
SUBSTITUTE SENATE BILL 5518

State of Washington

63rd Legislature

2013 Regular Session

By Senate Governmental Operations (originally sponsored by Senators Roach, Darneille, Sheldon, and Hatfield; by request of Secretary of State)

READ FIRST TIME 02/20/13.

1 AN ACT Relating to making nonsubstantive changes to election laws;
2 amending RCW 29A.04.008, 29A.04.013, 29A.04.079, 29A.04.086,
3 29A.04.097, 29A.04.169, 29A.04.216, 29A.04.321, 29A.04.330, 29A.04.410,
4 29A.04.420, 29A.08.020, 29A.08.220, 29A.08.230, 29A.08.260, 29A.08.330,
5 29A.08.340, 29A.08.350, 29A.08.820, 29A.12.005, 29A.12.080, 29A.12.120,
6 29A.12.150, 29A.20.021, 29A.20.111, 29A.20.121, 29A.20.161, 29A.20.191,
7 29A.24.020, 29A.24.031, 29A.24.101, 29A.24.320, 29A.28.041, 29A.28.050,
8 29A.28.061, 29A.32.100, 29A.32.210, 29A.36.010, 29A.36.060, 29A.36.101,
9 29A.36.121, 29A.36.131, 29A.36.161, 29A.36.201, 29A.40.010, 29A.52.112,
10 29A.52.210, 29A.52.321, 29A.52.355, 29A.56.040, 29A.56.210, 29A.56.320,
11 29A.56.360, 29A.56.490, 29A.60.010, 29A.60.060, 29A.60.110, 29A.60.160,
12 29A.60.165, 29A.60.240, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.050,
13 29A.64.061, 29A.64.090, 29A.68.011, 29A.68.020, 29A.72.080, 29A.72.130,
14 29A.72.250, 29A.72.290, 29A.76.020, 29A.76.030, 29A.80.020, 29A.84.210,
15 29A.84.261, 29A.84.510, 29A.84.520, 29A.84.711, 29A.88.020, 29A.88.040,
16 42.12.040, 42.12.070, 46.20.155, 29A.24.311, and 29A.36.040; reenacting
17 and amending RCW 29A.36.170, 29A.40.070, 29A.40.091, and 35.17.020;
18 reenacting RCW 29A.08.520; adding a new section to chapter 29A.08 RCW;
19 adding new sections to chapter 29A.24 RCW; adding new sections to
20 chapter 29A.60 RCW; adding new sections to chapter 29A.56 RCW; adding
21 a new section to chapter 29A.80 RCW; adding a new section to chapter

1 29A.16 RCW; recodifying RCW 29A.04.240, 29A.20.010, 29A.20.021,
2 29A.20.030, 29A.20.040, 29A.20.111, 29A.20.121, 29A.20.131, 29A.20.151,
3 29A.20.161, 29A.20.171, 29A.20.181, 29A.20.191, 29A.28.071, and
4 29A.76.030; repealing RCW 7.16.370, 29A.04.225, 29A.08.250, 29A.08.785,
5 29A.12.170, 29A.20.141, 29A.20.201, 29A.24.030, 29A.24.120, 29A.28.011,
6 29A.28.021, 29A.32.036, 29A.32.050, 29A.36.050, 29A.36.104, 29A.36.106,
7 29A.36.171, 29A.36.191, 29A.52.011, 29A.52.106, 29A.52.111, 29A.52.116,
8 29A.52.130, 29A.52.141, 29A.52.151, 29A.53.010, 29A.53.020, 29A.53.030,
9 29A.53.040, 29A.53.050, 29A.53.060, 29A.53.070, 29A.53.080, 29A.53.090,
10 29A.53.900, 29A.53.901, 29A.53.902, 29A.80.011, 44.04.015, and
11 49.28.120; and repealing 2009 c 369 s 27.

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

13 **Sec. 1.** RCW 29A.04.008 and 2011 c 10 s 1 are each amended to read
14 as follows:

15 As used in this title:

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

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

20 (b) A facsimile of the contents of a particular ballot whether
21 printed on a paper ballot or ballot card or as part of a voting machine
22 or voting device;

23 (c) A physical or electronic record of the choices of an individual
24 voter in a particular primary, general election, or special election;
25 or

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

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

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

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

5 (5) "Provisional ballot" means a ballot issued to a voter who would
6 otherwise be denied an opportunity to vote a regular ballot, for any
7 reason authorized by the Help America Vote Act, including but not
8 limited to the following:

9 (a) The voter's name does not appear in the list of registered
10 voters for the county;

11 (b) There is an indication in the voter registration system that
12 the voter has already voted in that primary, special election, or
13 general election, but the voter wishes to vote again;

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

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

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

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

25 **Sec. 2.** RCW 29A.04.013 and 2011 c 10 s 2 are each amended to read
26 as follows:

27 "Canvassing" means the process of examining ballots or groups of
28 ballots, subtotals, and cumulative totals in order to determine the
29 official returns of a primary, special, or general election and
30 includes the tabulation of any votes that were not previously
31 tabulated.

32 **Sec. 3.** RCW 29A.04.079 and 2009 c 369 s 1 are each amended to read
33 as follows:

34 An "infamous crime" is a crime punishable by death in the state
35 penitentiary or imprisonment in a state or federal correctional

1 facility. Neither an adjudication in juvenile court pursuant to
2 chapter 13.40 RCW, nor a conviction for a misdemeanor or gross
3 misdemeanor, is an "infamous crime."

4 **Sec. 4.** RCW 29A.04.086 and 2004 c 271 s 103 are each amended to
5 read as follows:

6 "Major political party" means a political party (~~(of which at least~~
7 ~~one))~~ whose nominees for president(~~(7)~~) and vice president(~~(7, United~~
8 ~~States senator, or a statewide office))~~ received at least five percent
9 of the total vote cast at the last (~~(preceding state general election~~
10 ~~in an even-numbered year))~~ presidential election. A political party
11 qualifying as a major political party under this section retains such
12 status until the next (~~(even-year))~~ presidential election at which (~~(a~~
13 ~~candidate))~~ the presidential and vice presidential candidates of that
14 party (~~(does))~~ do not achieve at least five percent of the vote (~~(for~~
15 ~~one of the previously specified offices))~~. (~~(If none of these offices~~
16 ~~appear on the ballot in an even-year general election, the major party~~
17 ~~retains its status as a major party through that election. However, a~~
18 ~~political party of which no nominee received at least ten percent of~~
19 ~~the total vote cast may forgo its status as a major political party by~~
20 ~~filing with the secretary of state an appropriate party rule within~~
21 ~~sixty days of attaining major party status under this section, or~~
22 ~~within fifteen days of June 10, 2004, whichever is later.))~~)

23 **Sec. 5.** RCW 29A.04.097 and 2003 c 111 s 116 are each amended to
24 read as follows:

25 "Minor political party" means a political organization (~~(other than~~
26 ~~a major political party))~~ whose nominees for president and vice
27 president qualified to appear on the ballot at the last presidential
28 election under RCW 29A.20.191 (as recodified by this act). A minor
29 political party retains such status until certification of the next
30 presidential election.

31 **Sec. 6.** RCW 29A.04.169 and 2003 c 111 s 130 are each amended to
32 read as follows:

33 "Short term" means the brief period of time starting upon (~~(the~~
34 ~~completion of the))~~ certification of the general election (~~(returns))~~
35 or issuance of a certificate of election, and ending with the start of

1 the next full term, and is applicable only when (~~the office concerned~~
2 ~~is being held by an appointee to fill a vacancy. The vacancy must have~~
3 ~~occurred~~) there has been a vacancy in the office after the last
4 election at which such office could have been voted upon for an
5 unexpired term. Short term elections are always held in conjunction
6 with elections for the full term for the office.

7 **Sec. 7.** RCW 29A.04.216 and 2011 c 10 s 6 are each amended to read
8 as follows:

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

26 **Sec. 8.** RCW 29A.04.321 and 2011 c 349 s 3 are each amended to read
27 as follows:

28 (1) All state, county, city, town, and district general elections
29 for the election of federal, state, legislative, judicial, county,
30 city, town, and district officers, and for the submission to the voters
31 of the state, county, city, town, or district of any measure for their
32 adoption and approval or rejection, shall be held on the first Tuesday
33 after the first Monday of November, in the year in which they may be
34 called. A statewide general election shall be held on the first
35 Tuesday after the first Monday of November of each year. However, the
36 statewide general election held in odd-numbered years shall be limited

1 to (a) city, town, and district general elections as provided for in
2 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
3 federal officers for the remainder of any unexpired terms in the
4 membership of either branch of the Congress of the United States; (c)
5 the election of state and county officers for the remainder of any
6 unexpired terms of offices created by or whose duties are described in
7 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
8 and 23, and Article IV, sections 3 and 5 of the state Constitution and
9 RCW 2.06.080; (d) the election of county officers in any county
10 governed by a charter containing provisions calling for general county
11 elections at this time; and (e) the approval or rejection of state
12 measures, including proposed constitutional amendments, matters
13 pertaining to any proposed constitutional convention, initiative
14 measures and referendum measures proposed by the electorate, referendum
15 bills, and any other matter provided by the legislature for submission
16 to the electorate.

17 (2) A county legislative authority may call a special county
18 election by presenting a resolution to the county auditor prior to the
19 proposed election date. A special election called by the county
20 legislative authority shall be held on one of the following dates as
21 decided by such governing body:

- 22 (a) The second Tuesday in February;
- 23 (b) The ~~((third Tuesday in April until January 1, 2013;~~
- 24 ~~(c) The))~~ fourth Tuesday in April ~~((on or after January 1, 2013))~~;
- 25 ~~((d))~~ (c) The day of the primary as specified by RCW 29A.04.311;
- 26 or
- 27 ~~((e))~~ (d) The first Tuesday after the first Monday in November.

28 (3) A resolution calling for a special election on a date set forth
29 in subsection (2)(a) ~~((through (c)))~~ and (b) of this section must be
30 presented to the county auditor at least forty-six days prior to the
31 election date. A resolution calling for a special election on a date
32 set forth in subsection (2)~~((d))~~ (c) of this section must be
33 presented to the county auditor no later than the Friday immediately
34 before the first day of regular candidate filing. A resolution calling
35 for a special election on a date set forth in subsection (2)~~((e))~~ (d)
36 of this section must be presented to the county auditor no later than
37 the day of the primary.

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

7 (5) This section shall supersede the provisions of any and all
8 other statutes, whether general or special in nature, having different
9 dates for such city, town, and district elections, the purpose of this
10 section being to establish mandatory dates for holding elections. This
11 section shall not be construed as fixing the time for holding primary
12 elections, or elections for the recall of any elective public officer.

13 **Sec. 9.** RCW 29A.04.330 and 2011 c 349 s 4 are each amended to read
14 as follows:

15 (1) All city, town, and district general elections shall be held
16 throughout the state of Washington on the first Tuesday following the
17 first Monday in November in the odd-numbered years.

18 This section shall not apply to:

19 (a) Elections for the recall of any elective public officer;

20 (b) Public utility districts, conservation districts, or district
21 elections at which the ownership of property within those districts is
22 a prerequisite to voting, all of which elections shall be held at the
23 times prescribed in the laws specifically applicable thereto;

24 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
25 nonhigh capital fund aid proposals as provided for in chapter 28A.540
26 RCW; and

27 (d) Special flood control districts consisting of three or more
28 counties.

29 (2) The county auditor, as ex officio supervisor of elections, upon
30 request in the form of a resolution of the governing body of a city,
31 town, or district, presented to the auditor prior to the proposed
32 election date, (~~may~~) shall call a special election in such city,
33 town, or district, and for the purpose of such special election he or
34 she may combine, unite, or divide precincts. Such a special election
35 shall be held on one of the following dates as decided by the governing
36 body:

37 (a) The second Tuesday in February;

1 (b) The ~~((third Tuesday in April until January 1, 2013;~~
2 ~~(e) The))~~ fourth Tuesday in April ~~((on or after January 1, 2013))~~;
3 ~~((d))~~ (c) The day of the primary election as specified by RCW
4 29A.04.311; or

5 ~~((e))~~ (d) The first Tuesday after the first Monday in November.

