
SENATE BILL 5277

State of Washington

63rd Legislature

2013 Regular Session

By Senator Hill; by request of Secretary of State and Office of Financial Management

Read first time 01/24/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to reducing costs and inefficiencies in elections;
2 amending RCW 29A.24.311, 29A.32.070, 29A.32.210, 29A.32.241,
3 29A.32.280, 29A.52.220, 29A.60.021, 29A.60.120, 29A.72.010, 29A.72.025,
4 29A.72.070, 29A.72.090, and 43.135.041; repealing RCW 29A.32.080; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 29A.24.311 and 2012 c 89 s 2 are each amended to read
8 as follows:

9 (1) Any person who desires to be a write-in candidate and have such
10 votes counted at a primary or election (~~((may))~~) must file a declaration
11 of candidacy with the officer designated in RCW 29A.24.070 not later
12 than (~~((the))~~) eighteen days (~~((ballots must be mailed according to RCW
13 29A.40.070))~~) before the primary or election. Declarations of candidacy
14 for write-in candidates must be accompanied by a filing fee in the same
15 manner as required of other candidates filing for the office as
16 provided in RCW 29A.24.091.

17 (2) Votes cast for write-in candidates who have filed such
18 declarations of candidacy (~~((and write in votes for persons appointed by
19 major political parties pursuant to RCW 29A.28.021))~~) need only specify

1 the name of the candidate in the appropriate location on the ballot in
2 order to be counted. (~~Write in votes cast for any other candidate, in~~
3 ~~order to be counted, must designate the office sought and position~~
4 ~~number or political party, if the manner in which the write in is done~~
5 ~~does not make the office or position clear.~~)

6 (3) No person may file as a write-in candidate where:

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

11 (b) The person attempting to file as a write-in candidate has
12 already filed a valid write-in declaration for that primary or
13 election, unless one or the other of the two filings is for the office
14 of precinct committeeperson;

15 (c) The name of the person attempting to file already appears on
16 the ballot as a candidate for another office, unless one of the two
17 offices for which he or she is a candidate is precinct committeeperson;

18 (d) The office filed for is committee precinct officer.

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

27 **Sec. 2.** RCW 29A.32.070 and 2009 c 415 s 5 are each amended to read
28 as follows:

29 The secretary of state shall determine the format and layout of the
30 voters' pamphlet published under RCW 29A.32.010. The secretary of
31 state shall print the pamphlet in clear, readable type on a size,
32 quality, and weight of paper that in the judgment of the secretary of
33 state best serves the voters. The pamphlet must contain a table of
34 contents. Measures and arguments must be printed in the order
35 specified by RCW 29A.72.290.

36 The voters' pamphlet must provide the following information for

1 each statewide issue on the ballot except measures for an advisory vote
2 of the people whose requirements are provided in subsection ~~((+11+))~~
3 (10) of this section:

4 (1) The legal identification of the measure by serial designation
5 or number;

6 (2) The official ballot title of the measure;

7 (3) A statement prepared by the attorney general explaining the law
8 as it presently exists;

9 (4) A statement prepared by the attorney general explaining the
10 effect of the proposed measure if it becomes law;

11 (5) The fiscal impact statement prepared under RCW 29A.72.025;

12 (6) The total number of votes cast for and against the measure in
13 the senate and house of representatives, if the measure has been passed
14 by the legislature;

15 (7) An argument advocating the voters' approval of the measure
16 together with any statement in rebuttal of the opposing argument;

17 (8) An argument advocating the voters' rejection of the measure
18 together with any statement in rebuttal of the opposing argument;

19 (9) Each argument or rebuttal statement must be followed by the
20 names of the committee members who submitted them, and may be followed
21 by a telephone number and web site that citizens may ~~((call))~~ use to
22 obtain information on the ballot measure;

23 (10) ~~((The full text of the measure;~~

24 ~~+11+))~~ Two pages shall be provided in the general election voters'
25 pamphlet for each measure for an advisory vote of the people under RCW
26 43.135.041 and shall consist of the serial number assigned by the
27 secretary of state under RCW 29A.72.040, the short description
28 formulated by the attorney general under RCW 29A.72.283, the tax
29 increase's most up-to-date ten-year cost projection, including a
30 year-by-year breakdown, by the office of financial management under RCW
31 43.135.031, and the names of the legislators, and their contact
32 information, and how they voted on the increase upon final passage so
33 they can provide information to, and answer questions from, the public.
34 For the purposes of this subsection, "names of legislators, and their
35 contact information" includes each legislator's position (senator or
36 representative), first name, last name, party affiliation (for example,
37 Democrat or Republican), city or town they live in, office phone
38 number, and office e-mail address.

