19 office either by specifically naming the candidate, or identifying the  
20 candidate without using the candidate's name;

21 (b) Is broadcast, transmitted, mailed, erected, distributed, or  
22 otherwise published within sixty days before any election for that  
23 office in the jurisdiction in which the candidate is seeking election;  
24 and

25 (c) Either alone, or in combination with one or more communications  
26 identifying the candidate by the same sponsor during the sixty days  
27 before an election, has a fair market value of five thousand dollars or  
28 more.

29 (21) "Electioneering communication" does not include:

30 (a) Usual and customary advertising of a business owned by a  
31 candidate, even if the candidate is mentioned in the advertising when  
32 the candidate has been regularly mentioned in that advertising  
33 appearing at least twelve months preceding his or her becoming a  
34 candidate;

35 (b) Advertising for candidate debates or forums when the  
36 advertising is paid for by or on behalf of the debate or forum sponsor,  
37 so long as two or more candidates for the same position have been  
38 invited to participate in the debate or forum;

1 (c) A news item, feature, commentary, or editorial in a regularly  
2 scheduled news medium that is:

3 (i) Of primary interest to the general public;

4 (ii) In a news medium controlled by a person whose business is that  
5 news medium; and

6 (iii) Not a medium controlled by a candidate or a political  
7 committee;

8 (d) Slate cards and sample ballots;

9 (e) Advertising for books, films, dissertations, or similar works  
10 (i) written by a candidate when the candidate entered into a contract  
11 for such publications or media at least twelve months before becoming  
12 a candidate, or (ii) written about a candidate;

13 (f) Public service announcements;

14 (g) A mailed internal political communication primarily limited to  
15 the members of or contributors to a political party organization or  
16 political committee, or to the officers, management staff, or  
17 stockholders of a corporation or similar enterprise, or to the members  
18 of a labor organization or other membership organization;

19 (h) An expenditure by or contribution to the authorized committee  
20 of a candidate for state, local, or judicial office; or

21 (i) Any other communication exempted by the commission through rule  
22 consistent with the intent of this chapter.

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

37 (23) "Final report" means the report described as a final report in  
38 RCW 42.17.080(2).

1 (24) "General election" for the purposes of RCW 42.17.640 means the  
2 election that results in the election of a person to a state office.  
3 It does not include a primary.

4 (25) "Gift," is as defined in RCW 42.52.010.

5 (26) "Immediate family" includes the spouse or domestic partner,  
6 dependent children, and other dependent relatives, if living in the  
7 household. For the purposes of RCW 42.17.640 through 42.17.790,  
8 "immediate family" means an individual's spouse or domestic partner,  
9 and child, stepchild, grandchild, parent, stepparent, grandparent,  
10 brother, half brother, sister, or half sister of the individual and the  
11 spouse or the domestic partner of any such person and a child,  
12 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
13 brother, sister, or half sister of the individual's spouse or domestic  
14 partner and the spouse or the domestic partner of any such person.

15 (27) "Incumbent" means a person who is in present possession of an  
16 elected office.

17 (28) "Independent expenditure" means an expenditure that has each  
18 of the following elements:

19 (a) It is made in support of or in opposition to a candidate for  
20 office by a person who is not (i) a candidate for that office, (ii) an  
21 authorized committee of that candidate for that office, (iii) a person  
22 who has received the candidate's encouragement or approval to make the  
23 expenditure, if the expenditure pays in whole or in part for political  
24 advertising supporting that candidate or promoting the defeat of any  
25 other candidate or candidates for that office, or (iv) a person with  
26 whom the candidate has collaborated for the purpose of making the  
27 expenditure, if the expenditure pays in whole or in part for political  
28 advertising supporting that candidate or promoting the defeat of any  
29 other candidate or candidates for that office;

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

34 (c) The expenditure, alone or in conjunction with another  
35 expenditure or other expenditures of the same person in support of or  
36 opposition to that candidate, has a value of five hundred dollars or  
37 more. A series of expenditures, each of which is under five hundred

1 dollars, constitutes one independent expenditure if their cumulative  
2 value is five hundred dollars or more.