6 (3) A resolution calling for a special election on a date set forth
7 in subsection (2)(a) ~~((through (e)))~~ and (b) of this section must be
8 presented to the county auditor at least forty-six days prior to the
9 election date. A resolution calling for a special election on a date
10 set forth in subsection (2)~~((d))~~ (c) of this section must be
11 presented to the county auditor no later than the Friday immediately
12 before the first day of regular candidate filing. A resolution calling
13 for a special election on a date set forth in subsection (2)~~((e))~~ (d)
14 of this section must be presented to the county auditor no later than
15 the day of the primary.

16 (4) In addition to subsection (2)(a) through ~~((e))~~ (d) of this
17 section, a special election to validate an excess levy or bond issue
18 may be called at any time to meet the needs resulting from fire, flood,
19 earthquake, or other act of God, except that no special election may be
20 held between the first day for candidates to file for public office and
21 the last day to certify the returns of the general election other than
22 as provided in subsection (2)~~((d))~~ (c) and ~~((e))~~ (d) of this
23 section. Such special election shall be conducted and notice thereof
24 given in the manner provided by law.

25 (5) This section shall supersede the provisions of any and all
26 other statutes, whether general or special in nature, having different
27 dates for such city, town, and district elections, the purpose of this
28 section being to establish mandatory dates for holding elections.

29 **Sec. 10.** RCW 29A.04.410 and 2003 c 111 s 146 are each amended to
30 read as follows:

31 Every city, town, and district is liable for its proportionate
32 share of the costs when such elections are held in conjunction with
33 other elections held under RCW ~~((29A.04.320))~~ 29A.04.321 and
34 29A.04.330.

35 Whenever any city, town, or district holds any primary or election,
36 general or special, on an isolated date, all costs of such elections
37 must be borne by the city, town, or district concerned.

1 The purpose of this section is to clearly establish that the county
2 is not responsible for any costs involved in the holding of any city,
3 town, or district election.

4 In recovering such election expenses, including a reasonable pro-
5 ration of administrative costs, the county auditor shall certify the
6 cost to the county treasurer with a copy to the clerk or auditor of the
7 city, town, or district concerned. Upon receipt of such certification,
8 the county treasurer shall make the transfer from any available and
9 appropriate city, town, or district funds to the county current expense
10 fund or to the county election reserve fund if such a fund is
11 established. Each city, town, or district must be promptly notified by
12 the county treasurer whenever such transfer has been completed.
13 However, in those districts wherein a treasurer, other than the county
14 treasurer, has been appointed such transfer procedure does not apply,
15 but the district shall promptly issue its warrant for payment of
16 election costs.

17 **Sec. 11.** RCW 29A.04.420 and 2003 c 111 s 147 are each amended to
18 read as follows:

19 (1) Whenever state officers or measures are voted upon at a state
20 primary or general election held in an odd-numbered year under RCW
21 (~~29A.04.320~~) 29A.04.321, the state of Washington shall assume a
22 prorated share of the costs of that state primary or general election.

23 (2) Whenever a primary or vacancy election is held to fill a
24 vacancy in the position of United States senator or United States
25 representative under chapter 29A.28 RCW, the state of Washington shall
26 assume a prorated share of the costs of that primary or vacancy
27 election.

28 (3) The county auditor shall apportion the state's share of these
29 expenses when prorating election costs under RCW 29A.04.410 and shall
30 file such expense claims with the secretary of state.

31 (4) The secretary of state shall include in his or her biennial
32 budget requests sufficient funds to carry out this section.
33 Reimbursements for election costs shall be from appropriations
34 specifically provided by law for that purpose.

35 **Sec. 12.** RCW 29A.08.020 and 2004 c 267 s 103 are each amended to
36 read as follows:

1 The definitions set forth in this section apply throughout this
2 chapter, unless the context clearly requires otherwise.

3 (1) "By mail" means delivery of a completed original voter
4 registration application by mail to a county auditor or the office of
5 the secretary of state.

6 (2) For voter registration applicants, "date of mailing" means the
7 date of the postal cancellation on the voter registration application.
8 This date will also be used as the date of application for the purpose
9 of meeting the registration cutoff deadline. If the postal
10 cancellation date is illegible then the date of receipt by the
11 elections official is considered the date of application. If an
12 application is received by (~~the elections official~~) a county auditor
13 or the office of the secretary of state by the close of business on the
14 fifth day after the cutoff date for voter registration and the postal
15 cancellation date is illegible, the application will be considered to
16 have arrived by the cutoff date for voter registration.

17 **Sec. 13.** RCW 29A.08.220 and 2004 c 267 s 115 are each amended to
18 read as follows:

19 (1) The secretary of state shall specify by rule the format of all
20 voter registration applications. These applications shall be
21 compatible with existing voter registration records. An applicant for
22 voter registration shall be required to complete only one application
23 and to provide the required information other than his or her signature
24 no more than one time. These applications shall also contain
25 information for the voter to (~~transfer~~) update his or her
26 registration.

27 (2) Any application format specified by the secretary for use in
28 registering to vote in state and local elections shall satisfy the
29 requirements of the National Voter Registration Act of 1993 (P.L. 103-
30 31) and the Help America Vote Act of 2002 (P.L. 107-252) for
31 registering to vote in federal elections.

32 (~~(2) All registration applications required under RCW 29A.08.210~~
33 ~~and 29A.08.340 shall be produced and furnished by the secretary of~~
34 ~~state to the county auditors and the department of licensing.))~~

35 **Sec. 14.** RCW 29A.08.230 and 2009 c 369 s 17 are each amended to
36 read as follows:

1 For all voter registrations, the registrant shall sign the
2 following oath:

3 "I declare that the facts on this voter registration form are true.
4 I am a citizen of the United States, (~~I am not presently denied the~~
5 ~~right to vote as a result of being convicted of a felony,~~) I will have
6 lived (~~in~~) at this address in Washington (~~at this address~~) for at
7 least thirty days immediately before the next election at which I vote,
8 (~~and~~) I will be at least eighteen years old when I vote, I am not
9 disqualified from voting due to a court order, and I am not under
10 department of corrections supervision for a Washington felony
11 conviction."

12 **Sec. 15.** RCW 29A.08.260 and 2009 c 369 s 18 are each amended to
13 read as follows:

14 (1) All registration applications required under RCW 29A.08.210 and
15 29A.08.340 shall be produced and furnished by the secretary of state to
16 the county auditors and the department of licensing.

17 (2) The county auditor shall distribute forms by which a person may
18 register to vote by mail and transfer any previous registration in this
19 state. The county auditor shall keep a supply of voter registration
20 forms in his or her office at all times for political parties and
21 others interested in assisting in voter registration, and shall make
22 every effort to make these forms generally available to the public.
23 The county auditor shall provide voter registration forms to city and
24 town clerks, state offices, schools, fire stations, public libraries,
25 and any other locations considered appropriate by the auditor or
26 secretary of state for extending registration opportunities to all
27 areas of the county. After the initial distribution of voter
28 registration forms to a given location, a representative designated by
29 the official in charge of that location shall notify the county auditor
30 of the need for additional voter registration supplies.

31 **Sec. 16.** RCW 29A.08.330 and 2009 c 369 s 20 are each amended to
32 read as follows:

33 (1) The secretary of state shall prescribe the method of voter
34 registration for each designated agency. The agency shall use either
35 the state voter registration by mail form with a separate declination

1 form for the applicant to indicate that he or she declines to register
2 at this time, or the agency may use a separate form approved for use by
3 the secretary of state.

4 (2) The person providing service at the agency shall offer voter
5 registration services to every client whenever he or she applies for
6 service or assistance and with each renewal, recertification, or change
7 of address. The person providing service shall give the applicant the
8 same level of assistance with the voter registration application as is
9 offered to fill out the agency's forms and documents, including
10 information about age and citizenship requirements for voter
11 registration.

12 (3) The person providing service at the agency shall determine if
13 the prospective applicant wants to register to vote or ((transfer))
14 update his or her voter registration by asking the following question:

15 "Do you want to register to vote or ((transfer)) update your voter
16 registration?"

17 If the applicant chooses to register or ((transfer)) update a
18 registration, the service agent shall ask the following:

19 (a) "Are you a United States citizen?"

20 (b) "Are you or will you be eighteen years of age on or before the
21 next election?"

22 If the applicant answers in the affirmative to both questions, the
23 agent shall then provide the applicant with a voter registration form
24 and instructions and shall record that the applicant has requested to
25 register ((to vote or transfer)) or update a voter registration. If
26 the applicant answers in the negative to either question, the agent
27 shall not provide the applicant with a voter registration form.

28 (4) If an agency uses a computerized application process, it may,
29 in consultation with the secretary of state, develop methods to capture
30 simultaneously the information required for voter registration during
31 a person's computerized application process.

32 (5) Each designated agency shall transmit the applications to the
33 secretary of state or appropriate county auditor within three business
34 days.

35 **Sec. 17.** RCW 29A.08.340 and 2003 c 111 s 225 are each amended to
36 read as follows:

1 (1) A person may register to vote(~~(, transfer a voter registration,~~
2 ~~or change his or her name for)~~) or update his or her voter registration
3 (~~purposes~~) when he or she applies for or renews a driver's license or
4 identification card under chapter 46.20 RCW.

5 (2) To register to vote(~~(, transfer his or her voter registration,~~
6 ~~or change his or her name for voter registration purposes under this~~
7 ~~section)~~) or update a registration, the applicant shall provide the
8 information required by RCW (~~(29A.08.210)~~) 29A.08.010.

9 (3) The driver licensing agent shall record that the applicant has
10 requested to register to vote or (~~(transfer)~~) update a voter
11 registration.

12 **Sec. 18.** RCW 29A.08.350 and 2009 c 369 s 21 are each amended to
13 read as follows:

14 The department of licensing shall produce and transmit to the
15 secretary of state the following information from the records of each
16 individual who requested a voter registration or (~~(transfer)~~) update at
17 a driver's license facility: The name, address, date of birth, gender
18 of the applicant, the driver's license number, and the date on which
19 the application for voter registration or (~~(transfer)~~) update was
20 submitted. The secretary of state shall process the registrations and
21 (~~(transfers)~~) updates as an electronic application.

22 **Sec. 19.** RCW 29A.08.520 and 2009 c 325 s 1 are each reenacted to
23 read as follows:

24 (1) For a felony conviction in a Washington state court, the right
25 to vote is provisionally restored as long as the person is not under
26 the authority of the department of corrections. For a felony
27 conviction in a federal court or any state court other than a
28 Washington state court, the right to vote is restored as long as the
29 person is no longer incarcerated.

30 (2)(a) Once the right to vote has been provisionally restored, the
31 sentencing court may revoke the provisional restoration of voting
32 rights if the sentencing court determines that a person has willfully
33 failed to comply with the terms of his or her order to pay legal
34 financial obligations.

35 (b) If the person has failed to make three payments in a

1 twelve-month period and the county clerk or restitution recipient
2 requests, the prosecutor shall seek revocation of the provisional
3 restoration of voting rights from the court.

4 (c) To the extent practicable, the prosecutor and county clerk
5 shall inform a restitution recipient of the recipient's right to ask
6 for the revocation of the provisional restoration of voting rights.

7 (3) If the court revokes the provisional restoration of voting
8 rights, the revocation shall remain in effect until, upon motion by the
9 person whose provisional voting rights have been revoked, the person
10 shows that he or she has made a good faith effort to pay as defined in
11 RCW 10.82.090.

12 (4) The county clerk shall enter into a database maintained by the
13 administrator for the courts the names of all persons whose provisional
14 voting rights have been revoked, and update the database for any person
15 whose voting rights have subsequently been restored pursuant to
16 subsection (6) of this section.

17 (5) At least twice a year, the secretary of state shall compare the
18 list of registered voters to a list of felons who are not eligible to
19 vote as provided in subsections (1) and (3) of this section. If a
20 registered voter is not eligible to vote as provided in this section,
21 the secretary of state or county auditor shall confirm the match
22 through a date of birth comparison and suspend the voter registration
23 from the official state voter registration list. The secretary of
24 state or county auditor shall send to the person at his or her last
25 known voter registration address and at the department of corrections,
26 if the person is under the authority of the department, a notice of the
27 proposed cancellation and an explanation of the requirements for
28 provisionally and permanently restoring the right to vote and
29 reregistering. To the extent possible, the secretary of state shall
30 time the comparison required by this subsection to allow notice and
31 cancellation of voting rights for ineligible voters prior to a primary
32 or general election.

