
SENATE BILL 5540

State of Washington

67th Legislature

2022 Regular Session

By Senators Hunt, Kuderer, and C. Wilson

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1 AN ACT Relating to dates and timelines associated with the
2 operation of the state primary and elections; amending RCW
3 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.050, 29A.24.181,
4 29A.28.041, and 29A.60.240; reenacting and amending RCW 29A.16.040;
5 repealing RCW 29A.24.072; and providing an effective date.

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

7 **Sec. 1.** RCW 29A.04.311 and 2011 c 349 s 2 are each amended to
8 read as follows:

9 Primaries for general elections to be held in November, and the
10 election of precinct committee officers, must be held on the
11 (~~first~~) third Tuesday of the preceding (~~August~~) May.

12 **Sec. 2.** RCW 29A.04.321 and 2015 c 146 s 1 are each amended to
13 read as follows:

14 (1) All state, county, city, town, and district general elections
15 for the election of federal, state, legislative, judicial, county,
16 city, town, and district officers, and for the submission to the
17 voters of the state, county, city, town, or district of any measure
18 for their adoption and approval or rejection, shall be held on the
19 first Tuesday after the first Monday of November, in the year in
20 which they may be called. A statewide general election shall be held

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

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

- 24 (a) The second Tuesday in February;
25 (b) The fourth Tuesday in April;
26 (c) The day of the primary as specified by RCW 29A.04.311; or
27 (d) The first Tuesday after the first Monday in November.

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

38 (4) In addition to the dates set forth in subsection (2)(a)
39 through (d) of this section, a special election to validate an excess
40 levy or bond issue may be called at any time to meet the needs

1 resulting from fire, flood, earthquake, or other act of God. Such
2 county special election shall be noticed and conducted in the manner
3 provided by law.

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

11 **Sec. 3.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
12 read as follows:

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

16 This section shall not apply to:

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

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

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

25 (d) Special flood control districts consisting of three or more
26 counties.

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

35 (a) The second Tuesday in February;

36 (b) The fourth Tuesday in April;

37 (c) The day of the primary election as specified by RCW
38 29A.04.311; or

39 (d) The first Tuesday after the first Monday in November.

1 (3) A resolution calling for a special election on a date set
2 forth in subsection (2)(a) and (b) of this section must be presented
3 to the county auditor at least sixty days prior to the election date.
4 A resolution calling for a special election on a date set forth in
5 subsection (2)(c) of this section must be presented to the county
6 auditor no later than the Friday immediately before the first day of
7 regular candidate filing. A resolution calling for a special election
8 on a date set forth in subsection (2)(d) of this section must be
9 presented to the county auditor no later than the ~~((day of the~~
10 ~~primary))~~ first business day of August.

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

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

25 **Sec. 4.** RCW 29A.16.040 and 2011 c 349 s 5 and 2011 c 10 s 26 are
26 each reenacted and amended to read as follows:

27 (1) The county legislative authority of each county in the state
28 shall divide the county into election precincts and establish the
29 boundaries of the precincts. The auditor of each county may propose
30 in writing any adjustment to the division of election precincts or
31 precinct boundaries to the county legislative authority at least 45
32 days prior to the date found in subsection (2) of this section. If
33 the county legislative authority does not formally reject or adopt a
34 modification to the auditor's proposed changes within 45 days, the
35 proposal is adopted.

36 ~~((1))~~ (2) Precinct boundaries may be altered at any time as
37 long as sufficient time exists prior to a given election for the
38 necessary procedural steps to be honored. Except as permitted under
39 subsection ~~((3))~~ (4) of this section, no precinct changes may be

1 made during the period starting (~~fourteen~~) seven days prior to the
2 first day for candidates to file for the primary election and ending
3 with the day of the general election.

4 (~~(2)~~) (3) The (~~county legislative authority may establish by~~
5 ~~ordinance a limitation on the~~) maximum number of active registered
6 voters in each precinct (~~within its jurisdiction. The number may be~~
7 ~~less than the number established by law, but in no case may the~~
8 ~~number exceed~~) is one thousand five hundred active registered
9 voters.

