
SUBSTITUTE HOUSE BILL 1860

State of Washington 62nd Legislature 2011 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representative Hurst)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to partisan elections; amending RCW 29A.04.216,
2 29A.20.021, 29A.24.031, 29A.24.091, 29A.24.131, 29A.28.071, 29A.36.151,
3 29A.56.020, 29A.56.060, 29A.80.041, and 29A.80.051; reenacting and
4 amending RCW 29A.40.061; adding a new section to chapter 29A.80 RCW;
5 creating a new section; and recodifying RCW 29A.28.071.

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

7 NEW SECTION. **Sec. 1.** The United States district court, western
8 district of Washington, ruled that Washington's method of electing
9 political party precinct committee officers is unconstitutional based
10 on the associational rights of political parties. Washington has
11 included the election of precinct committee officers on the primary
12 ballot that allows voters to select those precinct committee officers
13 regardless of the party affiliation of the voter. The court concluded
14 that this method of electing precinct committee officers is
15 unconstitutional because it allows nonparty members to vote for
16 officers of the political parties. Therefore, it is the intent of the
17 legislature to remedy the unconstitutional method of selecting precinct
18 committee officers by moving the election of those officers to the

1 presidential primary, a partisan election where voters choose to
2 affiliate with the party of their choice.

3 **Sec. 2.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to
4 read as follows:

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

24 **Sec. 3.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to
25 read as follows:

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

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

33 (3) The name of a candidate for an office shall not appear on a
34 ballot for that office unless, except as provided in RCW (~~3.46.067~~
35 ~~and~~) 3.50.057, the candidate is, at the time the candidate's
36 declaration of candidacy is filed, properly registered to vote in the

1 geographic area represented by the office. For the purposes of this
2 section, each geographic area in which registered voters may cast
3 ballots for an office is represented by that office. If a person
4 elected to an office must be nominated from a district or similar
5 division of the geographic area represented by the office, the name of
6 a candidate for the office shall not appear on a primary ballot for
7 that office unless the candidate is, at the time the candidate's
8 declaration of candidacy is filed, properly registered to vote in that
9 district or division. The officer with whom declarations of candidacy
10 must be filed under this title shall review each such declaration filed
11 regarding compliance with this subsection.

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

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

18 A candidate who desires to have his or her name printed on the
19 ballot for election to an office other than president of the United
20 States, vice president of the United States, or an office for which
21 ownership of property is a prerequisite to voting shall complete and
22 file a declaration of candidacy. The secretary of state shall adopt,
23 by rule, a declaration of candidacy form (~~((for the office of precinct
24 committee officer and a separate standard form))~~) for candidates for all
25 (~~(other)~~) offices filing under this chapter. Included on the standard
26 form shall be:

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

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

32 (3) A place for the candidate to indicate a party designation, if
33 applicable;

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

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

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

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

14 **Sec. 5.** RCW 29A.24.091 and 2009 c 106 s 2 are each amended to read
15 as follows:

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

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

31 When the candidacy is for:

32 (1) A statewide office, the United States senate, or the United
33 States house of representatives, the fee shall be paid to the secretary
34 of state;

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

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

3 (3) A legislative or judicial office that includes territory from
4 only one county, the fee shall be paid to the county auditor;

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

8 **Sec. 6.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to
9 read as follows:

10 A candidate may withdraw his or her declaration of candidacy at any
11 time before the close of business on the Thursday following the last
12 day for candidates to file under RCW 29A.24.050 by filing, with the
13 officer with whom the declaration of candidacy was filed, a signed
14 request that his or her name not be printed on the ballot. There shall
15 be no withdrawal period for declarations of candidacy filed during
16 special filing periods held under this title. ~~((The filing officer may
17 permit the withdrawal of a filing for the office of precinct committee
18 officer at the request of the candidate at any time if no absentee
19 ballots have been issued for that office and the ballots for that
20 precinct have not been printed.))~~ The filing officer may permit the
21 withdrawal of a filing for any elected office of a city, town, or
22 special district at the request of the candidate at any time before a
23 primary if the primary ballots for that city, town, or special district
24 have not been ordered. No filing fee may be refunded to any candidate
25 who withdraws under this section. Notice of the deadline for
26 withdrawal of candidacy and that the filing fee is not refundable shall
27 be given to each candidate at the time he or she files.