33 (6) The right to vote may be permanently restored by one of the
34 following for each felony conviction:

35 (a) A certificate of discharge issued by the sentencing court, as
36 provided in RCW 9.94A.637;

37 (b) A court order restoring the right, as provided in RCW 9.92.066;

1 (c) A final order of discharge issued by the indeterminate sentence
2 review board, as provided in RCW 9.96.050; or

3 (d) A certificate of restoration issued by the governor, as
4 provided in RCW 9.96.020.

5 (7) For the purposes of this section, a person is under the
6 authority of the department of corrections if the person is:

7 (a) Serving a sentence of confinement in the custody of the
8 department of corrections; or

9 (b) Subject to community custody as defined in RCW 9.94A.030.

10 **Sec. 20.** RCW 29A.08.820 and 2011 c 10 s 21 are each amended to
11 read as follows:

12 (1) Challenges ~~((initiated by a registered voter against a voter
13 who))~~ must be filed with the county auditor of the county in which the
14 challenged voter is registered no later than forty-five days before the
15 election. The county auditor presides over the hearing.

16 (2) Only if the challenged voter registered to vote less than sixty
17 days before the election, or ((who)) changed residence less than sixty
18 days before the election without transferring his or her registration,
19 ((must)) may a challenge be filed not later than ten days before any
20 primary or election, general or special, or within ten days of the
21 voter being added to the voter registration database, whichever is
22 later(, at the office of the appropriate county auditor. Challenges
23 initiated by a registered voter or county prosecuting attorney must be
24 filed not later than forty-five days before the election)).

25 ~~((+2))~~(a) If the challenge is filed within forty-five days before
26 an election at which the challenged voter is eligible to vote, a
27 notation of the challenge must be made immediately in the voter
28 registration system, and the county canvassing board presides over the
29 hearing.

30 (b) If the challenge is filed before the challenged voter's ballot
31 is received, the ballot must be treated as a challenged ballot.

32 (c) If the challenge is filed after the challenged voter's ballot
33 is received, the challenge cannot affect the current election.

34 ~~((3) If the challenge is filed at least forty five days before an
35 election at which the challenged voter is eligible to vote, the county
36 auditor presides over the hearing.))~~

1 **Sec. 21.** RCW 29A.12.005 and 2004 c 267 s 601 are each amended to
2 read as follows:

3 As used in this chapter, "voting system" means:

4 (1) The total combination of mechanical, electromechanical, or
5 electronic equipment including, but not limited to, the software,
6 firmware, and documentation required to program, control, and support
7 the equipment, that is used:

8 (a) To define ballots;

9 (b) To cast and count votes;

10 (c) To report or display election results from the voting system;

11 and

12 (d) To maintain and produce any audit trail information; and

13 (2) The practices and associated documentation used:

14 (a) To identify system components and versions of such components;

15 (b) To test the system during its development and maintenance;

16 (c) To maintain records of system errors and defects;

17 (d) To determine specific system changes to be made to a system
18 after the initial qualification of the system; and

19 (e) To make available any materials to the voter such as notices,
20 instructions, forms, or paper ballots.

21 **Sec. 22.** RCW 29A.12.080 and 2006 c 207 s 2 are each amended to
22 read as follows:

23 No voting device shall be approved by the secretary of state unless
24 it:

25 (1) Secures to the voter secrecy in the act of voting;

26 (2) Permits the voter to vote for any person for any office and
27 upon any measure that he or she has the right to vote for;

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

30 ~~(+4))~~ Correctly registers all votes cast for any and all persons
31 and for or against any and all measures;

32 ~~((+5))~~ (4) Provides that a vote for more than one candidate cannot
33 be cast by one single operation of the voting device or vote tally
34 system except when voting for president and vice president of the
35 United States; and

36 ~~((+6))~~ (5) Except for functions or capabilities unique to this

1 state, has been tested and certified by an independent testing
2 authority designated by the United States election assistance
3 commission.

4 **Sec. 23.** RCW 29A.12.120 and 2011 c 10 s 24 are each amended to
5 read as follows:

6 (1) Before each state primary or general election at which voting
7 systems are to be used, the county auditor shall instruct all counting
8 center personnel who will operate a voting system in the proper conduct
9 of their voting system duties.

10 (2) The county auditor may waive instructional requirements for
11 counting center personnel who have previously received instruction and
12 who have served for a sufficient length of time to be fully qualified
13 to perform their duties. The county auditor shall keep a record of
14 each person who has received instruction and is qualified to serve at
15 the subsequent primary or election.

16 (3) No person may (~~work~~) operate a voting system in a counting
17 center at a primary or election (~~at which a vote tallying system is~~
18 ~~used~~) unless that person has received the required instruction and is
19 qualified to perform his or her duties in connection with the handling
20 and tallying of ballots for that primary or election.

21 **Sec. 24.** RCW 29A.12.150 and 2003 c 111 s 315 are each amended to
22 read as follows:

23 (~~(1) No voting device or machine may be used in a county with a~~
24 ~~population of seventy thousand or more to conduct a primary or general~~
25 ~~or special election in this state unless it correctly records on a~~
26 ~~separate ballot the votes cast by each elector for any person and for~~
27 ~~or against any measure and such separate ballots are available for~~
28 ~~audit purposes after such a primary or election.~~

29 (2)) The secretary of state shall not certify under this title any
30 voting device or machine for use in conducting a primary or general or
31 special election in this state unless the device or machine correctly
32 records on a separate ballot the votes cast by each elector for any
33 person and for or against any measure and such separate ballots are
34 available for audit purposes after such a primary or election.

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

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

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

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

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

29 **Sec. 26.** RCW 29A.20.111 and 2004 c 271 s 188 are each amended to
30 read as follows:

31 A "convention" for the purposes of this chapter, is an organized
32 assemblage of registered voters representing an independent candidate
33 or candidates or a new or minor political party, organization, or
34 principle. (~~(As used in this chapter, the term "election jurisdiction"~~
35 ~~shall mean the state or any political subdivision or jurisdiction of~~
36 ~~the state from which partisan officials are elected. This term shall~~
37 ~~include county commissioner districts or council districts for members~~

1 of a county legislative authority, counties for county officials who
2 are nominated and elected on a countywide basis, legislative districts
3 for members of the legislature, congressional districts for members of
4 Congress, and the state for president and vice president, members of
5 the United States senate, and state officials who are elected on a
6 statewide basis.))

7 **Sec. 27.** RCW 29A.20.121 and 2006 c 344 s 4 are each amended to
8 read as follows:

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

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

28 ~~(3) If a special filing period for a partisan office is opened
29 under RCW 29A.24.211, candidates of minor political parties and
30 independent candidates may file for office during that special filing
31 period. The names of those candidates may not appear on the general
32 election ballot unless they are nominated by convention held no later
33 than five days after the close of the special filing period and a
34 certificate of nomination is filed with the filing officer no later
35 than three days after the convention. The requirements of RCW
36 29A.20.131 do not apply to such a convention.~~

1 ~~(4))~~) A minor political party may hold more than one convention but
2 in no case shall any such party nominate more than one candidate for
3 ~~((any one partisan public office or position))~~ president or more than
4 one candidate for vice president. ~~((For the purpose of nominating~~
5 ~~candidates for the offices of president and vice president, United~~
6 ~~States senator, United States representative, or a statewide office,))~~
7 To be valid, a convention must be attended by at least one hundred
8 registered voters, but a minor party or independent candidate holding
9 multiple conventions may add together the number of signatures of
10 different individuals from each convention ~~((obtained in support of the~~
11 ~~candidate or candidates))~~ in order to obtain ~~((the number required by~~
12 ~~RCW 29A.20.141))~~ and submit to the secretary of state the signatures of
13 at least one thousand registered voters of the state of Washington.
14 ~~((For all other offices for which nominations are made, signatures of~~
15 ~~the requisite number of registered voters must be obtained at a single~~
16 ~~convention.))~~

17 **Sec. 28.** RCW 29A.20.161 and 2004 c 271 s 154 are each amended to
18 read as follows:

19 A certificate evidencing nominations made at a convention must:

20 (1) Be in writing;

21 (2) Contain the name of each person nominated, his or her
22 residence, ~~((and))~~ the office for which he or she is named, and ~~((if~~
23 ~~the nomination is for the offices of president and vice president of~~
24 ~~the United States,))~~ a sworn statement from both nominees giving their
25 consent to the nomination;

26 (3) Identify the minor political party or the independent candidate
27 on whose behalf the convention was held;

28 (4) Be verified by the oath of the presiding officer and secretary;

29 (5) Be accompanied by a nominating petition or petitions bearing
30 the signatures and addresses of ~~((registered voters equal in number to~~
31 ~~that required by RCW 29A.20.141))~~ at least one thousand registered
32 voters of the state of Washington;

33 (6) Contain proof of publication of the notice of calling the
34 convention; and

35 (7) Be submitted to the ~~((appropriate filing officer))~~ secretary of
36 state not later than ~~((one week following the adjournment of the~~
37 ~~convention at which the nominations were made))~~ the first Friday of

1 August. (~~If the nominations are made only for offices whose~~
2 ~~jurisdiction is entirely within one county, the certificate and~~
3 ~~nominating petitions must be filed with the county auditor. If a minor~~
4 ~~party or independent candidate convention nominates any candidates for~~
5 ~~offices whose jurisdiction encompasses more than one county, all~~
6 ~~nominating petitions and the convention certificates must be filed with~~
7 ~~the secretary of state.~~)

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

10 Upon the receipt of the certificate of nomination, the (~~officer~~
11 ~~with whom it is filed~~) secretary of state shall check the certificate
12 and canvass the signatures on the accompanying nominating petitions to
13 determine if the requirements of RCW (~~29A.20.141~~) 29A.20.161 (as
14 recodified by this act) have been met. Once the determination has been
15 made, the (~~filing officer~~) secretary of state shall notify the
16 presiding officer of the convention and any other persons requesting
17 the notification, of his or her decision regarding the sufficiency of
18 the certificate or the nominating petitions. Any appeal regarding the
19 (~~filing officer's~~) secretary's determination must be filed with the
20 superior court of (~~the~~) Thurston county (~~in which the certificate or~~
21 ~~petitions were filed~~) not later than five days from the date the
22 determination is made, and shall be heard and finally disposed of by
23 the court within five days of the filing. Nominating petitions shall
24 not be available for public inspection or copying.

25 **Sec. 30.** RCW 29A.24.020 and 2003 c 111 s 602 are each amended to
26 read as follows:

27 If at the same election there are short terms or full terms and
28 unexpired terms of office to be filled, the filing officer shall
29 distinguish them and designate the short term, the full term, and the
30 unexpired term, as such, or by use of the words "short term,"
31 "unexpired two year term," or "four year term," as the case may be.

32 (~~In filing the declaration of candidacy in such cases the~~
33 ~~candidate shall specify that the candidacy is for the short term, the~~
34 ~~full term, or the unexpired term.~~) When both a short term and a full
35 term for the same position are scheduled to be voted upon, or when a
36 short term is created after the close of the filing period, a single

1 declaration of candidacy accompanied by a single filing fee shall be
2 construed as a filing for both the short term and the full term and the
3 name of such candidate shall appear upon the ballot for the position
4 sought with the designation "short term and full term." The candidate
5 elected to both such terms shall be sworn into and assume office for
6 the short term as soon as the election returns have been certified and
7 shall again be sworn into office (~~((on the second Monday in January~~
8 ~~following the election to assume office))~~) for the full term.

9 **Sec. 31.** RCW 29A.24.031 and 2004 c 271 s 158 are each amended to
10 read as follows:

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

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

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

25 (3) A place for the candidate to (~~((indicate a party designation, if~~
26 ~~applicable))~~) state a party preference, if the office is a partisan
27 office;

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

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

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

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

9 **Sec. 32.** RCW 29A.24.101 and 2006 c 206 s 4 are each amended to
10 read as follows:

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

16 ~~((For candidates for nonpartisan office and candidates of a~~
17 ~~major political party for partisan office,))~~ The filing fee petition
18 must be in substantially the following form:

19 The warning prescribed by RCW 29A.72.140; followed by:
20 We, the undersigned registered voters of _____ (the state of
21 Washington or the political subdivision for which the nomination is
22 made), hereby petition that the name of _____ (candidate's name) be
23 printed on the official primary ballot for the office of _____ (insert
24 name of office).

