S-3107.1

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**SENATE BILL 5540**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Hunt, Kuderer, and C. Wilson

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

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

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

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

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

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

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

(a) The second Tuesday in February;

(b) The fourth Tuesday in April;

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

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

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

(4) In addition to the dates set forth in subsection (2)(a) through (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

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

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

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

This section shall not apply to:

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

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

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

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

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

(a) The second Tuesday in February;

(b) The fourth Tuesday in April;

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

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

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

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

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

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

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

((~~(1)~~)) (2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection ((~~(3)~~)) (4) of this section, no precinct changes may be made during the period starting ((~~fourteen~~)) seven days prior to the first day for candidates to file for the primary election and ending with the day of the general election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) If the vacancy occurs after the filing period under RCW 29A.24.050 and before the first day of May, a special filing period of three normal business days shall be fixed and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The special primary must be held on the first Tuesday in August in that year and the special vacancy election held in concert with the state general election in that year.

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

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

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

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

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

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