10 (~~(3)~~) (4) The county auditor shall temporarily adjust precinct
11 boundaries when a city or town annexes unincorporated territory to
12 the city or town, or whenever unincorporated territory is
13 incorporated as a city or town. The adjustment must be made as soon
14 as possible after the approval of the annexation or incorporation.
15 The temporary adjustment must be limited to the minimum changes
16 necessary to accommodate the addition of the territory to the city or
17 town, or to establish the eligible voters within the boundaries of
18 the new city or town, and remains in effect only until precinct
19 boundary modifications reflecting the annexation or incorporation are
20 formally adopted by the county legislative authority or modifications
21 are adopted pursuant to subsection (1) of this section.

22 **Sec. 5.** RCW 29A.24.050 and 2011 c 349 s 7 are each amended to
23 read as follows:

24 Except where otherwise provided by this title, declarations of
25 candidacy for the following offices shall be filed during regular
26 business hours with the filing officer beginning the fourth Monday
27 (~~two weeks before Memorial day~~) in February and ending the
28 following Friday in the year in which the office is scheduled to be
29 voted upon:

30 (1) Offices that are scheduled to be voted upon for full terms or
31 both full terms and short terms at, or in conjunction with, a state
32 general election; and

33 (2) Offices where a vacancy, other than a short term, exists that
34 has not been filled by election and for which an election to fill the
35 vacancy is required in conjunction with the next state general
36 election.

37 This section supersedes all other statutes that provide for a
38 different filing period for these offices.

1 **Sec. 6.** RCW 29A.24.181 and 2011 c 349 s 11 are each amended to
2 read as follows:

3 (1) If a void in candidacy occurs following the regular filing
4 period and deadline to withdraw, but prior to the day of the primary,
5 filings for that office shall be reopened for a period of three
6 normal business days, such three-day period to be fixed by the filing
7 officer. The filing officer shall provide notice of the special
8 filing period to newspapers, radio, and television in the county, and
9 online. The candidate receiving a plurality of the votes cast for
10 that office in the general election is deemed elected.

11 (2) This section does not apply to voids in candidacy in the
12 office of precinct committee officer, which are filled by appointment
13 pursuant to RCW (~~29A.28.071~~) 29A.80.031.

14 **Sec. 7.** RCW 29A.28.041 and 2013 c 11 s 34 are each amended to
15 read as follows:

16 (1) Whenever a vacancy occurs in the United States house of
17 representatives or the United States senate from this state, the
18 governor shall order a special election to fill the vacancy.

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

25 (3) If the vacancy occurs less than eight months before a general
26 election and before the close of the filing period for that general
27 election, the special primary and special vacancy election must be
28 held in concert with the state primary and general election in that
29 year.

30 (4) If the vacancy occurs on or after the first day for filing
31 under RCW 29A.24.050 and on or before the close of the filing period,
32 a special filing period of three normal business days shall be fixed
33 and notice thereof given to all media, including press, radio, and
34 television within the area in which the vacancy election is to be
35 held, to the end that, insofar as possible, all interested persons
36 will be aware of such filing period.

37 (5) If the vacancy occurs after the filing period under RCW
38 29A.24.050 and before the first day of May, a special filing period
39 of three normal business days shall be fixed and notice thereof given

1 to all media, including press, radio, and television within the area
2 in which the vacancy election is to be held, to the end that, insofar
3 as possible, all interested persons will be aware of such filing
4 period. The special primary must be held on the first Tuesday in
5 August in that year and the special vacancy election held in concert
6 with the state general election in that year.

7 (6) If the vacancy occurs later than the (~~close of the filing~~
8 ~~period~~) first day of May, a special primary and vacancy election to
9 fill the position shall be held after the next general election but,
10 in any event, no later than the ninetieth day following the general
11 election.

12 **Sec. 8.** RCW 29A.60.240 and 2013 c 11 s 64 are each amended to
13 read as follows:

14 The secretary of state shall, as soon as possible but in any
15 event not later than (~~seventeen~~) 24 days following the primary,
16 canvass and certify the returns of all primary elections as to
17 candidates for statewide offices, United States senators and
18 representatives in Congress, and all legislative and judicial
19 candidates whose district extends beyond the limits of a single
20 county.

21 NEW SECTION. **Sec. 9.** RCW 29A.24.072 (Preservation of
22 declarations of candidacy) and 2003 c 111 s 501 & 1965 c 9 s
23 29.27.090 are each repealed.

24 NEW SECTION. **Sec. 10.** This act takes effect December 31, 2024.

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