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

28 ~~The warning prescribed by RCW 29A.72.140; followed by:~~
29 ~~We, the undersigned registered voters of _____ (the state of~~
30 ~~Washington or the political subdivision for which the nomination is~~
31 ~~made)~~, hereby petition that the name of _____ (candidate's name) be
32 printed on the official general election ballot for the office of
33 _____ (insert name of office).)

34 **Sec. 33.** RCW 29A.24.320 and 2003 c 111 s 623 are each amended to
35 read as follows:

1 The secretary of state shall notify each county auditor of any
2 declarations filed with the secretary under RCW ((29A.24.310))
3 29A.24.311 for offices appearing on the ballot in that county. The
4 county auditor shall ensure that those persons charged with counting
5 the ballots for a primary or election are notified of all valid write-
6 in candidates before the tabulation of those ballots.

7 **Sec. 34.** RCW 29A.28.041 and 2011 c 349 s 14 are each amended to
8 read as follows:

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

14 (2) Within ten days of such vacancy occurring, he or she shall
15 issue a writ of election fixing a date for the primary at least seventy
16 days after issuance of the writ, and fixing a date for the election at
17 least seventy days after the date of the primary. If the vacancy is in
18 the office of United States representative, the writ of election shall
19 specify the congressional district that is vacant.

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

26 (4) If the vacancy occurs on or after the first day for filing
27 under RCW 29A.24.050 and on or before the close of the filing period,
28 a special filing period of three normal business days shall be fixed
29 ((by the governor)) and notice thereof given to all media, including
30 press, radio, and television within the area in which the vacancy
31 election is to be held, to the end that, insofar as possible, all
32 interested persons will be aware of such filing period. ((The names of
33 major political party candidates who have filed valid declarations of
34 candidacy during this three day period shall appear on the approaching
35 primary ballot. The requirements of RCW 29A.20.131 do not apply to a
36 minor political party or independent candidate convention held under
37 this subsection.))

1 (5) If the vacancy occurs later than the close of the filing
2 period, a special primary and vacancy election to fill the position
3 shall be held after the next ((state)) general election but, in any
4 event, no later than the ninetieth day following the ((November))
5 general election.

6 **Sec. 35.** RCW 29A.28.050 and 2003 c 111 s 705 are each amended to
7 read as follows:

8 After calling a special primary and special vacancy election to
9 fill a vacancy in the United States house of representatives or the
10 United States senate from this state, the governor shall immediately
11 notify the secretary of state who shall, in turn, immediately notify
12 the county auditor of each county wholly or partly within which the
13 vacancy exists.

14 Each county auditor shall publish notices of the special primary
15 and the special vacancy election at least once in any legal newspaper
16 published in the county, as provided by RCW ((29A.52.310 and 29A.52.350
17 ~~respectively~~)) 29A.52.355.

18 **Sec. 36.** RCW 29A.28.061 and 2011 c 10 s 28 are each amended to
19 read as follows:

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

31 **Sec. 37.** RCW 29A.32.100 and 2003 c 111 s 810 are each amended to
32 read as follows:

33 (1) An argument or statement submitted to the secretary of state
34 for publication in the voters' pamphlet is not available for public
35 inspection or copying until:

1 (a) In the case of candidate statements, (i) all statements by all
2 candidates who have filed for a particular office have been received,
3 except those who informed the secretary that they will not submit
4 statements, or (ii) the deadline for submission of statements has
5 elapsed;

6 (b) In the case of arguments supporting or opposing a measure, (i)
7 the arguments on both sides have been received, unless a committee was
8 not appointed for one side, or (ii) the deadline for submission of
9 arguments has elapsed; and

10 (c) In the case of rebuttal arguments, (i) the rebuttals on both
11 sides have been received, unless a committee was not appointed for one
12 side, or (ii) the deadline for submission of arguments has elapsed.

13 (2) Nothing in this section prohibits the secretary from releasing
14 information under RCW 29A.32.090(~~(+2)(d)~~).

15 **Sec. 38.** RCW 29A.32.210 and 2003 c 111 s 813 are each amended to
16 read as follows:

17 At least ninety days before any primary or general election, or at
18 least forty days before any special election held under RCW
19 (~~29A.04.320~~) 29A.04.321 or 29A.04.330, the legislative authority of
20 any county or first-class or code city may adopt an ordinance
21 authorizing the publication and distribution of a local voters'
22 pamphlet. The pamphlet shall provide information on all measures
23 within that jurisdiction and may, if specified in the ordinance,
24 include information on candidates within that jurisdiction. If both a
25 county and a first-class or code city within that county authorize a
26 local voters' pamphlet for the same election, the pamphlet shall be
27 produced jointly by the county and the first-class or code city. If no
28 agreement can be reached between the county and first-class or code
29 city, the county and first-class or code city may each produce a
30 pamphlet. Any ordinance adopted authorizing a local voters' pamphlet
31 may be for a specific primary, special election, or general election or
32 for any future primaries or elections. The format of any local voters'
33 pamphlet shall, whenever applicable, comply with the provisions of this
34 chapter regarding the publication of the state candidates' and voters'
35 pamphlets.

1 **Sec. 39.** RCW 29A.36.010 and 2011 c 349 s 15 are each amended to
2 read as follows:

3 Not later than the Tuesday following the regular filing period, the
4 secretary of state shall certify to each county auditor a list of the
5 candidates who have filed declarations of candidacy in his or her
6 office for the primary. For each office, the certificate shall include
7 the name of each candidate, his or her address, and his or her party
8 preference (~~(or independent designation as shown)~~) , if any, provided
9 on filed declarations.

10 **Sec. 40.** RCW 29A.36.060 and 2003 c 111 s 906 are each amended to
11 read as follows:

12 If any persons are dissatisfied with the ballot title for a
13 proposed constitution(~~(7)~~) or constitutional amendment(~~(7, or question~~
14 ~~submitted under RCW 29A.36.050)~~), they may at any time within ten days
15 from the time of the filing of the ballot title and summary, not
16 including Saturdays, Sundays, or legal holidays, appeal to the superior
17 court of Thurston county by petition setting forth the measure, the
18 ballot title objected to, their objections to it, and praying for
19 amendment of the ballot title. The time of the filing of the ballot
20 title, as used in this section for establishing the time for appeal, is
21 the time the ballot title is first filed with the secretary of state.

22 A copy of the petition on appeal together with a notice that an
23 appeal has been taken must be served upon the secretary of state, the
24 attorney general, the chief clerk of the house of representatives, and
25 the secretary of the senate. Upon the filing of the petition on
26 appeal, the court shall immediately, or at the time to which a hearing
27 may be adjourned by consent of the appellants, examine the proposed
28 measure, the ballot title filed, and the objections to it and may hear
29 arguments on it, and shall as soon as possible render its decision and
30 certify to and file with the secretary of state a ballot title that it
31 determines will meet the requirements of this chapter. The decision of
32 the superior court is final, and the ballot title so certified will be
33 the established ballot title. The appeal must be heard without cost to
34 either party.

35 **Sec. 41.** RCW 29A.36.101 and 2004 c 271 s 125 are each amended to
36 read as follows:

1 Except for the candidates for (~~the positions of~~) president and
2 vice president, or for a partisan or nonpartisan office for which no
3 primary is required, (~~or for independent or minor party candidates,~~)
4 the names of all candidates who, under this title, filed a declaration
5 of candidacy (~~or were certified as a candidate to fill a vacancy on a~~
6 ~~major party ticket will~~) must appear on the appropriate ballot at the
7 primary throughout the jurisdiction (~~in which they are to be~~
8 ~~nominated~~) for which they filed.

9 **Sec. 42.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to
10 read as follows:

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

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

32 (~~ii~~) ~~The positions or offices on a primary nonpartisan ballot must~~
33 ~~be arranged in substantially the following order: Superintendent of~~
34 ~~public instruction; justices of the supreme court; judges of the court~~
35 ~~of appeals; judges of the superior court; and judges of the district~~
36 ~~court. For all other jurisdictions on the primary nonpartisan ballot,~~

1 ~~the offices in each jurisdiction must be grouped together and be in the~~
2 ~~order of the position numbers assigned to those offices, if any.)~~)

3 (2) The order of the positions or offices on ((~~an~~)) a general
4 election ballot shall be substantially the same as on a primary
5 ((~~consolidated~~)) ballot except that state ballot issues must be placed
6 before all offices. The offices of president and vice president of the
7 United States shall precede all other offices on a presidential
8 election ballot. The positions on a ballot to be assigned to ballot
9 measures regarding local units of government shall be established by
10 the secretary of state by rule.

11 ((~~(3) The political party or independent candidacy of each~~
12 ~~candidate for partisan office shall be indicated next to the name of~~
13 ~~the candidate on the primary and election ballot. A candidate shall~~
14 ~~file a written notice with the filing officer within three business~~
15 ~~days after the close of the filing period designating the political~~
16 ~~party to be indicated next to the candidate's name on the ballot if~~
17 ~~either: (a) The candidate has been nominated by two or more minor~~
18 ~~political parties or independent conventions; or (b) the candidate has~~
19 ~~both filed a declaration of candidacy declaring an affiliation with a~~
20 ~~major political party and been nominated by a minor political party or~~
21 ~~independent convention. If no written notice is filed the filing~~
22 ~~officer shall give effect to the party designation shown upon the first~~
23 ~~document filed. A candidate may be deemed nominated by a minor party~~
24 ~~or independent convention only if all documentation required by chapter~~
25 ~~29A.20 RCW has been timely filed.))~~)

26 **Sec. 43.** RCW 29A.36.131 and 2011 c 10 s 32 are each amended to
27 read as follows:

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

1 **Sec. 44.** RCW 29A.36.161 and 2011 c 10 s 33 are each amended to
2 read as follows:

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

7 (2) The ballot must have a clear delineation between the ballot
8 instructions and the first ballot measure or office through the use of
9 white space, illustration, shading, color, symbol, font size, or bold
10 type. The secretary of state shall establish standards for ballot
11 design and layout consistent with this section and RCW 29A.04.611.

12 (3) The questions of adopting constitutional amendments or any
13 other state measure authorized by law to be submitted to the voters at
14 that election must appear after the instructions and before any
15 offices.

16 (4) In a year that president and vice president appear on the
17 general election ballot, the names of candidates for president and vice
18 president for each political party must be grouped together with a
19 single response position for a voter to indicate his or her choice.

20 ~~((5) On a general election ballot, the candidate or candidates
21 of))~~ The major political party that received the highest number of
22 votes from the electors of this state for the office of president of
23 the United States at the last presidential election must appear first
24 ~~((following the appropriate office heading. The candidate or
25 candidates of the)).~~ Other major political parties ~~((will))~~ must
26 follow according to the votes cast for their nominees for president at
27 the last presidential election~~((, and))~~. Independent candidates and
28 ~~((the candidate or candidates of all other))~~ minor parties ~~((will))~~
29 must follow major parties and be listed in the order of their
30 qualification with the secretary of state.

31 **Sec. 45.** RCW 29A.36.170 and 2005 c 2 s 6 are each reenacted and
32 amended to read as follows:

33 (1) For any office for which a primary was held, only the names of
34 the top two candidates will appear on the general election ballot; the
35 name of the candidate who received the greatest number of votes will
36 appear first and the candidate who received the next greatest number of
37 votes will appear second. No candidate's name may be printed on the

1 subsequent general election ballot unless he or she receives at least
2 one percent of the total votes cast for that office at the preceding
3 primary, if a primary was conducted. On the ballot at the general
4 election for an office for which no primary was held, the names of the
5 candidates shall be listed in the order determined under RCW
6 (~~29A.36.130~~) 29A.36.131.

7 (2) For the office of justice of the supreme court, judge of the
8 court of appeals, judge of the superior court, judge of the district
9 court, or state superintendent of public instruction, if a candidate in
10 a contested primary receives a majority of all the votes cast for that
11 office or position, only the name of that candidate may be printed for
12 that position on the ballot at the general election.

13 **Sec. 46.** RCW 29A.36.201 and 2004 c 271 s 171 are each amended to
14 read as follows:

15 The names of (~~the persons~~) candidates certified (~~as nominees~~)
16 by the secretary of state or the county canvassing board as qualified
17 to appear on the general election shall be printed on the general
18 election ballot (~~at the ensuing election~~).

