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**SUBSTITUTE HOUSE BILL 1635**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** House State Government (originally sponsored by Representatives S. Hunt and Appleton; by request of Secretary of State)

AN ACT Relating to write-in candidates and votes; amending RCW 29A.24.091, 29A.24.311, 29A.60.021, and 29A.60.040; and reenacting and amending RCW 29A.36.170.

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

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

(1) A filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less((~~;~~)). A filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for precinct committee officer or any office for which compensation is on a per diem or per meeting attended basis. No filing fee need accompany a declaration of any write-in candidate for a primary. However, if that write-in candidate qualifies for the general election, the filing fee must be paid, or a petition filed under subsection (2) of this section, in order for that candidate's name to be printed on the general election ballot. The fee or petition may be filed no later than the date the election results are certified.

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

When the candidacy is for:

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

((~~(2)~~)) (b) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district;

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

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

**Sec.**  RCW 29A.24.311 and 2013 c 11 s 91 are each amended to read as follows:

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

(2) Votes cast for write-in candidates who have filed such declarations of candidacy need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. ((~~Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number, if the manner in which the write-in is done does not make the office or position clear.~~))

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

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

(b) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election;

(c) The name of the person attempting to file is already ((~~appears~~)) printed on the ballot as a candidate for another office, unless the other office is precinct committee officer or a temporary elected position, such as charter review board member or freeholder;

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

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

**Sec.**  RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are each reenacted and amended to read as follows:

(1) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second.

(2) No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least ((~~one percent of the total votes cast for that office at the preceding primary, if a primary was conducted~~)):

(a) Two percent of the total votes cast for that office at the preceding statewide primary;

(b) Two percent of the total votes cast for that office at the preceding countywide primary, in a county with a population over four hundred thirty thousand; or

(c) Four percent of the total votes cast for that office at the preceding primary, in all other primaries.

(3) On the ballot at the general election for an office for which no primary was held, the names of the candidates shall be listed in the order determined pursuant to RCW 29A.36.131.

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

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

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

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

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

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

**Sec.**  RCW 29A.60.040 and 2011 c 10 s 47 are each amended to read as follows:

(1) A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

(2) Those parts of a ballot are invalid and no votes may be counted for those issues or offices where:

(a) More votes are cast for the office or issue than are permitted by law;

(b) Write-in votes ((~~do not contain all of the information required under RCW 29A.60.021~~)) are cast for persons who did not file a declaration of candidacy pursuant to RCW 29A.24.031 or 29A.24.311; or ((~~that~~))

(c) The issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. ((~~No write-in vote may be rejected due to a variation in the form of the name if the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote.~~))

**--- END ---**