

**Chapter 29A.52 RCW
PRIMARIES AND ELECTIONS**

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PARTISAN PRIMARIES

RCW 29A.52.112 Top two candidates—Single county partisan office—Party or independent preference.

(1) A primary is a first stage in the public process by which voters elect candidates to public office.

(2) Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter. Based upon votes cast at the primary, the top two candidates will be certified as qualified to appear on the general election ballot, unless only one candidate qualifies as provided in *RCW 29A.36.170.

(3) No primary may be held for any single county partisan office to fill an unexpired term if, after the last day allowed for candidates to withdraw, only one candidate has filed for the position.

(4) For partisan office, if a candidate has expressed a party preference on the declaration of candidacy, then that preference will be shown after the name of the candidate on the primary and general election ballots as set forth in rules of the secretary of state. A

candidate may choose to express no party preference. Any party preferences are shown for the information of voters only and may in no way limit the options available to voters. [2014 c 7 s 1; 2013 c 11 s 50; 2005 c 2 s 7 (Initiative Measure No. 872, approved November 2, 2004).]

***Reviser's note:** RCW 29A.36.170 was amended by 2013 c 143 s 1, removing the one candidate exception.

Short title—2005 c 2 (Initiative Measure No. 872): "This act may be known and cited as the People's Choice Initiative of 2004." [2005 c 2 s 1 (Initiative Measure No. 872, approved November 2, 2004).]

Intent—2005 c 2 (Initiative Measure No. 872): "The Washington Constitution and laws protect each voter's right to vote for any candidate for any office. The Washington State Supreme Court has upheld the blanket primary as protecting compelling state interests "allowing each voter to keep party identification, if any, secret; allowing the broadest possible participation in the primary election; and giving each voter a free choice among all candidates in the primary." *Heavey v. Chapman*, 93 Wn.2d 700, 705, 611 P.2d 1256 (1980). The Ninth Circuit Court of Appeals has threatened this system through a decision, that, if not overturned by the United States Supreme Court, may require change. In the event of a final court judgment invalidating the blanket primary, this People's Choice Initiative will become effective to implement a system that best protects the rights of voters to make such choices, increases voter participation, and advances compelling interests of the state of Washington." [2005 c 2 s 2 (Initiative Measure No. 872, approved November 2, 2004).]

Contingent effective date—2005 c 2 (Initiative Measure No. 872): "This act takes effect only if the Ninth Circuit Court of Appeals' decision in *Democratic Party of Washington State v. Reed*, 343 F.3d 1198 (9th Cir. 2003) holding the blanket primary election system in Washington state invalid becomes final and a Final Judgment is entered to that effect." [2005 c 2 s 18 (Initiative Measure No. 872, approved November 2, 2004).]

Reviser's note: On February 28, 2004, the United States Supreme Court refused to take the case on appeal; therefore the Ninth Circuit's decision stands.

RCW 29A.52.121 General election laws govern primaries. So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries. [2004 c 271 s 143.]

RCW 29A.52.161 One vote. Nothing in this chapter may be construed to mean that a voter may cast more than one vote for candidates for a given office. [2004 c 271 s 144.]

RCW 29A.52.171 Precinct committee officer—Filing—Ballot format—Party affiliation—Votes cast. (1) The office of precinct committee officer must be voted upon at the primary election in each

even-numbered year. If no one files for the office, the office shall be filled in accordance with *RCW 29A.28.071. If, after the last day to withdraw, only one candidate has filed for the office in a precinct, that candidate is deemed elected and the auditor shall issue a certificate of election. Only contested races may appear on the ballot.

(2) The ballot format may be either a consolidated ballot or a physically separate ballot. If a consolidated ballot is used, the races for precinct committee officer must be clearly delineated from other races on the ballot. If a physically separate ballot is used, it must be distinguishable from the top two primary ballot. If the ballot is returned in the return envelope provided, but outside of the security envelope, it shall not be grounds to invalidate the ballot.

(3) The following instructions must appear on the ballot: "In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(4) Party affiliation is affirmed by including the following statement after the name of each candidate: "I affirm I am a Democrat." if the candidate is a Democrat, or "I affirm I am a Republican." if the candidate is a Republican.

(5) If a voter votes for candidates from both parties, the votes cast in the election for precinct committee officer on that ballot will not be tabulated and reported. [2012 c 89 s 3.]

***Reviser's note:** RCW 29A.28.071 was recodified as RCW 29A.80.031 pursuant to 2013 c 11 s 93.

Intent—Finding—Effective date—2012 c 89: See notes following RCW 29A.24.311.

NONPARTISAN PRIMARIES

RCW 29A.52.210 Local primaries. All city and town primaries shall be nonpartisan. Primaries for special purpose districts, except those districts that require ownership of property within the district as a prerequisite to voting, shall be nonpartisan. City, town, and district primaries shall be held as provided in RCW 29A.04.311.

The purpose of this section is to establish the holding of a primary, subject to the exemptions in RCW 29A.52.220, as a uniform procedural requirement to the holding of city, town, and district elections. These provisions supersede any and all other statutes, whether general or special in nature, having different election requirements. [2013 c 11 s 51; 2003 c 111 s 1305. Prior: 1990 c 59 s 89; 1977 c 53 s 3; 1975-'76 2nd ex.s. c 120 s 1; 1965 c 123 s 7; 1965 c 9 s 29.21.010; prior: 1951 c 257 s 7; 1949 c 161 s 3; Rem. Supp. 1949 s 5179-1. Formerly RCW 29.21.010.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Severability—1975-'76 2nd ex.s. c 120: "If any provision of this 1976 amendatory act, or its application to any person or circumstance

is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected."
[1975-'76 2nd ex.s. c 120 s 16.]