19 If a primary for an office was held, no name of any candidate
20 (~~whose nomination at a primary is required by law~~) shall be placed
21 upon the ballot at a general or special election unless it appears upon
22 the certificate of either (1) the secretary of state, or (2) the county
23 canvassing board (~~, or (3) a minor party convention or the state or~~
24 ~~county central committee of a major political party to fill a vacancy~~
25 ~~on its ticket under RCW 29A.28.021~~)).

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

31 **Sec. 47.** RCW 29A.40.010 and 2011 c 10 s 35 are each amended to
32 read as follows:

33 Each active registered voter of the state, overseas voter, and
34 service voter shall automatically be issued a mail ballot for each
35 general election, special election, or primary. Overseas voters and
36 service voters are authorized to cast the same ballots, including those

1 for special elections, as a registered voter of the state would receive
2 under this chapter. Each active registered voter shall continue to
3 receive a ballot by mail until the death or disqualification of the
4 voter, cancellation of the voter's registration, or placing the voter
5 on inactive status.

6 **Sec. 48.** RCW 29A.40.070 and 2011 c 349 s 16 and 2011 c 10 s 38 are
7 each reenacted and amended to read as follows:

8 (1) Except where a recount or litigation is pending, the county
9 auditor must mail ballots to each voter at least eighteen days before
10 each primary or election, and as soon as possible for all subsequent
11 registration changes.

12 (2) Except where a recount or litigation is pending, the county
13 auditor must mail ballots to each service and overseas voter at least
14 thirty days before each (~~primary election or~~) special election, and
15 at least forty-five days before each primary or general election, or
16 any special election that involves federal office. A request for a
17 ballot made by an overseas or service voter after that day must be
18 processed immediately.

19 (3) A registered voter may obtain a replacement ballot if the
20 ballot is destroyed, spoiled, lost, or not received by the voter. The
21 voter may obtain the ballot by telephone request, by mail,
22 electronically, or in person. The county auditor shall keep a record
23 of each request for a replacement ballot.

24 (4) Each county auditor shall certify to the office of the
25 secretary of state the dates the ballots were mailed, or the reason and
26 date the ballots will be mailed if the ballots were not mailed timely.

27 (5) Failure to mail ballots as prescribed in this section does not
28 by itself provide a basis for an election contest or other legal
29 challenge to the results of a primary, general election, or special
30 election.

31 **Sec. 49.** RCW 29A.40.091 and 2011 c 349 s 17, 2011 c 348 s 3, 2011
32 c 182 s 1, and 2011 c 10 s 39 are each reenacted and amended to read as
33 follows:

34 (1) The county auditor shall send each voter a ballot, a security
35 envelope in which to conceal the ballot after voting, a larger envelope
36 in which to return the security envelope, a declaration that the voter

1 must sign, and instructions on how to obtain information about the
2 election, how to mark the ballot, and how to return the ballot to the
3 county auditor.

4 (2) The voter must swear under penalty of perjury that he or she
5 meets the qualifications to vote, and has not voted in any other
6 jurisdiction at this election. The declaration must clearly inform the
7 voter that it is illegal to vote if he or she is not a United States
8 citizen; it is illegal to vote if he or she has been convicted of a
9 felony and has not had his or her voting rights restored; and it is
10 illegal to cast a ballot or sign a ~~((return envelope))~~ ballot
11 declaration on behalf of another voter. The ballot materials must
12 provide space for the voter ~~((must))~~ to sign the declaration, indicate
13 the date on which the ballot was voted, and ~~((sign the declaration.~~
14 ~~The ballot materials must also contain a space so that the voter may))~~
15 include a telephone number.

16 (3) For overseas and service voters, the signed declaration ~~((on~~
17 ~~the return envelope))~~ constitutes the equivalent of a voter
18 registration ~~((for the election or primary for which the ballot has~~
19 ~~been issued))~~. Return envelopes for overseas and service voters must
20 enable the ballot to be returned postage free if mailed through the
21 United States postal service, United States armed forces postal
22 service, or the postal service of a United States foreign embassy under
23 39 U.S.C. 3406.

24 (4) The voter must be instructed to either return the ballot to the
25 county auditor no later than 8:00 p.m. the day of the election or
26 primary, or mail the ballot to the county auditor with a postmark no
27 later than the day of the election or primary. Service and overseas
28 voters must be provided with instructions and a ~~((secrecy cover))~~
29 privacy sheet for returning the ballot and signed declaration by fax or
30 e-mail. A voted ballot and signed declaration returned by fax or e-
31 mail must be received by 8:00 p.m. on the day of the election or
32 primary.

33 **Sec. 50.** RCW 29A.52.112 and 2005 c 2 s 7 are each amended to read
34 as follows:

35 (1) A primary is a first stage in the public process by which
36 voters elect candidates to public office.

1 (2) Whenever candidates for a partisan office are to be elected,
2 the general election must be preceded by a primary conducted under this
3 chapter. Based upon votes cast at the primary, the top two candidates
4 will be certified as qualified to appear on the general election
5 ballot, unless only one candidate qualifies as provided in RCW
6 29A.36.170.

7 (3) For partisan office, if a candidate has expressed a party (~~or~~
8 ~~independent~~) preference on the declaration of candidacy, then that
9 preference will be shown after the name of the candidate on the primary
10 and general election ballots (~~by appropriate abbreviation~~) as set
11 forth in rules of the secretary of state. A candidate may choose to
12 express no party (~~or independent~~) preference. Any party (~~or~~
13 ~~independent~~) preferences are shown for the information of voters only
14 and may in no way limit the options available to voters.

15 **Sec. 51.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to
16 read as follows:

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

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

28 **Sec. 52.** RCW 29A.52.321 and 2004 c 271 s 146 are each amended to
29 read as follows:

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

1 **Sec. 53.** RCW 29A.52.355 and 2011 c 10 s 45 are each amended to
2 read as follows:

3 (1) Notice for any state, county, district, or municipal primary or
4 election, whether special or general, must be given by the county
5 auditor between five and fifteen days prior to the deadline for mail-in
6 registrations. The notice must be published in one or more newspapers
7 of general circulation and must contain, at a minimum, the last date to
8 register online or through the mail, the last date to transfer or
9 update an existing registration, the last date to register in person
10 for first-time voters, information on where a person can register, the
11 type of election, the date of the election, how a voter can obtain a
12 ballot, a list of all jurisdictions involved in the election, including
13 positions and short titles for ballot measures appearing on the ballot,
14 and the times and dates of any public meetings associated with the
15 election. The notice shall also include where additional information
16 regarding the election may be obtained. The notice of a primary held
17 in an even-numbered year must indicate that the office of precinct
18 committee officer is on the ballot. This is the only notice required
19 for a state, county, district, or municipal primary or special or
20 general election.

21 (2) If the county or city chooses to mail a local voters' pamphlet
22 as described in RCW 29A.32.210 to each residence, the notice required
23 in this section need only include the last date to register online or
24 through the mail, the last date to transfer or update an existing
25 registration, the last date to register in person for first-time
26 voters, information on where a person can register, and the times and
27 dates of any public meetings associated with the election.

28 **Sec. 54.** RCW 29A.56.040 and 2007 c 385 s 1 are each amended to
29 read as follows:

30 (1) Except where necessary to accommodate the national or state
31 rules of a major political party or where this chapter specifically
32 provides otherwise, the presidential primary must be conducted in
33 substantially the same manner as a state (~~(partisan)~~) primary under
34 this title.

35 (2) (~~Except as provided under this chapter or by rule of the~~
36 ~~secretary of state adopted under RCW 29A.04.620,~~) The arrangement and
37 form of presidential primary ballots must be (~~(consistent with RCW~~

1 ~~29A.52.151~~) established by administrative rule adopted under RCW
2 29A.04.620. Only the candidates who have qualified under RCW
3 29A.56.030 may appear on the ballots.

4 (3) Each party's ballot or portion of the ballot must list
5 alphabetically the names of all candidates for the office of president.
6 The ballot must clearly indicate the political party of each candidate.
7 Each ballot must include a blank space to allow the voter to write in
8 the name of any other candidate.

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

13 **Sec. 55.** RCW 29A.56.210 and 2003 c 111 s 1417 are each amended to
14 read as follows:

15 If, at the conclusion of the verification and canvass, it is found
16 that a petition for recall bears the required number of signatures of
17 certified legal voters, the officer with whom the petition is filed
18 shall promptly certify the petitions as sufficient and fix a date for
19 the special election to determine whether or not the officer charged
20 shall be recalled and discharged from office. The special election
21 shall be held not less than forty-five nor more than (~~sixty~~) ninety
22 days from the certification and, whenever possible, on one of the dates
23 provided in RCW 29A.04.330, but no recall election may be held between
24 the date of the primary and the date of the general election in any
25 calendar year. Notice shall be given in the manner as required by law
26 for special elections in the state or in the political subdivision, as
27 the case may be.

28 **Sec. 56.** RCW 29A.56.320 and 2009 c 264 s 3 are each amended to
29 read as follows:

30 In the year in which a presidential election is held, each major
31 political party and each minor political party or independent candidate
32 convention (~~held under chapter 29A.20 RCW~~) that nominates candidates
33 for president and vice president of the United States shall nominate
34 presidential electors for this state. The party or convention shall
35 file with the secretary of state a certificate signed by the presiding
36 officer of the convention at which the presidential electors were

1 chosen, listing the names and addresses of the presidential electors.
2 Each presidential elector shall execute and file with the secretary of
3 state a pledge that, as an elector, he or she will vote for the
4 candidates nominated by that party. The names of presidential electors
5 shall not appear on the ballots. The votes cast for candidates for
6 president and vice president of each political party shall be counted
7 for the candidates for presidential electors of that political party;
8 however, if the interstate compact entitled the "agreement among the
9 states to elect the president by national popular vote," as set forth
10 in RCW 29A.56.300, governs the appointment of the presidential electors
11 for a presidential election as provided in clause 9 of Article III of
12 that compact, then the final appointment of presidential electors for
13 that presidential election shall be in accordance with that compact.

14 **Sec. 57.** RCW 29A.56.360 and 2003 c 111 s 1429 are each amended to
15 read as follows:

16 In a year in which the president and vice president of the United
17 States are to be elected, the secretary of state shall include in the
18 certification prepared under RCW ((~~29A.52.320~~) 29A.52.321) the names of
19 all candidates for president and vice president who, ((~~at least fifty~~
20 ~~days before the general election~~)) no later than the third Tuesday of
21 August, have certified a slate of electors to the secretary of state
22 under RCW 29A.56.320 and have been nominated either (1) by a major
23 political party, as certified by the appropriate authority under party
24 rules, or (2) by a minor party or as independent candidates ((~~under~~
25 ~~chapter 29A.20 RCW~~)). Major or minor political parties or independent
26 presidential candidates may substitute a different candidate for vice
27 president for the one whose name appears on the party's certification
28 or nominating petition at any time before ((~~forty-five~~)) seventy-five
29 days before the general election, by certifying the change to the
30 secretary of state. Substitutions must not be permitted to delay the
31 printing of either ballots or a voters' pamphlet. Substitutions are
32 valid only if submitted under oath and signed by the same individual
33 who originally certified the nomination, or his or her documented
34 successor, and only if the substitute candidate consents in writing.

35 **Sec. 58.** RCW 29A.56.490 and 2011 c 10 s 46 are each amended to
36 read as follows:

1 The election officials shall count and determine the number of
2 votes cast for each individual; and shall also count and determine the
3 aggregate number of votes cast for all candidates whose names appear
4 under each of the respective headings. Where more than the required
5 number have been voted for, the ballot must be rejected. The vote must
6 be canvassed in each county by the county canvassing board, and
7 certificate of results must (~~within fifteen days after the election~~)
8 be transmitted to the secretary of state. Upon receiving the
9 certificate, the secretary of state may require precinct returns from
10 any county to be forwarded for the secretary's examination.

11 Where a district embraces precincts of more than one county, the
12 secretary of state shall combine the votes from all the precincts
13 included in each district. The delegates elected in each district will
14 be the number of candidates corresponding to the number of state
15 representatives from the district, who receive the highest number of
16 votes in the group (either "for" or "against") that received an
17 aggregate number of votes for all candidates in the group greater than
18 the aggregate number of votes for all the candidates in the other
19 group. The secretary of state shall issue certificates of election to
20 the delegates so elected.