1 **Sec. 3.** RCW 29A.32.210 and 2003 c 111 s 813 are each amended to
2 read as follows:

3 At least ninety days before any primary or general election, or at
4 least ~~((forty))~~ fifty days before any special election held under RCW
5 ~~((29A.04.320))~~ 29A.04.321 or 29A.04.330, the legislative authority of
6 any county or first-class or code city may adopt an ordinance
7 authorizing the publication and distribution of a local voters'
8 pamphlet. The pamphlet shall provide information on all measures
9 within that jurisdiction and may, if specified in the ordinance,
10 include information on candidates within that jurisdiction. If both a
11 county and a first-class or code city within that county authorize a
12 local voters' pamphlet for the same election, the pamphlet shall be
13 produced jointly by the county and the first-class or code city. If no
14 agreement can be reached between the county and first-class or code
15 city, the county and first-class or code city may each produce a
16 pamphlet. Any ordinance adopted authorizing a local voters' pamphlet
17 may be for a specific primary, special election, or general election or
18 for any future primaries or elections. ~~((The format of any local
19 voters' pamphlet shall, whenever applicable, comply with the provisions
20 of this chapter regarding the publication of the state candidates' and
21 voters' pamphlets.))~~

22 **Sec. 4.** RCW 29A.32.241 and 2011 c 10 s 29 are each amended to read
23 as follows:

24 ~~((The))~~ A printed and mailed local voters' pamphlet shall include
25 but not be limited to the following:

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

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

31 (3) Information on how a person may register to vote and obtain a
32 ballot;

33 (4) ~~((The text of each measure accompanied by))~~ For each ballot
34 measure, an explanatory statement prepared by the prosecuting attorney
35 for any county measure or by the attorney for the jurisdiction
36 submitting the measure if other than a county measure. All explanatory
37 statements for city, town, or district measures not approved by the

1 attorney for the jurisdiction submitting the measure shall be reviewed
2 and approved by the county prosecuting attorney or city attorney, when
3 applicable, before inclusion in the pamphlet; and

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

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

10 **Sec. 5.** RCW 29A.32.280 and 2003 c 111 s 820 are each amended to
11 read as follows:

12 For each measure from a unit of local government that is included
13 in a local voters' pamphlet, the legislative authority of that
14 jurisdiction shall(~~(, not later than forty five days before the~~
15 ~~publication of the pamphlet,)~~) formally appoint a committee to prepare
16 arguments advocating (~~(voters⁺)~~) approval of the measure and (~~(shall~~
17 ~~formally appoint)~~) a committee to prepare arguments advocating
18 (~~(voters⁺)~~) rejection of the measure. The authority shall appoint
19 persons known to favor the measure to serve on the committee advocating
20 approval and shall, whenever possible, appoint persons known to oppose
21 the measure to serve on the committee advocating rejection. Each
22 committee shall have not more than three members, however, a committee
23 may seek the advice of any person or persons. If the legislative
24 authority of a unit of local government fails to make such appointments
25 by the prescribed deadline, the county auditor shall whenever possible
26 make the appointments. Appointments and submission of arguments must
27 occur by the deadlines established in administrative rule adopted
28 pursuant to RCW 29A.32.230.

29 **Sec. 6.** RCW 29A.52.220 and 2005 c 153 s 10 are each amended to
30 read as follows:

31 (1) No primary may be held for any single position in any (~~(city,~~
32 ~~town, district, or district court, as required by RCW 29A.52.210))~~
33 nonpartisan office, if, after the last day allowed for candidates to
34 withdraw, there are no more than two candidates filed for the position.
35 The county auditor shall, as soon as possible, notify all the

1 candidates so affected that the office for which they filed will not
2 appear on the primary ballot.

3 (2) No primary may be held for nonpartisan offices in any first-
4 class city if the city:

5 (a) Is a qualifying city that has been certified to participate in
6 the pilot project authorized by RCW 29A.53.020; and

7 (b) Is conducting an election using the instant runoff voting
8 method for the pilot project authorized by RCW 29A.53.020.

9 (c) This subsection (2) expires July 1, 2013.

10 (3) No primary may be held for the office of commissioner of a park
11 and recreation district or for the office of cemetery district
12 commissioner.

13 (4) Names of candidates for offices that do not appear on the
14 primary ballot shall be printed upon the general election ballot in the
15 manner specified by RCW 29A.36.131.

