SUBSTITUTE HOUSE BILL 2118

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State of Washington   **54th Legislature**   **1996 Regular Session**

By House Committee on Government Operations (originally sponsored by Representatives D. Schmidt, Scott, Blanton, Quall and Thompson)

Read first time 01/25/96.

1   AN ACT Relating to election procedures; and amending RCW 29.10.011,
2 29.13.010, 29.13.020, 29.15.120, 29.30.101, and 29.36.013.

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

4   **Sec. 1.** RCW 29.10.011 and 1994 c 57 s 33 are each amended to read
5 as follows:
6   The definitions set forth in this section apply throughout this
7 chapter, unless the context clearly requires otherwise.
8   (1) "Verification notice" means a notice sent by the county auditor
9 to a voter registration applicant and is used to verify or collect
10 information about the applicant in order to complete the registration.
11   (2) "Acknowledgement notice" means a notice sent by nonforwardable
12 mail by the county auditor to a registered voter to acknowledge a voter
13 registration transaction, which can include initial registration,
14 transfer, or reactivation of an inactive registration.   An
15 acknowledgement notice may be a voter registration card.
16   (3) "Confirmation notice" means a notice sent to a registered voter
17 by first class forwardable mail at the address indicated on the voter's
18 permanent registration record ((and)) or to any other address at which
19 the county auditor could reasonably expect mail to be received by the

voter in order to confirm the voter's residence address. The
confirmation notice must be designed so that the voter may update his
or her current residence address.

   Sec. 2. RCW 29.13.010 and 1994 c 142 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, district, and precinct 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 state-wide general election shall be held on the
first Tuesday after the first Monday of November of each year:
PROVIDED, That the state-wide general election held in odd-numbered
years shall be limited to (a) city, town, and district general
elections as provided for in RCW 29.13.020, 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((, if it deems an emergency
to exist,)) call a special county election by presenting a resolution
to the county auditor at least forty-five days prior to the proposed
election date. Except as provided in subsection (4) of this section,
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 first Tuesday after the first Monday in February;
   (b) The second Tuesday in March;

1 (c) The fourth Tuesday in April;

2 (d) The third Tuesday in May;

3 (e) The day of the primary as specified by RCW 29.13.070; or

4 (f) The first Tuesday after the first Monday in November.

5 (3) In addition to the dates set forth in subsection (2)(a)

6 through (f) of this section, a special election to validate an excess

7 levy or bond issue may be called at any time to meet the needs

8 resulting from fire, flood, earthquake, or other act of God. Such

9 county special election shall be noticed and conducted in the manner

10 provided by law.

11 (4) In a presidential election year, if a presidential preference

12 primary is conducted in February, March, April, or May under chapter

13 29.19 RCW, the date on which a special election may be called by the

14 county legislative authority under subsection (2) of this section

15 during the month of that primary is the date of the presidential

16 primary.

17 (5) This section shall supersede the provisions of any and all

18 other statutes, whether general or special in nature, having different

19 dates for such city, town, and district elections, the purpose of this

20 section being to establish mandatory dates for holding elections except

21 for those elections held pursuant to a home-rule charter adopted under

22 Article XI, section 4 of the state Constitution. This section shall

23 not be construed as fixing the time for holding primary elections, or

24 elections for the recall of any elective public officer.

25 **Sec. 3.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read

26 as follows:

27 (1) All city, town, and district general elections shall be held

28 throughout the state of Washington on the first Tuesday following the

29 first Monday in November in the odd-numbered years.

30 This section shall not apply to:

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

32 (b) Public utility districts or district elections at which the

33 ownership of property within those districts is a prerequisite to

34 voting, all of which elections shall be held at the times prescribed in

35 the laws specifically applicable thereto;

36 (c) Consolidation proposals as provided for in RCW 28A.315.280 and

37 nonhigh capital fund aid proposals as provided for in chapter 28A.540

38 RCW.

(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 at least forty-five days prior to the proposed election date, ((may, if the county auditor deems an emergency to exist,)) 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. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March;

(c) The fourth Tuesday in April;

(d) The third Tuesday in May;

(e) The day of the primary election as specified by RCW 29.13.070; or

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

(3) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(4) In addition to subsection (2) (a) through (f) 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) (e) and (f) 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. 4. RCW 29.15.120 and 1994 c 223 s 6 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last

1 day for candidates to file under RCW 29.15.020 by filing, with the
2 officer with whom the declaration of candidacy was filed, a signed
3 request that his or her name not be printed on the ballot. There shall
4 be no withdrawal period for declarations of candidacy filed during
5 special filing periods held under this title. The filing officer may
6 permit the withdrawal of a filing for the office of precinct committee
7 officer at the request of the candidate at any time if no absentee
8 ballots have been issued for that office and the general election
9 ballots for that precinct have not been printed. The filing officer
10 may permit the withdrawal of a filing for any elected office of a city,
11 town, or special district at the request of the candidate at any time
12 before a primary if the primary ballots for that city, town, or special
13 district have not been ordered. For city, town, and special district
14 contests where no primary is required, the filing officer may permit
15 the withdrawal of a filing at any time before an election if the
16 election ballots for that city, town, or special district have not been
17 ordered. If a void in candidacy exists after such a withdrawal, the
18 position shall have the effect of being lapsed and shall be handled in
19 the same manner as a lapse of election caused by no filing for a single
20 position in accordance with RCW 29.15.200. No filing fee may be
21 refunded to any candidate who withdraws under this section. Notice of
22 the deadline for withdrawal of candidacy and that the filing fee is not
23 refundable shall be given to each candidate at the time he or she
24 files.

25   **Sec. 5.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read
26 as follows:
27   The names of the persons certified as nominees by the secretary of
28 state or the county canvassing board shall be printed on the ballot at
29 the ensuing election.
30   No name of any candidate whose nomination at a primary is required
31 by law shall be placed upon the ballot at a general or special election
32 unless it appears upon the certificate of either (1) the secretary of
33 state, or (2) the county canvassing board, or (3) a minor party
34 convention or the state or county central committee of a major
35 political party to fill a vacancy on its ticket under RCW 29.18.160.
36   Excluding the office of precinct committee officer, or any
37 temporary elected position such as charter review board or freeholder,

1 a candidate's name shall not appear more than once upon a ballot <u>for</u>
2 <u>any position regularly nominated or elected at the same election</u>.

3   **Sec. 6.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read
4 as follows:
5   Any voter may apply, in writing, for status as an ongoing absentee
6 voter.   Each qualified applicant shall automatically receive an
7 absentee ballot for each ensuing election for which he or she is
8 entitled to vote and need not submit a separate request for each
9 election.   Ballots received from ongoing absentee voters shall be
10 validated, processed, and tabulated in the same manner as other
11 absentee ballots.
12   Status as an ongoing absentee voter shall be terminated upon any of
13 the following events:
14   (1) The written request of the voter;
15   (2) The death or disqualification of the voter;
16   (3) The cancellation of the voter's registration record; ((or))
17   (4) The return of an ongoing absentee ballot as undeliverable<u>; or</u>
18   <u>(5) Upon placing a voter on inactive status under RCW 29.10.071</u>.

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