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SENATE BILL 6058

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State of Washington

65th Legislature

2018 Regular Session

By Senators Hunt, Zeiger, and Kuderer

Prefiled 12/26/17. Read first time 01/08/18. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to write-in voting; and amending RCW 29A.24.091,  
2 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 per  
14 meeting attended basis, or any declaration of candidacy for a write-  
15 in candidate filed after the close of filing and more than eighteen  
16 days prior to a primary or election.

17 (2) A filing fee of twenty-five dollars shall accompany the  
18 declaration of candidacy for write-in candidates for any office with  
19 a fixed annual salary of one thousand dollars or less if filed  
20 eighteen days or less prior to a primary or election.

1       (3) A filing fee equal to one percent of the annual salary of the  
2 office at the time of filing shall accompany a declaration of  
3 candidacy for write-in candidates for any office with a fixed annual  
4 salary of more than one thousand dollars per annum if filed eighteen  
5 days or less prior to a primary or election.

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

13       When the candidacy is for:

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

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

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

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

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

29       (1) Any person who desires to be a write-in candidate ~~((and have~~  
30 ~~such votes counted at a primary or election may))~~ shall file a  
31 declaration of candidacy with the officer designated in RCW  
32 29A.24.070 not later than 8:00 p.m. on the day ~~((ballots must be~~  
33 ~~mailed according to RCW 29A.40.070))~~ of the primary or election. A  
34 write-in declaration of candidacy is timely if filed by this  
35 deadline. No votes shall be counted for a write-in candidate who has  
36 not properly filed a write-in declaration of candidacy.  
37 ~~((Declarations of candidacy for write-in candidates must be~~  
38 ~~accompanied by a filing fee in the same manner as required of other~~  
39 ~~candidates filing for the office as provided in RCW 29A.24.091.))~~

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

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

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

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

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

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

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

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

32 (1) For any office, except precinct committee officer, at any  
33 election or primary, any voter may write in on the ballot the name of  
34 any person for an office. Votes must be individually tallied for a  
35 candidate who has filed as a write-in candidate for the office in the  
36 manner provided by RCW 29A.24.311 (~~and such vote shall be counted~~  
37 ~~the same as if the name had been printed on the ballot and marked by~~  
38 ~~the voter. No write-in vote made for any person who has not filed a~~  
39 ~~declaration of candidacy pursuant to RCW 29A.24.311 is valid if that~~

1 ~~person filed for the same office, either as a regular candidate or a~~  
2 ~~write-in candidate, at the preceding primary. Any abbreviation used~~  
3 ~~to designate office or position will be accepted if the canvassing~~  
4 ~~board can determine, to its satisfaction, the voter's intent)) as~~  
5 ~~long as the requirements of subsection (6), (7), or (8) of this~~  
6 ~~section are met. No write-in vote for a declared write-in candidate~~  
7 ~~may be rejected due to variation in the form of the name if the~~  
8 ~~canvassing board can determine the person and office for which the~~  
9 ~~voter intended to vote.~~

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

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

25 (4) Write-in votes cast for an individual candidate for an office  
26 whose name does not appear on the ballot need not be individually  
27 tallied unless the (~~total number of write-in votes and undervotes~~  
28 ~~recorded by the vote tabulation system for the office is greater than~~  
29 ~~the number of votes cast for the candidate apparently qualified to~~  
30 ~~appear on the general election ballot or elected)) candidate has  
31 filed a timely declaration of write-in candidacy.~~

32 (5) In the case of write-in (~~votes~~) candidates for a statewide  
33 office or any office whose jurisdiction encompasses more than one  
34 county, write-in votes for an individual candidate must be tallied  
35 when the county auditor is notified by (~~either the secretary of~~  
36 ~~state or another county auditor in the multicounty jurisdiction)) the  
37 filing officer for that office that (~~it appears that the write-in~~  
38 ~~votes must be tabulated under the terms of this section)) a candidate  
39 has filed a timely declaration of write-in candidacy. In all other  
40 cases, the county auditor determines (~~when write-in votes must be~~~~~~

1 ~~tabulated~~)), in accordance with this section, whether a candidate has  
2 filed a timely declaration of write-in candidacy and thus, write-in  
3 votes must be individually tallied. ((Any abstract of)) The county  
4 canvassing board must certify write-in votes ((must be modified to  
5 reflect the tabulation and certified by the canvassing board.  
6 Tabulation of write-in votes may be performed simultaneously with a  
7 recount)) including the vote total received by a candidate that has  
8 filed a timely declaration of write-in candidacy if the requirements  
9 of subsection (6), (7), or (8) of this section are met. Final results  
10 must consolidate the vote total associated with each candidate after  
11 the canvassing board has reconciled any variation in the spelling of  
12 names for those candidates.

13 (6) In a primary, if the name of only a single candidate appears  
14 on the ballot for an office, and the total number of write-in votes  
15 cast for that office exceeds one percent of the total number of votes  
16 cast for that office, the individual write-in votes for each  
17 candidate who has filed a timely declaration of write-in candidacy  
18 must be canvassed and reported. Otherwise, individual tallying of  
19 write-in votes is not required.

20 (7) In a primary, if two or more candidates appear on the ballot  
21 for an office and the total number of write-in votes cast for that  
22 office exceeds the number of votes cast for the candidate with the  
23 second highest number of votes, then the individual write-in votes  
24 for each candidate who has filed a timely declaration of write-in  
25 candidacy must be canvassed and reported. Otherwise, individual  
26 tallying of write-in votes is not required.

27 (8) In a general election, if the total number of write-in votes  
28 cast for an office exceeds the number of votes cast for the candidate  
29 apparently elected to that office, then the individual write-in votes  
30 for each candidate who has filed a timely declaration of write-in  
31 candidacy must be canvassed and reported. Otherwise, individual  
32 tallying of write-in votes is not required.

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

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

37 ~~Those))~~ Parts of a ballot are invalid and no votes may be counted  
38 for those issues or offices where:

1       (1) More votes are cast for the office or issue than are  
2 permitted by law;  
3       (2) Write-in votes ((do not contain all of the information  
4 required under RCW 29A.60.021)) are cast for persons who did not file  
5 a timely declaration of candidacy pursuant to RCW 29A.24.031 or  
6 29A.24.311; or ((that))  
7       (3) The issue or office is not marked with sufficient  
8 definiteness to determine the voter's choice or intention. ((No  
9 write-in vote may be rejected due to a variation in the form of the  
10 name if the canvassing board can determine the issue for or against  
11 which or the person and the office for which the voter intended to  
12 vote.))

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