
SENATE BILL 6498

State of Washington

62nd Legislature

2012 Regular Session

By Senator Swecker

Read first time 01/26/12. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to write-in voting; and amending RCW 29A.24.311 and
2 29A.60.021.

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

4 **Sec. 1.** RCW 29A.24.311 and 2011 c 349 s 13 are each amended to
5 read as follows:

6 Any person who desires to be a write-in candidate and have such
7 votes counted at a primary or election (~~((may))~~) must file a declaration
8 of candidacy with the officer designated in RCW 29A.24.070 not later
9 than (~~((the))~~) eighteen days (~~((ballots must be mailed according to RCW
10 29A.40.070))~~) before the primary or election. Declarations of candidacy
11 for write-in candidates must be accompanied by a filing fee in the same
12 manner as required of other candidates filing for the office as
13 provided in RCW 29A.24.091.

14 Votes cast for write-in candidates who have filed such declarations
15 of candidacy and write-in votes for persons appointed by major
16 political parties pursuant to RCW 29A.28.021 need only specify the name
17 of the candidate in the appropriate location on the ballot in order to
18 be counted. (~~((Write in votes cast for any other candidate, in order to~~

1 ~~be counted, must designate the office sought and position number or~~
2 ~~political party, if the manner in which the write-in is done does not~~
3 ~~make the office or position clear.))~~

4 No person may file as a write-in candidate where:

5 (1) At a general election, the person attempting to file either
6 filed as a write-in candidate for the same office at the preceding
7 primary or the person's name appeared on the ballot for the same office
8 at the preceding primary;

9 (2) The person attempting to file as a write-in candidate has
10 already filed a valid write-in declaration for that primary or
11 election, unless one or the other of the two filings is for the office
12 of precinct committeeperson;

13 (3) The name of the person attempting to file already appears on
14 the ballot as a candidate for another office, unless one of the two
15 offices for which he or she is a candidate is precinct committeeperson.

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

24 **Sec. 2.** RCW 29A.60.021 and 2005 c 243 s 12 are each amended to
25 read as follows:

26 (1) For any office at any election or primary, any voter may write
27 in on the ballot the name of any person for an office who has filed as
28 a write-in candidate for the office in the manner provided by RCW
29 29A.24.311 and such vote shall be counted the same as if the name had
30 been printed on the ballot and marked by the voter. ~~((No))~~ Write-in
31 votes ~~((made))~~ for any person who has not filed a declaration of
32 candidacy pursuant to RCW 29A.24.311 ~~((is))~~ are not valid ~~((if that~~
33 ~~person filed for the same office, either as a regular candidate or a~~
34 ~~write-in candidate, at the preceding primary))~~. Any abbreviation used
35 to designate office or position will be accepted if the canvassing
36 board can determine, to its satisfaction, the voter's intent.

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

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

16 (4) Write-in votes cast for an individual candidate for an office
17 whose name does not appear on the ballot need not be tallied unless the
18 total number of write-in votes and undervotes recorded by the vote
19 tabulation system for the office is greater than the number of votes
20 cast for the candidate apparently qualified to appear on the general
21 election ballot or elected.

22 (5) In the case of write-in votes for a statewide office or any
23 office whose jurisdiction encompasses more than one county, write-in
24 votes for an individual candidate must be tallied when the county
25 auditor is notified by either the secretary of state or another county
26 auditor in the multicounty jurisdiction that it appears that the write-
27 in votes must be tabulated under the terms of this section. In all
28 other cases, the county auditor determines when write-in votes must be
29 tabulated. Any abstract of votes must be modified to reflect the
30 tabulation and certified by the canvassing board. Tabulation of write-
31 in votes may be performed simultaneously with a recount.

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