16 **Sec. 7.** RCW 29A.60.021 and 2012 c 89 s 4 are each amended to read
17 as follows:

18 (1) For any office, except precinct committee officer, at any
19 election or primary, any voter may write in on the ballot the name of
20 any person for an office who has filed as a write-in candidate for the
21 office in the manner provided by RCW 29A.24.311 and such vote shall be
22 counted the same as if the name had been printed on the ballot and
23 marked by the voter. ~~((No))~~ Write-in votes ~~((made))~~ for any person who
24 has not filed a declaration of candidacy pursuant to RCW 29A.24.311
25 ~~((is))~~ are not valid ~~((if that person filed for the same office, either~~
26 ~~as a regular candidate or a write in candidate, at the preceding~~
27 ~~primary))~~. Any abbreviation used to designate office or position will
28 be accepted if the canvassing board can determine, to its satisfaction,
29 the voter's intent.

30 (2) The number of write-in votes cast in each race for ~~((each~~
31 ~~office))~~ declared candidates must be recorded and reported with the
32 canvass for the election.

33 (3) A write-in vote for an individual candidate for an office whose
34 name appears on the ballot for that same office is a valid vote for
35 that candidate as long as the candidate's name is clearly discernible,
36 even if other requirements of RCW 29A.24.311 are not satisfied and even
37 if the voter also marked a vote for that candidate such as to register

1 an overvote. These votes need not be tabulated unless: (a) The
2 difference between the number of votes cast for the candidate
3 apparently qualified to appear on the general election ballot or
4 elected and the candidate receiving the next highest number of votes is
5 less than the sum of the total number of write-in votes cast for the
6 office plus the overvotes and undervotes recorded by the vote
7 tabulating system; or (b) a manual recount is conducted for that
8 office.

9 ~~(4) ((Write-in votes cast for an individual candidate for an office
10 whose name does not appear on the ballot need not be tallied unless the
11 total number of write-in votes and undervotes recorded by the vote
12 tabulation system for the office is greater than the number of votes
13 cast for the candidate apparently qualified to appear on the general
14 election ballot or elected.~~

15 (5)) In the case of write-in votes for a statewide office or any
16 office whose jurisdiction encompasses more than one county, write-in
17 votes for an individual candidate must be tallied when the county
18 auditor is notified by either the secretary of state or another county
19 auditor in the multicounty jurisdiction that it appears that the write-
20 in votes must be tabulated under the terms of this section. In all
21 other cases, the county auditor determines when write-in votes must be
22 tabulated. Any abstract of votes must be modified to reflect the
23 tabulation and certified by the canvassing board. Tabulation of write-
24 in votes may be performed simultaneously with a recount.

25 **Sec. 8.** RCW 29A.60.120 and 2011 c 10 s 51 are each amended to read
26 as follows:

27 (1) All voted ballots must be manually inspected for damage, write-
28 in votes, and incorrect or incomplete marks. If it is found that any
29 ballot is damaged so that it cannot properly be counted by the vote
30 tallying system, a true duplicate copy must be made of the damaged
31 ballot in the presence of witnesses and substituted for the damaged
32 ballot. All damaged ballots must be kept by the county auditor until
33 sixty days after the primary or election or according to federal law,
34 whichever is longer.

35 (2) The returns produced by the vote tallying system, to which have
36 been added the counts of questioned ballots, and valid write-in votes,

1 constitute the official returns of the primary or election in that
2 county.

3 **Sec. 9.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended to
4 read as follows:

5 If any legal voter of the state, either individually or on behalf
6 of an organization, desires to petition the legislature to enact a
7 proposed measure, or submit a proposed initiative measure to the
8 people, or order that a referendum of all or part of any act, bill, or
9 law, passed by the legislature be submitted to the people, he or she
10 shall file with the secretary of state:

11 (1) A legible copy of the measure proposed, or the act or part of
12 such act on which a referendum is desired(~~(, accompanied by an)~~);

13 (2) A signed affidavit, or electronic submission, that the sponsor
14 is a (~~legal~~) registered voter; and

15 (3) A filing fee prescribed under RCW 43.07.120.

16 **Sec. 10.** RCW 29A.72.025 and 2009 c 415 s 7 are each amended to
17 read as follows:

18 The office of financial management, in consultation with the
19 secretary of state, the attorney general, and any other appropriate
20 state or local agency, shall prepare a fiscal impact statement for each
21 of the following state ballot measures: (1) An initiative to the
22 people that is certified to the ballot; (2) an initiative to the
23 legislature that will appear on the ballot; (3) an alternative measure
24 appearing on the ballot that the legislature proposes to an initiative
25 to the legislature; (4) a referendum bill referred to voters by the
26 legislature; and (5) a referendum measure appearing on the ballot.
27 Fiscal impact statements must be written in clear and concise language,
28 avoid legal and technical terms when possible, and be filed with the
29 secretary of state no later than the tenth day of August. Fiscal
30 impact statements may include easily understood graphics.