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

23 All elections, whether special or general, held under RCW
24 (~~29A.04.320~~) 29A.04.321 and 29A.04.330 must be conducted by the
25 county auditor as ex officio county supervisor of elections and, except
26 as provided in RCW 29A.60.240, the returns canvassed by the county
27 canvassing board.

28 **Sec. 60.** RCW 29A.60.060 and 2011 c 10 s 49 are each amended to
29 read as follows:

30 After the close of (~~the~~) voting (~~center~~) at 8:00 p.m., the
31 county auditor must directly load the results from any direct recording
32 electronic memory pack into the central accumulator.

33 **Sec. 61.** RCW 29A.60.110 and 2011 c 10 s 50 are each amended to
34 read as follows:

35 Immediately after their tabulation, all ballots counted at a ballot

1 counting center must be sealed in containers that identify the primary
2 or election and be retained for at least sixty days or according to
3 federal law, whichever is longer.

4 In the presence of major party observers who are available, ballots
5 may be removed from the sealed containers at the elections department
6 and consolidated into one sealed container for storage purposes. The
7 containers may only be opened by the canvassing board as part of the
8 canvass, ~~((or))~~ to conduct recounts, ~~((or under RCW 29A.60.170(3)))~~ to
9 conduct a random check under RCW 29A.60.170, or by order of the
10 superior court in a contest or election dispute. If the canvassing
11 board opens a ballot container, it shall make a full record of the
12 additional tabulation or examination made of the ballots. This record
13 must be added to any other record of the canvassing process in that
14 county.

15 **Sec. 62.** RCW 29A.60.160 and 2011 c 10 s 53 are each amended to
16 read as follows:

17 (1) The county auditor, as delegated by the county canvassing
18 board, shall process ballots and canvass the votes cast at that primary
19 or election on a daily basis in counties with a population of seventy-
20 five thousand or more, or at least every third day for counties with a
21 population of less than seventy-five thousand, if the county auditor is
22 in possession of more than five hundred ballots that have yet to be
23 canvassed.

24 (2) Saturdays, Sundays, and legal holidays are not counted for
25 purposes of this section.

26 (3) In order to protect the secrecy of a ballot, the county auditor
27 may use discretion to decide when to process ~~((absentee))~~ ballots and
28 canvass the votes.

29 (4) Tabulation results must be made available to the public
30 immediately upon completion of the canvass.

31 **Sec. 63.** RCW 29A.60.165 and 2011 c 10 s 54 are each amended to
32 read as follows:

33 (1) If the voter neglects to sign the ballot declaration, the
34 auditor shall notify the voter by first-class mail and advise the voter
35 of the correct procedures for completing the unsigned declaration. If
36 the ballot is received within three business days of the final meeting

1 of the canvassing board, or the voter has been notified by first-class
2 mail and has not responded at least three business days before the
3 final meeting of the canvassing board, then the auditor shall attempt
4 to notify the voter by telephone, using the voter registration record
5 information.

6 (2)(a) If the handwriting of the signature on a ballot declaration
7 is not the same as the handwriting of the signature on the registration
8 file, the auditor shall notify the voter by first-class mail, enclosing
9 a copy of the declaration, and advise the voter of the correct
10 procedures for updating his or her signature on the voter registration
11 file. If the ballot is received within three business days of the
12 final meeting of the canvassing board, or the voter has been notified
13 by first-class mail and has not responded at least three business days
14 before the final meeting of the canvassing board, then the auditor
15 shall attempt to notify the voter by telephone, using the voter
16 registration record information.

17 (b) If the signature on a ballot declaration is not the same as the
18 signature on the registration file because the name is different, the
19 ballot may be counted as long as the handwriting is clearly the same.
20 The auditor shall send the voter a change-of-name form under RCW
21 29A.08.440 and direct the voter to complete the form.

22 (c) If the signature on a ballot declaration is not the same as the
23 signature on the registration file because the voter used initials or
24 a common nickname, the ballot may be counted as long as the surname and
25 handwriting are clearly the same.

26 (3) A voter may not cure a missing or mismatched signature for
27 purposes of counting the ballot in a recount.

28 (4) A record must be kept of all ballots with missing and
29 mismatched signatures. The record must contain the date on which the
30 voter was contacted or the notice was mailed, as well as the date on
31 which the voter (~~signed the envelope, a copy of the envelope, a new
32 registration form, or a change of name form~~) submitted updated
33 information. That record is a public record under chapter 42.56 RCW
34 and may be disclosed to interested parties on written request.

35 **Sec. 64.** RCW 29A.60.240 and 2011 c 349 s 22 are each amended to
36 read as follows:

37 The secretary of state shall, as soon as possible but in any event

1 not later than seventeen days following the primary, canvass and
2 certify the returns of all primary elections as to candidates for
3 statewide offices, United States senators and representatives in
4 Congress, and all (~~other~~) legislative and judicial candidates whose
5 district extends beyond the limits of a single county.

6 **Sec. 65.** RCW 29A.60.250 and 2005 c 243 s 18 are each amended to
7 read as follows:

8 As soon as the returns have been received from all the counties of
9 the state, but not later than the thirtieth day after the election, the
10 secretary of state shall canvass and certify the returns of the general
11 election as to candidates for statewide offices, the United States
12 senate, congress, and all (~~other~~) legislative and judicial candidates
13 whose districts extend beyond the limits of a single county. The
14 secretary of state shall transmit a copy of the certification to the
15 governor, president of the senate, and speaker of the house of
16 representatives.

17 **Sec. 66.** RCW 29A.64.021 and 2005 c 243 s 19 are each amended to
18 read as follows:

19 (1) If the official canvass of all of the returns for any office at
20 any primary or election reveals that the difference in the number of
21 votes cast for a candidate apparently (~~nominated~~) qualified for the
22 general election ballot or elected to any office, and the number of
23 votes cast for the closest apparently defeated opponent is less than
24 two thousand votes and also less than one-half of one percent of the
25 total number of votes cast for both candidates, the county canvassing
26 board shall conduct a recount of all votes cast on that position.

27 (a) Whenever such a difference occurs in the number of votes cast
28 for candidates for a position the declaration of candidacy for which
29 was filed with the secretary of state, the secretary of state shall,
30 within three business days of the day that the returns of the primary
31 or election are first certified by the canvassing boards of those
32 counties, direct those boards to recount all votes cast on the
33 position.

34 (b)(i) For statewide elections, if the difference in the number of
35 votes cast for the apparent winner and the closest apparently defeated
36 opponent is less than one thousand votes and also less than one-fourth

1 of one percent of the total number of votes cast for both candidates,
2 the votes shall be recounted manually or as provided in subsection (3)
3 of this section.

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

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

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

26 **Sec. 67.** RCW 29A.64.030 and 2011 c 349 s 24 are each amended to
27 read as follows:

28 An application for a recount shall state the office or ballot
29 measure for which a recount is requested, and whether the request is
30 for all precincts or only a portion of the (~~(votes cast)~~) precincts in
31 that jurisdiction (~~(of that office)~~). The person filing an application
32 for a manual recount shall, at the same time, deposit with the county
33 canvassing board or secretary of state, in cash or by certified check,
34 a sum equal to twenty-five cents for each ballot cast in the
35 jurisdiction or portion of the jurisdiction for which the recount is
36 requested as security for the payment of any costs of conducting the
37 recount. If the application is for a machine recount, the deposit must

1 be equal to fifteen cents for each ballot. These charges shall be
2 determined by the county canvassing board or boards under RCW
3 29A.64.081.

4 The county canvassing board shall determine the date, time, and
5 place or places at which the recount will be conducted. Not less than
6 one day before the date of the recount, the county auditor shall notify
7 the applicant or affected parties and, if the recount involves an
8 office, to any person for whom votes were cast for that office of the
9 date, time, and place of the recount. Each person entitled to receive
10 notice of the recount may attend, witness the recount, and be
11 accompanied by counsel.

12 Proceedings of the canvassing board are public under chapter 42.30
13 RCW. Subject to reasonable and equitable guidelines adopted by the
14 canvassing board, all interested persons may attend and witness a
15 recount.

16 **Sec. 68.** RCW 29A.64.050 and 2003 c 111 s 1605 are each amended to
17 read as follows:

18 When a partial recount of votes cast for an office or issue changes
19 the result of the election, the canvassing board or the secretary of
20 state, if the office or issue is being recounted at his or her
21 direction, shall order a complete recount of all ballots cast for the
22 office or issue for the jurisdiction in question.

23 This recount will be conducted in a manner consistent with RCW
24 (~~(29A.64.020)~~) 29A.64.021.

25 **Sec. 69.** RCW 29A.64.061 and 2005 c 243 s 21 are each amended to
26 read as follows:

27 (1) Upon completion of the canvass of a recount, the canvassing
28 board shall prepare and certify an amended abstract showing the votes
29 cast in each precinct for which the recount was conducted. Copies of
30 the amended abstracts must be transmitted to the same officers who
31 received the abstract on which the recount was based.

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

1 (3) If the (~~(nomination, election,)~~) office or issue for which a
2 recount was conducted was (~~(submitted to the voters of more than one~~
3 ~~county))~~ filed with the secretary of state, the secretary of state
4 shall canvass the amended abstracts and shall file an amended abstract
5 with the original results of that election. The secretary of state may
6 require that the amended abstracts be certified by each canvassing
7 board on a uniform date.

8 (4) An amended abstract certified under this section supersedes any
9 prior abstract of the results for the same offices or issues at the
10 same primary or election.

11 **Sec. 70.** RCW 29A.64.090 and 2003 c 111 s 1609 are each amended to
12 read as follows:

13 When the official canvass of returns of any election reveals that
14 the difference in the number of votes cast for the approval of a
15 statewide measure and the number of votes cast for the rejection of
16 such measure is less than two thousand votes and also less than one-
17 half of one percent of the total number of votes cast on such measure,
18 the secretary of state shall direct that a recount of all votes cast on
19 such measure be made on such measure, in the manner provided by RCW
20 (~~(29A.64.040)~~) 29A.64.041 and (~~(29A.64.060)~~) 29A.64.061, and the cost
21 of such recount will be at state expense.

22 **Sec. 71.** RCW 29A.68.011 and 2011 c 349 s 25 are each amended to
23 read as follows:

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

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

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

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

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

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

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

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

28 **Sec. 72.** RCW 29A.68.020 and 2011 c 10 s 64 are each amended to
29 read as follows:

30 Any of the following causes may be asserted by a registered voter
31 to challenge the right to assume office of a candidate declared elected
32 to that office:

33 (1) For misconduct on the part of any (~~member of any precinct~~)
34 election (~~board~~) officer involved therein;

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

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

5 (4) Because the person whose right is being contested gave a bribe
6 or reward to a voter or to an election officer for the purpose of
7 procuring the election, or offered to do so;

8 (5) On account of illegal votes.

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

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

11 (ii) A vote cast by a person disqualified under Article VI, section
12 3 of the state Constitution.

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

16 All election contests must proceed under RCW 29A.68.011.

17 **Sec. 73.** RCW 29A.72.080 and 2003 c 111 s 1809 are each amended to
18 read as follows:

19 Any persons, including the attorney general or either or both
20 houses of the legislature, dissatisfied with the ballot title or
21 summary for a state initiative or referendum may, within five days from
22 the filing of the ballot title in the office of the secretary of state,
23 appeal to the superior court of Thurston county by petition setting
24 forth the measure, the ballot title or summary, and their objections to
25 the ballot title or summary and requesting amendment of the ballot
26 title or summary by the court. Saturdays, Sundays, and legal holidays
27 are not counted in calculating the time limits contained in this
28 section.

29 A copy of the petition on appeal together with a notice that an
30 appeal has been taken shall be served upon the secretary of state, upon
31 the attorney general, and upon the person proposing the measure if the
32 appeal is initiated by someone other than that person. Upon the filing
33 of the petition on appeal or at the time to which the hearing may be
34 adjourned by consent of the appellant, the court shall accord first
35 priority to examining the proposed measure, the ballot title or
36 summary, and the objections to that ballot title or summary, may hear
37 arguments, and shall, within five days, render its decision and file

1 with the secretary of state a certified copy of such ballot title or
2 summary as it determines will meet the requirements of RCW 29A.72.060.
3 The decision of the superior court shall be final. Such appeal shall
4 be heard without costs to either party.