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

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

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

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

15 (30) "Legislation" means bills, resolutions, motions, amendments,  
16 nominations, and other matters pending or proposed in either house of  
17 the state legislature, and includes any other matter that may be the  
18 subject of action by either house or any committee of the legislature  
19 and all bills and resolutions that, having passed both houses, are  
20 pending approval by the governor.

21 (31) "Lobby" and "lobbying" each mean attempting to influence the  
22 passage or defeat of any legislation by the legislature of the state of  
23 Washington, or the adoption or rejection of any rule, standard, rate,  
24 or other legislative enactment of any state agency under the state  
25 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
26 "lobbying" includes an association's or other organization's act of  
27 communicating with the members of that association or organization.

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

30 (33) "Lobbyist's employer" means the person or persons by whom a  
31 lobbyist is employed and all persons by whom he or she is compensated  
32 for acting as a lobbyist.

33 (34) "Ministerial functions" means an act or duty carried out as  
34 part of the duties of an administrative office without exercise of  
35 personal judgment or discretion.

36 (35) "Participate" means that, with respect to a particular  
37 election, an entity:

38 (a) Makes either a monetary or in-kind contribution to a candidate;



1 (b) Makes an independent expenditure or electioneering  
2 communication in support of or opposition to a candidate;

3 (c) Endorses a candidate prior to contributions being made by a  
4 subsidiary corporation or local unit with respect to that candidate or  
5 that candidate's opponent;

6 (d) Makes a recommendation regarding whether a candidate should be  
7 supported or opposed prior to a contribution being made by a subsidiary  
8 corporation or local unit with respect to that candidate or that  
9 candidate's opponent; or

10 (e) Directly or indirectly collaborates or consults with a  
11 subsidiary corporation or local unit on matters relating to the support  
12 of or opposition to a candidate, including, but not limited to, the  
13 amount of a contribution, when a contribution should be given, and what  
14 assistance, services or independent expenditures, or electioneering  
15 communications, if any, will be made or should be made in support of or  
16 opposition to a candidate.

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

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

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

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

37 (40) "Primary" for the purposes of RCW 42.17.640 means the  
38 procedure for (~~nominating~~) qualifying a state office candidate (~~to~~

1 ~~state office))~~ for the general election under chapter 29A.52 RCW (~~or~~  
2 ~~any other primary for an election that uses, in large measure, the~~  
3 ~~procedures established in chapter 29A.52 RCW~~)).

4 (41) "Public office" means any federal, state, judicial, county,  
5 city, town, school district, port district, special district, or other  
6 state political subdivision elective office.

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

19 (43) "Recall campaign" means the period of time beginning on the  
20 date of the filing of recall charges under RCW 29A.56.120 and ending  
21 thirty days after the recall election.

22 (44) "Sponsor of an electioneering communications, independent  
23 expenditures, or political advertising" means the person paying for the  
24 electioneering communication, independent expenditure, or political  
25 advertising. If a person acts as an agent for another or is reimbursed  
26 by another for the payment, the original source of the payment is the  
27 sponsor.

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

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

35 (47) "State official" means a person who holds a state office.

36 (48) "Surplus funds" mean, in the case of a political committee or  
37 candidate, the balance of contributions that remain in the possession  
38 or control of that committee or candidate subsequent to the election

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

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

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

19 **Sec. 68.** RCW 42.17.040 and 2007 c 358 s 2 are each amended to read  
20 as follows:

21 (1) Every political committee, within two weeks after its  
22 organization or, within two weeks after the date when it first has the  
23 expectation of receiving contributions or making expenditures in any  
24 election campaign, whichever is earlier, shall file a statement of  
25 organization with the commission and with the county auditor or  
26 elections officer of the county in which the candidate resides, or in  
27 the case of any other political committee, the county in which the  
28 treasurer resides. A political committee organized within the last  
29 three weeks before an election and having the expectation of receiving  
30 contributions or making expenditures during and for that election  
31 campaign shall file a statement of organization within three business  
32 days after its organization or when it first has the expectation of  
33 receiving contributions or making expenditures in the election  
34 campaign.