RCW 29A.52.220 No nonpartisan office primary permitted—Procedure—No primary for the office of commissioner of park and recreation district, office of cemetery district commissioner—Names of candidates. (1) No primary may be held for any single position in any nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall as soon as possible notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

(2) No primary may be held for the office of commissioner of a park and recreation district or for the office of cemetery district commissioner.

(3) Names of candidates for offices that do not appear on the primary ballot shall be printed upon the general election ballot in the manner specified by RCW 29A.36.131. [2013 c 195 s 1; 2005 c 153 s 10; 2003 c 111 s 1306. Prior: 1998 c 19 s 1; 1996 c 324 s 1; 1990 c 59 s 90; 1975-'76 2nd ex.s. c 120 s 2; 1965 c 9 s 29.21.015; prior: 1955 c 101 s 2; 1955 c 4 s 1. Formerly RCW 29.21.015.]

Effective date—2013 c 195: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 10, 2013]." [2013 c 195 s 3.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29A.52.210.

RCW 29A.52.231 Nonpartisan offices specified. The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such. [2004 c 271 s 174.]

RCW 29A.52.240 Special election to fill unexpired term. Whenever it is necessary to hold a special election to fill an unexpired term of an elective office of any city, town, or district, the special election must be held in concert with the next general election that is to be held by the respective city, town, or district concerned for the purpose of electing officers to full terms. This section does not apply to any city of the first class whose charter provision relating to elections to fill unexpired terms are inconsistent with this section. [2003 c 111 s 1308; 1972 ex.s. c 61 s 7. Formerly RCW 29.21.410.]

Severability—1972 ex.s. c 61: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 61 s 8.]

NOTICES AND CERTIFICATES

RCW 29A.52.321 Certification of candidates. No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors the names of all candidates qualified to appear on the general election ballot. [2013 c 11 s 52; 2004 c 271 s 146.]

RCW 29A.52.330 Constitutional amendments and state measures—Notice method. Subject to the availability of funds appropriated specifically for that purpose, the secretary of state shall publish notice of the proposed constitutional amendments and other state measures that are to be submitted to the people at a state general election up to four times during the four weeks immediately preceding that election in every legal newspaper in the state. The secretary of state shall supplement this publication with an equivalent amount of radio and television advertisements. [2003 c 111 s 1311. Prior: 1997 c 405 s 1; 1967 c 96 s 1; 1965 c 9 s 29.27.072; prior: 1961 c 176 s 1. Formerly RCW 29.27.072.]

RCW 29A.52.340 Constitutional amendments and state measures—Notice contents. The newspaper and broadcast notice required by Article XXIII, section 1, of the state Constitution and RCW 29A.52.330 may set forth all or some of the following information:

- (1) A legal identification of the state measure to be voted upon.
- (2) The official ballot title of such state measure.
- (3) A brief statement explaining the constitutional provision or state law as it presently exists.
- (4) A brief statement explaining the effect of the state measure should it be approved.
- (5) The total number of votes cast for and against the measure in both the state senate and house of representatives.

No individual candidate or incumbent public official may be referred to or identified in these notices or advertisements. [2003 c 111 s 1312. Prior: 1997 c 405 s 2; 1967 c 96 s 2; 1965 c 9 s 29.27.074; prior: 1961 c 176 s 2. Formerly RCW 29.27.074.]

RCW 29A.52.355 Notice of election—Prior to mail-in registration deadline. (1) Notice for any state, county, district, or municipal primary or election, whether special or general, must be given by the county auditor between five and fifteen days prior to the deadline for mail-in registrations. The notice must be published in one or more newspapers of general circulation and must contain, at a minimum, the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can

register, the type of election, the date of the election, how a voter can obtain a ballot, a list of all jurisdictions involved in the election, including positions and short titles for ballot measures appearing on the ballot, and the times and dates of any public meetings associated with the election. The notice shall also include where additional information regarding the election may be obtained. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer is on the ballot. This is the only notice required for a state, county, district, or municipal primary or special or general election.

(2) If the county or city chooses to mail a local voters' pamphlet as described in RCW 29A.32.210 to each residence, the notice required in this section need only include the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, and the times and dates of any public meetings associated with the election. [2013 c 11 s 53; 2011 c 10 s 45.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

RCW 29A.52.360 Ceremonial certificates of election to officers elected in single county or less. Immediately after the ascertainment of the result of an election for an office to be filled by the voters of a single county, or of a precinct, or of a constituency within a county for which the county auditor serves as supervisor of elections, the county auditor shall notify the person elected, and issue to the person a ceremonial certificate of election. [2007 c 374 s 2; 2003 c 111 s 1314; 1965 c 9 s 29.27.100. Prior: 1961 c 130 s 8; prior: Code 1881 s 3096, part; 1866 p 6 s 2, part; 1865 p 39 s 7, part; RRS s 5343, part. Formerly RCW 29.27.100.]

RCW 29A.52.370 Certificates of election to other officers. Except as provided in the state Constitution, the governor shall issue certificates of election to those elected as senator or representative in the Congress of the United States and to state offices. The secretary of state shall issue certificates of election to those elected to the office of judge of the superior court in judicial districts comprising more than one county and to those elected to either branch of the state legislature in legislative districts comprising more than one county. [2003 c 111 s 1315; 1965 c 9 s 29.27.110. Prior: (i) 1933 c 92 s 1; RRS s 5343-1. (ii) Code 1881 s 3100, part; No RRS. Formerly RCW 29.27.110.]

Judges of their own election and qualification—Quorum: State Constitution Art. 2 s 8.

Returns of elections, canvass, etc.: State Constitution Art. 3 s 4.