
HOUSE BILL 1635

State of Washington

64th Legislature

2015 Regular Session

By Representatives S. Hunt and Appleton; by request of Secretary of State

Read first time 01/26/15. Referred to Committee on State Government.

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

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

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

6 (1) A filing fee of ten dollars shall accompany the declaration
7 of candidacy for any office with a fixed annual salary of one
8 thousand dollars or less(~~+~~). A filing fee equal to one percent of
9 the annual salary of the office at the time of filing shall accompany
10 the declaration of candidacy for any office with a fixed annual
11 salary of more than one thousand dollars per annum. No filing fee
12 need accompany a declaration of candidacy for precinct committee
13 officer (~~or~~), any office for which compensation is on a per diem or
14 per meeting attended basis, or any write-in candidate.

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

1 When the candidacy is for:

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

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

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

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

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

17 (1) Any person who desires to be a write-in candidate and have
18 such votes counted at a primary or election ~~((may))~~ must file a
19 declaration of candidacy with the officer designated in RCW
20 29A.24.070 not later than the day ballots must be mailed according to
21 RCW 29A.40.070. ~~((Declarations of candidacy for write-in candidates
22 must be accompanied by a filing fee in the same manner as required of
23 other candidates filing for the office as provided in RCW
24 29A.24.091.))~~

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

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

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

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

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

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

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

14 **Sec. 3.** RCW 29A.60.021 and 2012 c 89 s 4 are each amended to
15 read as follows:

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

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

33 (3) A write-in vote for an individual candidate for an office
34 whose name (~~appears~~) is printed on the ballot for that same office
35 is a valid vote for that candidate as long as the candidate's name is
36 clearly discernible, (~~even if other requirements of RCW 29A.24.311
37 are not satisfied and~~) even if the voter also marked a vote for that
38 candidate such as to register an overvote. These votes need not be
39 (~~tabulated~~) individually tallied unless: (a) The difference between

1 the number of votes cast for the candidate apparently qualified to
2 appear on the general election ballot or elected, and the candidate
3 receiving the next highest number of votes, is less than the sum of
4 the total number of write-in votes cast for the office plus the
5 overvotes and undervotes recorded by the vote tabulating system; or
6 (b) a manual recount is conducted for that office.

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

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

26 **Sec. 4.** RCW 29A.60.040 and 2011 c 10 s 47 are each amended to
27 read as follows:

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

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

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

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

38 (c) The issue or office is not marked with sufficient
39 definiteness to determine the voter's choice or intention. (~~(No~~

1 ~~write-in vote may be rejected due to a variation in the form of the~~
2 ~~name if the canvassing board can determine the issue for or against~~
3 ~~which or the person and the office for which the voter intended to~~
4 ~~vote.))~~

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