35 (2) The statement of organization shall include but not be limited  
36 to:

37 (a) The name and address of the committee;

1 (b) The names and addresses of all related or affiliated committees  
2 or other persons, and the nature of the relationship or affiliation;

3 (c) The names, addresses, and titles of its officers; or if it has  
4 no officers, the names, addresses, and titles of its responsible  
5 leaders;

6 (d) The name and address of its treasurer and depository;

7 (e) A statement whether the committee is a continuing one;

8 (f) The name, office sought, and party affiliation of each  
9 candidate whom the committee is supporting or opposing(~~(, and, if the~~  
10 ~~committee is supporting the entire ticket of any party, the name of the~~  
11 ~~party))~~);

12 (g) The ballot proposition concerned, if any, and whether the  
13 committee is in favor of or opposed to such proposition;

14 (h) What distribution of surplus funds will be made, in accordance  
15 with RCW 42.17.095, in the event of dissolution;

16 (i) The street address of the place and the hours during which the  
17 committee will make available for public inspection its books of  
18 account and all reports filed in accordance with RCW 42.17.080;

19 (j) Such other information as the commission may by regulation  
20 prescribe, in keeping with the policies and purposes of this chapter;

21 (k) The name, address, and title of any person who authorizes  
22 expenditures or makes decisions on behalf of the candidate or  
23 committee; and

24 (l) The name, address, and title of any person who is paid by or is  
25 a volunteer for a candidate or political committee to perform  
26 ministerial functions and who performs ministerial functions on behalf  
27 of two or more candidates or committees.

28 (3) Any material change in information previously submitted in a  
29 statement of organization shall be reported to the commission and to  
30 the appropriate county elections officer within the ten days following  
31 the change.

32 **Sec. 69.** RCW 42.17.093 and 2006 c 348 s 6 are each amended to read  
33 as follows:

34 (1) An out-of-state political committee organized for the purpose  
35 of supporting or opposing candidates or ballot propositions in another  
36 state that is not otherwise required to report under RCW 42.17.040  
37 through 42.17.090 shall report as required in this section when it

1 makes an expenditure supporting or opposing a Washington state  
2 candidate or political committee. The committee shall file with the  
3 commission a statement disclosing:

4 (a) Its name and address;

5 (b) The purposes of the out-of-state committee;

6 (c) The names, addresses, and titles of its officers or, if it has  
7 no officers, the names, addresses, and the titles of its responsible  
8 leaders;

9 (d) The name, office sought, and party (~~(affiliation)~~) preference,  
10 if any, of each candidate in the state of Washington whom the out-of-  
11 state committee is supporting or opposing (~~(and, if such committee is~~  
12 ~~supporting or opposing the entire ticket of any party, the name of the~~  
13 ~~party))~~);

14 (e) The ballot proposition supported or opposed in the state of  
15 Washington, if any, and whether such committee is in favor of or  
16 opposed to such proposition;

17 (f) The name and address of each person residing in the state of  
18 Washington or corporation which has a place of business in the state of  
19 Washington who has made one or more contributions in the aggregate of  
20 more than twenty-five dollars to the out-of-state committee during the  
21 current calendar year, together with the money value and date of such  
22 contributions;

23 (g) The name, address, and employer of each person or corporation  
24 residing outside the state of Washington who has made one or more  
25 contributions in the aggregate of more than two thousand five hundred  
26 dollars to the out-of-state committee during the current calendar year,  
27 together with the money value and date of such contributions.  
28 Annually, the commission must modify the two thousand five hundred  
29 dollar limit in this subsection based on percentage change in the  
30 implicit price deflator for personal consumption expenditures for the  
31 United States as published for the most recent twelve-month period by  
32 the bureau of economic analysis of the federal department of commerce;