5 **Sec. 74.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to
6 read as follows:

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

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

12 PETITION FOR REFERENDUM

13 To the Honorable, Secretary of State of the State of
14 Washington:

15 We, the undersigned citizens and legal voters of the State of
16 Washington, respectfully order and direct that Referendum Measure No.
17, filed to revoke a (or part or parts of a) bill that (concise
18 statement required by RCW ((~~29A.36.071~~)) 29A.72.050) and that was
19 passed by the legislature of the State of Washington at the
20 last regular (special) session of said legislature, shall be referred
21 to the people of the state for their approval or rejection at the
22 regular (special) election to be held on the day of November,
23 (year); and each of us for himself or herself says: I have personally
24 signed this petition; I am a legal voter of the State of Washington, in
25 the city (or town) and county written after my name, my residence
26 address is correctly stated, and I have knowingly signed this petition
27 only once.

28 The following declaration must be printed on the reverse side of
29 the petition:

30 I,, swear or affirm under penalty of law
31 that I circulated this sheet of the foregoing petition, and that, to
32 the best of my knowledge, every person who signed this sheet of the
33 foregoing petition knowingly and without any compensation or promise of
34 compensation willingly signed his or her true name and that the
35 information provided therewith is true and correct. I further
36 acknowledge that under chapter 29A.84 RCW, forgery of signatures on

1 this petition constitutes a class C felony, and that offering any
2 consideration or gratuity to any person to induce them to sign a
3 petition is a gross misdemeanor, such violations being punishable by
4 fine or imprisonment or both.

5 RCW 9A.46.020 applies to any conduct constituting harassment
6 against a petition signature gatherer. This penalty does not preclude
7 the victim from seeking any other remedy otherwise available under law.

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

11 **Sec. 75.** RCW 29A.72.250 and 2008 c 1 s 10 are each amended to read
12 as follows:

13 If a referendum or initiative petition for submission of a measure
14 to the people is found sufficient, the secretary of state shall at the
15 time and in the manner that he or she certifies (~~for~~) to the county
16 auditors of the various counties the names of candidates for state and
17 district officers certify to each county auditor the serial numbers and
18 ballot titles of the several initiative and referendum measures and
19 serial numbers and short descriptions of measures submitted for an
20 advisory vote of the people to be voted upon at the next ensuing
21 general election or special election ordered by the legislature.

22 **Sec. 76.** RCW 29A.72.290 and 2008 c 1 s 11 are each amended to read
23 as follows:

24 The county auditor of each county shall print on the official
25 ballots for the election at which initiative and referendum measures
26 and measures for an advisory vote of the people are to be submitted to
27 the people for their approval or rejection, the serial numbers and
28 ballot titles certified by the secretary of state and the serial
29 numbers and short descriptions of measures for an advisory vote of the
30 people. They must appear under separate headings in the order of the
31 serial numbers as follows:

32 (1) (~~Measures proposed for submission to the people by initiative~~
33 ~~petition will be under the heading, "Proposed by Initiative Petition"~~)
34 Initiatives to the people;

35 (2) (~~Bills passed by the legislature and ordered referred to the~~

1 ~~people by referendum petition will be under the heading, "Passed by the~~
2 ~~Legislature and Ordered Referred by Petition")) Referendum measures;~~

3 ~~(3) ((Bills passed and referred to the people by the legislature~~
4 ~~will be under the heading, "Proposed to the People by the~~
5 ~~Legislature")) Referendum bills;~~

6 ~~(4) ((Measures proposed to the legislature and rejected or not~~
7 ~~acted upon will be under the heading, "Proposed to the Legislature and~~
8 ~~Referred to the People")) Initiatives to the legislature;~~

9 ~~(5) ((Measures proposed to the legislature and alternative measures~~
10 ~~passed by the legislature in lieu thereof will be under the heading,~~
11 ~~"Initiated by Petition and Alternative by Legislature")) Initiatives to~~
12 ~~the legislature and legislative alternatives;~~

13 ~~(6) ((Measures for an advisory vote of the people under RCW~~
14 ~~29A.72.040 will be under the heading, "Advisory Vote of the People."))~~
15 ~~Advisory votes;~~

16 ~~(7) Proposed constitutional amendments.~~

17 **Sec. 77.** RCW 29A.76.020 and 2003 c 111 s 1902 are each amended to
18 read as follows:

19 ~~((1))~~ The legislative authority of each county and each city,
20 town, and special purpose district which lies ~~((entirely))~~ within the
21 county shall provide the county auditor accurate information describing
22 its geographical boundaries and the boundaries of its director,
23 council, or commissioner districts and shall ensure that the
24 information provided to the auditor is kept current.

25 ~~((2) A city, town, or special purpose district that lies in more~~
26 ~~than one county shall provide the secretary of state accurate~~
27 ~~information describing its geographical boundaries and the boundaries~~
28 ~~of its director, council, or commissioner districts and shall ensure~~
29 ~~that the information provided to the secretary is kept current. The~~
30 ~~secretary of state shall promptly transmit to each county in which a~~
31 ~~city, town, or special purpose district is located information~~
32 ~~regarding the boundaries of that jurisdiction which is provided to the~~
33 ~~secretary.))~~

34 **Sec. 78.** RCW 29A.76.030 and 2003 c 111 s 1903 are each amended to
35 read as follows:

36 If the boundaries of any city, township, or rural precinct are

1 changed in the manner provided by law, the county auditor shall
2 (~~transfer~~) update the registration (~~cards~~) records of every
3 registered voter whose place of residence is affected thereby (~~to the~~
4 ~~files of the proper precinct, noting thereon the name or number of the~~
5 ~~new precinct, or change the addresses, the precinct names or numbers,~~
6 ~~and the special district designations for those registered voters on~~
7 ~~the voter registration lists of the county)). It shall not be
8 necessary for any registered voter whose (~~residence~~) registration has
9 been changed from one precinct to another, by a change of boundary, to
10 apply to the (~~registration officer~~) county auditor for a transfer of
11 registration. The county auditor shall mail a notice to each
12 (~~registrant in the new precinct a notice that his or her precinct has~~
13 ~~been changed from to, and that thereafter the~~
14 ~~registrant will be entitled to vote in the new precinct, giving the~~
15 ~~name or number~~) registered voter.~~

16 **Sec. 79.** RCW 29A.80.020 and 2003 c 111 s 2002 are each amended to
17 read as follows:

18 The state committee of each major political party consists of one
19 committeeman and one committeewoman from each county elected by the
20 county central committee at its organization meeting. It must have a
21 chair and vice chair of opposite sexes. This committee shall meet
22 during January of each odd-numbered year for the purpose of
23 organization at a time and place designated by a notice mailed at least
24 one week before the date of the meeting to all (~~the newly elected~~)
25 new state committeemen and committeewomen by the authorized officers of
26 the retiring committee. At its organizational meeting it shall elect
27 its chair and vice chair, and such officers as its bylaws may provide,
28 and adopt bylaws, rules, and regulations. It may:

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

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

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

37 (~~4~~)) Provide for the nomination of presidential electors; and

1 (~~(5)~~) (4) Perform all functions inherent in such an organization.
2 Notwithstanding any provision of this chapter, the committee may
3 not adopt rules governing the conduct of the actual proceedings at a
4 party state convention.

5 **Sec. 80.** RCW 29A.84.210 and 2003 c 111 s 2109 are each amended to
6 read as follows:

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

14 **Sec. 81.** RCW 29A.84.261 and 2004 c 271 s 184 are each amended to
15 read as follows:

16 The following apply to persons signing (~~(nominating)~~) filing fee
17 petitions prescribed by RCW 29A.24.101:

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

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

24 **Sec. 82.** RCW 29A.84.510 and 2011 c 10 s 69 are each amended to
25 read as follows:

26 (1) During the voting period that begins eighteen days before and
27 ends the day of a special election, general election, or primary, no
28 person may(~~(7)~~):

29 (a) Within a voting center:

30 (~~(a)~~) (i) Suggest or persuade or attempt to suggest or persuade
31 any voter to vote for or against any candidate or ballot measure;

32 (~~(b)~~) (ii) Circulate cards or handbills of any kind;

33 (~~(c)~~) (iii) Solicit signatures to any kind of petition; or

34 (~~(d)~~) (iv) Engage in any practice which interferes with the

1 freedom of voters to exercise their franchise or disrupts the
2 administration of the voting center.

3 ~~((2) No person may))~~ (b) Obstruct the doors or entries to a
4 building in which a voting center or ballot drop location is located or
5 prevent free access to and from any voting center or ballot drop
6 location.

7 (2) Any sheriff, deputy sheriff, or municipal law enforcement
8 officer shall ~~((prevent such obstruction))~~ stop the prohibited
9 activity, and may arrest any person ~~((creating such obstruction))~~
10 engaging in the prohibited activity.

11 (3) Any violation of this section is a gross misdemeanor,
12 punishable to the same extent as a gross misdemeanor that is punishable
13 under RCW 9A.20.021, and the person convicted may be ordered to pay the
14 costs of prosecution.

15 **Sec. 83.** RCW 29A.84.520 and 2011 c 10 s 70 are each amended to
16 read as follows:

17 Any election officer who does any electioneering at a voting center
18 or ballot drop location during the voting period that begins eighteen
19 days before and ends the day of a special election, general election,
20 or primary~~((7))~~ is guilty of a misdemeanor, and upon conviction must be
21 fined in any sum not exceeding one hundred dollars and pay the costs of
22 prosecution.

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

25 Every person who:

26 (1) Knowingly and falsely issues a certificate of nomination or
27 election; or

28 (2) Knowingly provides false information on a minor party or
29 independent candidate certificate ~~((which must be filed with an~~
30 ~~elections officer under chapter 29A.20 RCW,))~~ of nomination is guilty
31 of a class C felony punishable under RCW 9A.20.021.

32 **Sec. 85.** RCW 29A.88.020 and 2003 c 111 s 2202 are each amended to
33 read as follows:

34 (1) Within seven days after any recommendation by the president of
35 the United States of a site in the state of Washington to be a high-

1 level nuclear waste repository under 42 U.S.C. Sec. 10136, the governor
2 shall set the date for a special statewide election to vote on
3 disapproval of the selection of such site. The special election shall
4 be ~~((no more than fifty))~~ held not less than forty-five nor more than
5 ninety days after the date of the recommendation of the president of
6 the United States.

7 (2) If either the governor or the legislature submits a notice of
8 disapproval to the United States Congress within twenty-one days of the
9 date of the recommendation by the president of the United States, then
10 the governor is authorized to cancel the special election pursuant to
11 subsection (1) of this section.

12 **Sec. 86.** RCW 29A.88.040 and 2003 c 111 s 2204 are each amended to
13 read as follows:

14 The secretary of state shall promptly notify the county auditors of
15 the date of the special election and certify to them the text of the
16 ballot title for this special election. The general election laws
17 shall apply to the election required by RCW 29A.88.020 to the extent
18 that they are not inconsistent with this chapter. Statutory deadlines
19 relating to certification, canvassing, and the voters' pamphlet may be
20 modified for the election held pursuant to RCW 29A.88.020 by the
21 secretary of state through emergency rules adopted under RCW
22 ~~((29A.04.610))~~ 29A.04.611.

23 **Sec. 87.** RCW 35.17.020 and 1994 c 223 s 10 and 1994 c 119 s 1 are
24 each reenacted and amended to read as follows:

25 (1) All regular elections in cities organized under the statutory
26 commission form of government shall be held quadrennially in the odd-
27 numbered years on the dates provided in RCW ~~((29.13.020))~~ 29A.04.330.
28 However, after commissioners are elected at the next general election
29 occurring in 1995 or 1997, regular elections in cities organized under
30 a statutory commission form of government shall be held biennially at
31 municipal general elections.

32 (2) The commissioners shall be nominated and elected at large.
33 Their terms shall be for four years and until their successors are
34 elected and qualified and assume office in accordance with RCW
35 ~~((29.04.170))~~ 29A.20.040 (as recodified by this act). However, at the
36 next regular election of a city organized under a statutory commission

1 form of government, the terms of office of commissioners shall occur
2 with the person who is elected as a commissioner receiving the least
3 number of votes being elected to a two-year term of office and the
4 other two persons who are elected being elected to four-year terms of
5 office. Thereafter, commissioners shall be elected to four-year terms
6 of office.