28 **Sec. 7.** RCW 29A.28.071 and 2004 c 271 s 120 are each amended to
29 read as follows:

30 If a vacancy occurs in the office of precinct committee officer by
31 reason of death, resignation, or disqualification of the incumbent, or
32 because of failure to elect, the respective county chair of the county
33 central committee shall fill the vacancy by appointment. However, in
34 a legislative district having a majority of its precincts in a county
35 with a population of one million or more, the appointment may be made
36 only upon the recommendation of the legislative district chair. The

1 person so appointed must have the same qualifications as candidates
2 when filing for election to the office for that precinct. When a
3 vacancy in the office of precinct committee officer exists because of
4 failure to elect at a ((state)) presidential primary, the vacancy may
5 not be filled until after the organization meeting of the county
6 central committee and the new county chair has been selected as
7 provided by RCW 29A.80.030. Precinct committee officers appointed
8 after the election but before the central committee organization
9 meeting may participate as a precinct committee officer except for
10 those duties specifically outlined in Article II, section 15 of the
11 state Constitution.

12 **Sec. 8.** RCW 29A.36.151 and 2004 c 271 s 131 are each amended to
13 read as follows:

14 Except in each county with a population of one million or more, on
15 or before the fifteenth day before a primary or election, the county
16 auditor shall prepare a sample ballot which shall be made readily
17 available to members of the public. The secretary of state shall adopt
18 rules governing the preparation of sample ballots in counties with a
19 population of one million or more. The rules shall permit, among other
20 alternatives, the preparation of more than one sample ballot by a
21 county with a population of one million or more for a primary or
22 election, each of which lists a portion of the offices and issues to be
23 voted on in that county. (~~The position of precinct committee officer~~
24 ~~shall be shown on the sample ballot for the primary, but the names of~~
25 ~~candidates for the individual positions need not be shown.))~~

26 **Sec. 9.** RCW 29A.40.061 and 2009 c 415 s 6 and 2009 c 369 s 38 are
27 each reenacted and amended to read as follows:

28 (1) The county auditor shall issue an absentee ballot for the
29 primary or election for which it was requested, or for the next
30 occurring primary or election when ongoing absentee status has been
31 requested if the information contained in a request for an absentee
32 ballot or ongoing absentee status received by the county auditor is
33 complete and correct and the applicant is qualified to vote under
34 federal or state law. Otherwise, the county auditor shall notify the
35 applicant of the reason or reasons why the request cannot be accepted.
36 (~~Whenever two or more candidates have filed for the position of~~

1 ~~precinct committee officer for the same party in the same precinct, the~~
2 ~~contest for that position must be presented to absentee voters from~~
3 ~~that precinct by either including the contest on the regular absentee~~
4 ~~ballot or a separate absentee ballot. The ballot must provide space~~
5 ~~designated for writing in the name of additional candidates.))~~

6 (2) A registered voter may obtain a replacement ballot if the
7 ballot is destroyed, spoiled, lost, or not received by the voter. The
8 voter may obtain the ballot by telephone request, by mail,
9 electronically, or in person. The county auditor shall keep a record
10 of each replacement ballot provided under this subsection.

11 (3) The county auditor shall mail all ((absentee)) ballots and
12 related material to overseas and service voters under 39 U.S.C. 3406.
13 If candidate and ballot measure information is available on the web
14 site of the county auditor or secretary of state, the county auditor
15 shall provide the appropriate web site information with the ballot
16 materials.

17 **Sec. 10.** RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to
18 read as follows:

19 (1) On the fourth Tuesday in May of each year in which a president
20 of the United States is to be nominated and elected, a presidential
21 primary shall be held, subject to the provisions of subsection (2) of
22 this section, at which voters may vote for the nominee of a major
23 political party for the office of president. The secretary of state
24 may propose an alternative date for the primary no later than the first
25 day of August of the year before the year in which a president is to be
26 nominated and elected.

27 (2) No later than the first day of September of the year before the
28 year in which a presidential nominee is selected, the major political
29 parties must notify the secretary of state of the parties' decisions
30 regarding allocation of their delegates to the national nominating
31 convention. A presidential primary may only be held if both parties
32 agree to use only the results of the presidential primary election for
33 allocation of their delegates. If a presidential primary is not held,
34 the parties must elect their precinct committee officers by means other
35 than the presidential primary. If a presidential primary is held under
36 the conditions of this subsection, the state committees of ((any)) the

1 major political (~~party that will use the primary results for~~
2 ~~candidates of that party~~) parties may propose an alternative date for
3 that primary.