33 (h) The name and address of each person in the state of Washington  
34 to whom an expenditure was made by the out-of-state committee with  
35 respect to a candidate or political committee in the aggregate amount  
36 of more than fifty dollars, the amount, date, and purpose of such  
37 expenditure, and the total sum of such expenditures; and

1 (i) Such other information as the commission may prescribe by rule  
2 in keeping with the policies and purposes of this chapter.

3 (2) Each statement shall be filed no later than the tenth day of  
4 the month following any month in which a contribution or other  
5 expenditure reportable under subsection (1) of this section is made.  
6 An out-of-state committee incurring an obligation to file additional  
7 statements in a calendar year may satisfy the obligation by timely  
8 filing reports that supplement previously filed information.

9 **Sec. 70.** RCW 42.17.510 and 2005 c 445 s 9 are each amended to read  
10 as follows:

11 (1) All written political advertising, whether relating to  
12 candidates or ballot propositions, shall include the sponsor's name and  
13 address. All radio and television political advertising, whether  
14 relating to candidates or ballot propositions, shall include the  
15 sponsor's name. The use of an assumed name for the sponsor of  
16 electioneering communications, independent expenditures, or political  
17 advertising (~~((shall be))~~) is unlawful. For partisan office, if a  
18 candidate has expressed a party (~~((or independent))~~) preference on the  
19 declaration of candidacy, that (~~((party or independent designation))~~)  
20 shall be clearly (~~((identified))~~) stated in electioneering  
21 communications, independent expenditures, or political advertising.

22 (2) In addition to the materials required by subsection (1) of this  
23 section, except as specifically addressed in subsections (4) and (5) of  
24 this section, all political advertising undertaken as an independent  
25 expenditure by a person or entity other than a party organization, and  
26 all electioneering communications, must include the following statement  
27 as part of the communication "NOTICE TO VOTERS (Required by law): This  
28 advertisement is not authorized or approved by any candidate. It is  
29 paid for by (name, address, city, state)." If the advertisement  
30 undertaken as an independent expenditure or electioneering  
31 communication is undertaken by a nonindividual other than a party  
32 organization, then the following notation must also be included: "Top  
33 Five Contributors," followed by a listing of the names of the five  
34 persons or entities making the largest contributions in excess of seven  
35 hundred dollars reportable under this chapter during the twelve-month  
36 period before the date of the advertisement or communication.

1 (3) The statements and listings of contributors required by  
2 subsections (1) and (2) of this section shall:

3 (a) Appear on the first page or fold of the written advertisement  
4 or communication in at least ten-point type, or in type at least ten  
5 percent of the largest size type used in a written advertisement or  
6 communication directed at more than one voter, such as a billboard or  
7 poster, whichever is larger;

8 (b) Not be subject to the half-tone or screening process; and

9 (c) Be set apart from any other printed matter.

10 (4) In an independent expenditure or electioneering communication  
11 transmitted via television or other medium that includes a visual  
12 image, the following statement must either be clearly spoken, or appear  
13 in print and be visible for at least four seconds, appear in letters  
14 greater than four percent of the visual screen height, and have a  
15 reasonable color contrast with the background: "No candidate  
16 authorized this ad. Paid for by (name, city, state)." If the  
17 advertisement or communication is undertaken by a nonindividual other  
18 than a party organization, then the following notation must also be  
19 included: "Top Five Contributors" followed by a listing of the names  
20 of the five persons or entities making the largest contributions in  
21 excess of seven hundred dollars reportable under this chapter during  
22 the twelve-month period before the date of the advertisement.  
23 Abbreviations may be used to describe contributing entities if the full  
24 name of the entity has been clearly spoken previously during the  
25 broadcast advertisement.