7 (3) Vacancies on a commission shall occur and shall be filled as
8 provided in chapter 42.12 RCW(~~(, except that in every instance a person~~
9 ~~shall be elected to fill the remainder of the unexpired term at the~~
10 ~~next general municipal election that occurs twenty-eight or more days~~
11 ~~after the occurrence of the vacancy))~~).

12 **Sec. 88.** RCW 42.12.040 and 2011 c 349 s 27 are each amended to
13 read as follows:

14 (1) If a vacancy occurs in any partisan elective office in the
15 executive or legislative branches of state government or in any
16 partisan county elective office before the first day of the regular
17 filing period, the position must be open for filing during the regular
18 filing period as provided in RCW 29A.24.171 and a successor shall be
19 elected at the general election. Except during the last year of the
20 term of office, if such a vacancy occurs on or after the first day of
21 the regular filing period, the election of the successor shall occur at
22 the next succeeding general election as provided in RCW 29A.24.171.
23 The elected successor shall hold office for the remainder of the
24 unexpired term. This section shall not apply to any vacancy occurring
25 in a charter county which has charter provisions inconsistent with this
26 section.

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

33 **Sec. 89.** RCW 42.12.070 and 2011 c 349 s 28 are each amended to
34 read as follows:

35 A vacancy on an elected nonpartisan governing body of a special
36 purpose district where property ownership is not a qualification to

1 vote, a town, or a city other than a first-class city or a charter code
2 city, shall be filled as follows unless the provisions of law relating
3 to the special district, town, or city provide otherwise:

4 (1) Where one position is vacant, the remaining members of the
5 governing body shall appoint a qualified person to fill the vacant
6 position.

7 (2) Where two or more positions are vacant and two or more members
8 of the governing body remain in office, the remaining members of the
9 governing body shall appoint a qualified person to fill one of the
10 vacant positions, the remaining members of the governing body and the
11 newly appointed person shall appoint another qualified person to fill
12 another vacant position, and so on until each of the vacant positions
13 is filled with each of the new appointees participating in each
14 appointment that is made after his or her appointment.

15 (3) If less than two members of a governing body remain in office,
16 the county legislative authority of the county in which all or the
17 largest geographic portion of the city, town, or special district is
18 located shall appoint a qualified person or persons to the governing
19 body until the governing body has two members.

20 (4) If a governing body fails to appoint a qualified person to fill
21 a vacancy within ninety days of the occurrence of the vacancy, the
22 authority of the governing body to fill the vacancy shall cease and the
23 county legislative authority of the county in which all or the largest
24 geographic portion of the city, town, or special district is located
25 shall appoint a qualified person to fill the vacancy.

26 (5) If the county legislative authority of the county fails to
27 appoint a qualified person within one hundred eighty days of the
28 occurrence of the vacancy, the county legislative authority or the
29 remaining members of the governing body of the city, town, or special
30 district may petition the governor to appoint a qualified person to
31 fill the vacancy. The governor may appoint a qualified person to fill
32 the vacancy after being petitioned if at the time the governor fills
33 the vacancy the county legislative authority has not appointed a
34 qualified person to fill the vacancy.

35 (6) As provided in chapter 29A.24 RCW, each person who is appointed
36 shall serve until a qualified person is elected at the next election at
37 which a member of the governing body normally would be elected. (~~if~~
38 ~~needed, special filing periods shall be authorized as provided in~~

1 ~~chapter 29A.24 RCW for qualified persons to file for the vacant office.~~
2 ~~A primary shall be held to qualify candidates if sufficient time exists~~
3 ~~to hold a primary and more than two candidates file for the vacant~~
4 ~~office. Otherwise, a primary shall not be held and the person~~
5 ~~receiving the greatest number of votes shall be elected.)~~) The person
6 elected shall take office immediately and serve the remainder of the
7 unexpired term.

8 ~~((If an election for the position that became vacant would~~
9 ~~otherwise have been held at this general election date, only one~~
10 ~~election to fill the position shall be held and the person elected to~~
11 ~~fill the succeeding term for that position shall take office~~
12 ~~immediately when qualified as defined in RCW 29A.04.133 and shall~~
13 ~~service both the remainder of the unexpired term and the succeeding~~
14 ~~term.))~~

15 **Sec. 90.** RCW 46.20.155 and 2009 c 369 s 42 are each amended to
16 read as follows:

17 (1) Before issuing an original license or identicard or renewing a
18 license or identicard under this chapter, the licensing agent shall
19 determine if the applicant wants to register to vote or ~~((transfer))~~
20 update his or her voter registration by asking the following question:

21 "Do you want to register to vote or ~~((transfer))~~ update your voter
22 registration?"

23 If the applicant chooses to register or ~~((transfer))~~ update a
24 registration, the agent shall ask the following:

- 25 (1) "Are you a United States citizen?"
- 26 (2) "Are you or will you be eighteen years of age on or before the
27 next election?"

28 If the applicant answers in the affirmative to both questions, the
29 agent shall then submit the registration or ~~((transfer))~~ update. If
30 the applicant answers in the negative to either question, the agent
31 shall not submit a voter registration application.

32 (2) The department shall establish a procedure that substantially
33 meets the requirements of subsection (1) of this section when
34 permitting an applicant to renew a license or identicard by mail or by
35 electronic commerce.

1 **Sec. 91.** RCW 29A.24.311 and 2012 c 89 s 2 are each amended to read
2 as follows:

3 (1) Any person who desires to be a write-in candidate and have such
4 votes counted at a primary or election may file a declaration of
5 candidacy with the officer designated in RCW 29A.24.070 not later than
6 the day ballots must be mailed according to RCW 29A.40.070.
7 Declarations of candidacy for write-in candidates must be accompanied
8 by a filing fee in the same manner as required of other candidates
9 filing for the office as provided in RCW 29A.24.091.

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

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

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

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

27 (c) The name of the person attempting to file already appears on
28 the ballot as a candidate for another office, unless (~~((one of the two~~
29 ~~offices for which he or she is a candidate is precinct~~
30 ~~committeeperson))~~) the other office is precinct committee officer or a
31 temporary elected position, such as charter review board member or
32 freeholder;

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

34 (4) The declaration of candidacy shall be similar to that required
35 by RCW 29A.24.031. No write-in candidate filing under this section may
36 be included in any voter's pamphlet produced under chapter 29A.32 RCW
37 unless that candidate qualifies to have his or her name printed on the
38 general election ballot. The legislative authority of any jurisdiction

1 producing a local voter's pamphlet under chapter 29A.32 RCW may
2 provide, by ordinance, for the inclusion of write-in candidates in such
3 pamphlets.

4 **Sec. 92.** RCW 29A.36.040 and 2003 c 111 s 904 are each amended to
5 read as follows:

6 Upon the filing of a ballot title under RCW 29A.36.020 (~~or~~
7 ~~29A.36.050~~)), the secretary of state shall provide notice of the exact
8 language of the ballot title and summary to the chief clerk of the
9 house of representatives, the secretary of the senate, and the prime
10 sponsor of measure.

11 NEW SECTION. **Sec. 93.** (1) RCW 29A.04.240 is recodified as a
12 section in chapter 29A.08 RCW.

13 (2) RCW 29A.20.010 and 29A.20.021 are recodified as sections in
14 chapter 29A.24 RCW.

15 (3) RCW 29A.20.030 and 29A.20.040 are recodified as sections in
16 chapter 29A.60 RCW.

17 (4) RCW 29A.20.111, 29A.20.121, 29A.20.131, 29A.20.151, 29A.20.161,
18 29A.20.171, 29A.20.181, and 29A.20.191 are each recodified as sections
19 in chapter 29A.56 RCW.

20 (5) RCW 29A.28.071 is recodified as a section in chapter 29A.80
21 RCW.

22 (6) RCW 29A.76.030 is recodified as a section in chapter 29A.16
23 RCW.

24 NEW SECTION. **Sec. 94.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 7.16.370 (Enforcement of term limits for elected officials)
27 and 1993 c 1 s 9;

28 (2) RCW 29A.04.225 (Public disclosure reports) and 2005 c 274 s 248
29 & 2003 c 111 s 136;

30 (3) RCW 29A.08.250 (Furnished by secretary of state) and 2005 c 246
31 s 13, 2004 c 267 s 117, 2003 c 111 s 220, 2001 c 41 s 8, 1999 c 298 s
32 7, & 1993 c 434 s 8;

33 (4) RCW 29A.08.785 (Information services board, consultation) and
34 2004 c 267 s 140;

1 (5) RCW 29A.12.170 (Consultation with information services board)
2 and 2004 c 267 s 321;

3 (6) RCW 29A.20.141 (Convention--Requirements for validity) and 2004
4 c 271 s 111;

5 (7) RCW 29A.20.201 (Declarations of candidacy required,
6 exceptions--Payment of fees) and 2004 c 271 s 113;

7 (8) RCW 29A.24.030 (Declaration of candidacy) and 2005 c 2 s 9,
8 2003 c 111 s 603, 2002 c 140 s 1, & 1990 c 59 s 82;

9 (9) RCW 29A.24.120 (Date for withdrawal--Notice) and 2003 c 111 s
10 612;

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

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

15 (12) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s
16 122;

17 (13) RCW 29A.32.050 (Notice of constitutional amendments and state
18 measures--Explanatory statement) and 2009 c 415 s 4, 2003 c 111 s 805,
19 1967 c 96 s 3, & 1965 c 9 s 29.27.076;

20 (14) RCW 29A.36.050 (Statewide question--Ballot title--Formulation,
21 ballot display) and 2003 c 111 s 905;

22 (15) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2007 c
23 38 s 2 & 2004 c 271 s 126;

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

26 (17) RCW 29A.36.171 (Nonpartisan candidates qualified for general
27 election) and 2004 c 271 s 170;

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

30 (19) RCW 29A.52.011 (Elections to fill unexpired term--No primary,
31 when) and 2006 c 344 s 14 & 2004 c 271 s 172;

32 (20) RCW 29A.52.106 (Intent) and 2004 c 271 s 140;

33 (21) RCW 29A.52.111 (Application of chapter--Exceptions) and 2004
34 c 271 s 173;

35 (22) RCW 29A.52.116 (Application of chapter--Exceptions) and 2004
36 c 271 s 139;

37 (23) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
38 1304;

1 (24) RCW 29A.52.141 (Instructions) and 2004 c 271 s 141;
2 (25) RCW 29A.52.151 (Ballot format--Procedures) and 2007 c 38 s 4
3 & 2004 c 271 s 142;
4 (26) RCW 29A.53.010 (Finding--Intent) and 2005 c 153 s 1;
5 (27) RCW 29A.53.020 (Participant qualifications, procedures,
6 report) and 2005 c 153 s 2;
7 (28) RCW 29A.53.030 (Definitions) and 2005 c 153 s 3;
8 (29) RCW 29A.53.040 (Application of election laws) and 2005 c 153
9 s 4;
10 (30) RCW 29A.53.050 (Tabulation of ballots--Counting stages) and
11 2005 c 153 s 5;
12 (31) RCW 29A.53.060 (Voting conditions and limitations) and 2005 c
13 153 s 6;
14 (32) RCW 29A.53.070 (Local option authorized) and 2005 c 153 s 7;
15 (33) RCW 29A.53.080 (Ballot specifications and directions to
16 voters) and 2005 c 153 s 8;
17 (34) RCW 29A.53.090 (Changes in voting devices and counting
18 methods) and 2005 c 153 s 9;
19 (35) RCW 29A.53.900 (Expiration date) and 2005 c 153 s 13;
20 (36) RCW 29A.53.901 (Captions not law--2005 c 153) and 2005 c 153
21 s 16;
22 (37) RCW 29A.53.902 (Severability--2005 c 153) and 2005 c 153 s 17;
23 (38) RCW 29A.80.011 (Authority--Generally) and 2004 c 271 s 183;
24 (39) RCW 44.04.015 (Term limits) and 1993 c 1 s 3; and
25 (40) RCW 49.28.120 (Employer's duty to provide time to vote) and
26 1987 c 296 s 1.

27 NEW SECTION. **Sec. 95.** 2009 c 369 s 27 is repealed.

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