4 (3) If an alternative date is proposed under subsection (1) or (2)
5 of this section, a committee consisting of the chair and the vice chair
6 of the state committee of each major political party, the secretary of
7 state, the majority leader and minority leader of the senate, and the
8 speaker and the minority leader of the house of representatives shall
9 meet and, if affirmed by a two-thirds vote of the members of the
10 committee, the date of the primary shall be changed. The committee
11 shall meet and decide on the proposed alternate date not later than the
12 first day of October of the year before the year in which a
13 presidential nominee is selected. The secretary of state shall convene
14 and preside over the meeting of the committee. A committee member
15 other than a legislator may appoint, in writing, a designee to serve on
16 his or her behalf. A legislator who is a member of the committee may
17 appoint, in writing, another legislator to serve on his or her behalf.

18 (4) If an alternate date is approved under this section, the
19 secretary of state shall adopt rules under RCW 29A.04.620 to adjust the
20 deadlines in RCW 29A.56.030 and related provisions of this chapter to
21 correspond with the date that has been approved.

22 **Sec. 11.** RCW 29A.56.060 and 2003 c 111 s 1406 are each amended to
23 read as follows:

24 Subject to available funds specifically appropriated for this
25 purpose, whenever a presidential primary is held as provided by this
26 chapter, the state of Washington shall assume all costs of holding the
27 primary (~~if it is held alone~~) and the election of precinct committee
28 officers. If any other election or elections are held at the same
29 time, the state is liable only for a prorated share of the costs. The
30 county auditor shall determine the costs, including the state's
31 prorated share, if applicable, in the same manner as provided under RCW
32 29A.04.410 and shall file a certified claim with the secretary of
33 state. The secretary of state shall include in his or her biennial
34 budget requests sufficient funds to carry out this section.
35 Reimbursements for primary costs must be from appropriations
36 specifically provided by law for that purpose.

1 **Sec. 12.** RCW 29A.80.041 and 2009 c 106 s 3 are each amended to
2 read as follows:

3 Any member of a major political party who is a registered voter in
4 the precinct may file his or her declaration of candidacy as prescribed
5 under RCW ((29A.24.031)) 29A.80.051 with the county auditor for the
6 office of precinct committee officer of his or her party in that
7 precinct. When elected at the presidential primary, the precinct
8 committee officer shall serve so long as the committee officer remains
9 an eligible voter in that precinct.

10 **Sec. 13.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to
11 read as follows:

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

23 (1) Subject to the provisions of RCW 29A.56.020, the office of
24 precinct committee officer must be voted upon at the presidential
25 primary.

26 (2) Candidates for precinct committee officer must file a
27 declaration of candidacy, as provided by the secretary of state, with
28 the appropriate county auditor. The filing period for the office
29 begins on the Monday ten weeks before the primary and ends on Friday at
30 5 p.m. of that same week. There is no filing fee for this office. The
31 county auditor must provide daily, by precinct, an online list of
32 candidates who have filed for the office.

33 (3) The filing officer may permit the withdrawal of a filing at the
34 request of the candidate at any time if the ballots for that precinct
35 have not been printed.

36 (4) The names of all candidates must appear under the proper party

1 and office designations on the ballot for the appropriate precinct.
2 The candidate receiving the highest number of votes shall be declared
3 elected.

4 (5) If only one candidate files for a position, that candidate
5 shall be deemed elected and his or her name will not appear on the
6 presidential primary ballot. No write-in candidacies may be allowed in
7 cases where only one candidate has filed for a position.

8 (6) If no one has filed for the office after the filing period for
9 the office has ended, any person who meets the qualifications for the
10 office may file as a write-in candidate by submitting a write-in
11 candidate's form in person at the county election official's office at
12 least one week before the election.

13 (7) The term of office for precinct committee officer is four
14 years, commencing the first day of December following the presidential
15 primary. However, the elected candidate shall take office immediately
16 if a vacancy exists in the office.

17 NEW SECTION. Sec. 14. RCW 29A.28.071 is recodified as a section
18 in chapter 29A.80 RCW.

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