26 (5) The following statement shall be clearly spoken in an  
27 independent expenditure or electioneering communication transmitted by  
28 a method that does not include a visual image: "No candidate  
29 authorized this ad. Paid for by (name, city, state)." If the  
30 independent expenditure or electioneering communication is undertaken  
31 by a nonindividual other than a party organization, then the following  
32 statement must also be included: "Top Five Contributors" followed by  
33 a listing of the names of the five persons or entities making the  
34 largest contributions in excess of seven hundred dollars reportable  
35 under this chapter during the twelve-month period before the date of  
36 the advertisement. Abbreviations may be used to describe contributing  
37 entities if the full name of the entity has been clearly spoken  
38 previously during the broadcast advertisement.

1 (6) Political yard signs are exempt from the requirement of  
2 subsections (1) and (2) of this section that the name and address of  
3 the sponsor of political advertising be listed on the advertising. In  
4 addition, the public disclosure commission shall, by rule, exempt from  
5 the identification requirements of subsections (1) and (2) of this  
6 section forms of political advertising such as campaign buttons,  
7 balloons, pens, pencils, sky-writing, inscriptions, and other forms of  
8 advertising where identification is impractical.

9 (7) For the purposes of this section, "yard sign" means any outdoor  
10 sign with dimensions no greater than eight feet by four feet.

11 NEW SECTION. **Sec. 71.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 29A.04.310 (Primaries) and 2005 c 2 s 8, 2003 c 111 s 143,  
14 1977 ex.s. c 361 s 29, 1965 ex.s. c 103 s 6, & 1965 c 9 s 29.13.070;

15 (2) RCW 29A.20.201 (Declarations of candidacy required,  
16 exceptions--Payment of fees) and 2004 c 271 s 113;

17 (3) RCW 29A.24.030 (Declaration of candidacy) and 2005 c 2 s 9,  
18 2003 c 111 s 603, 2002 c 140 s 1, & 1990 c 59 s 82;

19 (4) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
20 filing period) and 2005 c 2 s 10 & 2003 c 111 s 621;

21 (5) RCW 29A.24.211 (Vacancy in partisan elective office--Special  
22 filing period) and 2006 c 344 s 10 & 2004 c 271 s 116;

23 (6) RCW 29A.28.011 (Major party ticket) and 2004 c 271 s 191;

24 (7) RCW 29A.28.021 (Death or disqualification--Correcting ballots--  
25 Counting votes already cast) and 2006 c 344 s 11 & 2004 c 271 s 192;

26 (8) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s  
27 122;

28 (9) RCW 29A.36.010 (Certifying primary candidates) and 2005 c 2 s  
29 12 & 2003 c 111 s 901;

30 (10) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2007 c  
31 38 s 2 & 2004 c 271 s 126;

32 (11) RCW 29A.36.106 (Partisan primary ballots--Required statements)  
33 and 2007 c 38 s 3 & 2004 c 271 s 127;

34 (12) RCW 29A.36.171 (Nonpartisan candidates qualified for general  
35 election) and 2004 c 271 s 170;

36 (13) RCW 29A.36.191 (Partisan candidates qualified for general  
37 election) and 2004 c 271 s 133;



- 1 (14) RCW 29A.52.106 (Intent) and 2004 c 271 s 140;  
2 (15) RCW 29A.52.111 (Application of chapter--Exceptions) and 2004  
3 c 271 s 173;  
4 (16) RCW 29A.52.116 (Application of chapter--Exceptions) and 2004  
5 c 271 s 139;  
6 (17) RCW 29A.52.141 (Instructions) and 2004 c 271 s 141;  
7 (18) RCW 29A.52.151 (Ballot format--Procedures) and 2007 c 38 s 4  
8 & 2004 c 271 s 142; and  
9 (19) RCW 29A.80.011 (Authority--Generally) and 2004 c 271 s 183.

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