31 A fiscal impact statement must describe any projected increase or
32 decrease in revenues, costs, expenditures, or indebtedness that the
33 state or local governments will experience if the ballot measure were
34 approved by state voters. Where appropriate, a fiscal impact statement
35 may include both estimated dollar amounts and a description placing the
36 estimated dollar amounts into context. A fiscal impact statement must

1 include ~~((both))~~ a summary ~~((of not to exceed one hundred words and))~~,
2 a more detailed statement ~~((that includes))~~, and, if applicable, how to
3 find additional information on the web site of the office of financial
4 management. The assumptions that were made to develop the fiscal
5 impacts must be posted on the web site of the office of financial
6 management.

7 Fiscal impact statements must be available online from the
8 secretary of state's web site and included in the state voters'
9 pamphlet. ~~((Additional information may be posted on the web site of~~
10 ~~the office of financial management.))~~

11 **Sec. 11.** RCW 29A.72.070 and 2003 c 111 s 1808 are each amended to
12 read as follows:

13 Upon the filing of ~~((the))~~ a ballot title and summary for a state
14 initiative or referendum measure in the office of secretary of state,
15 the secretary of state shall notify ~~((by telephone and by mail, and, if~~
16 ~~requested, by other electronic means,))~~ the person proposing the
17 measure, ~~((the prime sponsor of a referendum bill or alternative to an~~
18 ~~initiative to the legislature, the chief clerk of the house of~~
19 ~~representatives, the secretary of the senate,))~~ and any other
20 individuals who have made written request for such notification of the
21 exact language of the ballot title and summary.

22 **Sec. 12.** RCW 29A.72.090 and 2003 c 111 s 1810 are each amended to
23 read as follows:

24 When the ballot title and summary are finally established, the
25 secretary of state shall file the instrument establishing it with the
26 proposed measure and transmit a copy thereof ~~((by mail))~~ to the person
27 proposing the measure, ~~((the chief clerk of the house of~~
28 ~~representatives, the secretary of the senate,))~~ and to any other
29 individuals who have made written request for such notification.
30 Thereafter such ballot title shall be the title of the measure in all
31 petitions, ballots, and other proceedings in relation thereto. The
32 summary shall appear on all petitions directly following the ballot
33 title.

34 **Sec. 13.** RCW 43.135.041 and 2010 c 4 s 3 are each amended to read
35 as follows:

1 (1)(a) After July 1, 2011, if legislative action raising taxes as
2 defined by RCW 43.135.035 is blocked from a public vote or is not
3 referred to the people by a referendum petition found to be sufficient
4 under RCW 29A.72.250, a measure for an advisory vote of the people is
5 required and shall be placed on the next general election ballot under
6 chapter 1, Laws of 2008.

7 (b) If legislative action raising taxes enacted after July 1, 2011,
8 involves more than one revenue source, each tax being increased shall
9 be subject to a separate measure for an advisory vote of the people
10 under the requirements of chapter 1, Laws of 2008.

11 (2) No later than the first of (~~August~~) July, the attorney
12 general will send written notice to the secretary of state of any tax
13 increase that is subject to an advisory vote of the people, under the
14 provisions and exceptions provided by chapter 1, Laws of 2008. Within
15 five days of receiving such written notice from the attorney general,
16 the secretary of state will assign a serial number for a measure for an
17 advisory vote of the people and transmit one copy of the measure
18 bearing its serial number to the attorney general as required by RCW
19 29A.72.040, for any tax increase identified by the attorney general as
20 needing an advisory vote of the people for that year's general election
21 ballot. Saturdays, Sundays, and legal holidays are not counted in
22 calculating the time limits in this subsection.

23 (3) For the purposes of this section, "blocked from a public vote"
24 includes adding an emergency clause to a bill increasing taxes, bonding
25 or contractually obligating taxes, or otherwise preventing a referendum
26 on a bill increasing taxes.

27 (4) If legislative action raising taxes is referred to the people
28 by the legislature or is included in an initiative to the people found
29 to be sufficient under RCW 29A.72.250, then the tax increase is exempt
30 from an advisory vote of the people under chapter 1, Laws of 2008.

31 NEW SECTION. Sec. 14. RCW 29A.32.080 (Amendatory style) and 2003
32 c 111 s 808 are each repealed.

33 NEW SECTION. Sec. 15. This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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