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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)

READ FIRST TIME 02/16/15.

1 AN ACT Relating to write-in candidates and votes; amending RCW  
2 29A.24.091, 29A.24.311, 29A.60.021, and 29A.60.040; and reenacting  
3 and amending RCW 29A.36.170.

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

5 **Sec. 1.** RCW 29A.24.091 and 2009 c 106 s 2 are each amended to  
6 read as follows:

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

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

8       When the candidacy is for:

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

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

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

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

22       **Sec. 2.** RCW 29A.24.311 and 2013 c 11 s 91 are each amended to  
23 read as follows:

24       (1) Any person who desires to be a write-in candidate and have  
25 such votes counted at a primary or election ((may)) must file a  
26 declaration of candidacy with the officer designated in RCW  
27 29A.24.070 not later than the day ((ballots must be mailed according  
28 to RCW 29A.40.070. Declarations of candidacy for write-in candidates  
29 must be accompanied by a filing fee in the same manner as required of  
30 other candidates filing for the office as provided in RCW  
31 29A.24.091)) before the election.

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

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

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

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

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

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

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

21 **Sec. 3.** RCW 29A.36.170 and 2013 c 143 s 1 and 2013 c 11 s 45 are  
22 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

36       (4) Write-in votes cast for (~~an individual~~) a declared write-in  
37 candidate (~~for an office whose name does not appear on the ballot~~)  
38 need not be individually tallied unless the total number of write-in  
39 votes and undervotes recorded by the vote tabulation system for the

1 office is greater than the number of votes cast for the candidate  
2 apparently qualified to appear on the general election ballot or  
3 elected.

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

16 **Sec. 5.** RCW 29A.60.040 and 2011 c 10 s 47 are each amended to  
17 read as follows:

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

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

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

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

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

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