

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1291

Chapter 298, Laws of 1999

56th Legislature
1999 Regular Session

ELECTIONS AND VOTING

EFFECTIVE DATE: 7/25/99

Passed by the House April 19, 1999
Yeas 97 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 15, 1999
Yeas 48 Nays 0

BRAD OWEN
President of the Senate

Approved May 13, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1291** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 13, 1999 - 3:48 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1291

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By House Committee on State Government (originally sponsored by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn)

Read first time 03/02/1999.

1 AN ACT Relating to election laws; amending RCW 29.04.050,
2 29.04.120, 29.04.170, 29.07.010, 29.07.120, 29.07.260, 29.08.080,
3 29.10.100, 29.15.025, 29.15.050, 29.30.101, 29.36.013, 29.57.010,
4 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150,
5 29.57.160, and 29.62.090; and repealing RCW 29.57.030, 29.57.080,
6 29.57.110, and 29.57.120.

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

8 **Sec. 1.** RCW 29.04.050 and 1989 c 278 s 1 are each amended to read
9 as follows:

10 (1) Every voting precinct must be wholly within a single
11 congressional district, a single legislative district, and a single
12 district of a county legislative authority.

13 (2) Every voting precinct shall be composed, as nearly as
14 practicable, of contiguous and compact areas.

15 (3) Except as provided in this subsection, changes to the
16 boundaries of any precinct shall follow visible, physical features
17 delineated on the most current maps provided by the United States
18 census bureau. A change need not follow such visible, physical
19 features if (a) it is necessitated by an annexation or incorporation

1 and the proposed precinct boundary is identical to an exterior boundary
2 of the annexed or incorporated area which does not follow a visible,
3 physical feature; or (b) doing so would substantially impair election
4 administration in the involved area.

5 (4) After a change to precinct boundaries is adopted by the county
6 legislative authority, the county auditor shall send to the secretary
7 of state a copy of the legal description and a map or maps of the
8 changes and, if all or part of the changes do not follow visible,
9 physical features, a statement of the applicable exception under
10 subsection (3) of this section. For boundary changes made pursuant to
11 subsection (3)(b) of this section, the auditor shall include a
12 statement of the reasons why following visible, physical features would
13 have substantially impaired election administration.

14 (5) Every voting precinct within each county shall be designated
15 (~~consecutively~~) by number for the purpose of preparation of maps and
16 the tabulation of population for apportionment purposes. These
17 precincts may be identified with names or other numbers for other
18 election purposes.

19 (6) After a change to precinct boundaries in a city or town, the
20 county auditor shall send one copy of the map or maps delineating the
21 new precinct boundaries within that city or town to the city or town
22 clerk.

23 (7) Precinct maps are public records and shall be available for
24 inspection by the public during normal office hours in the offices
25 where they are kept. Copies shall be made available to the public for
26 a fee necessary to cover the cost of reproduction.

27 **Sec. 2.** RCW 29.04.120 and 1992 c 7 s 32 are each amended to read
28 as follows:

29 (1) Any person who uses registered voter data furnished under RCW
30 29.04.100 or 29.04.110 for the purpose of mailing or delivering any
31 advertisement or offer for any property, establishment, organization,
32 product, or service or for the purpose of mailing or delivering any
33 solicitation for money, services, or anything of value shall be guilty
34 of a felony punishable by imprisonment in a state correctional facility
35 for a period of not more than five years or a fine of not more than
36 (~~five~~) ten thousand dollars or both such fine and imprisonment, and
37 shall be liable to each person provided such advertisement or
38 solicitation, without the person's consent, for the nuisance value of

1 such person having to dispose of it, which value is herein established
2 at five dollars for each item mailed or delivered to the person's
3 residence: PROVIDED, That any person who mails or delivers any
4 advertisement, offer or solicitation for a political purpose shall not
5 be liable under this section, unless the person is liable under
6 subsection (2) of this section. For purposes of this subsection, two
7 or more attached papers or sheets or two or more papers which are
8 enclosed in the same envelope or container or are folded together shall
9 be deemed to constitute one item. Merely having a mailbox or other
10 receptacle for mail on or near the person's residence shall not be any
11 indication that such person consented to receive the advertisement or
12 solicitation. A class action may be brought to recover damages under
13 this section and the court may award a reasonable attorney's fee to any
14 party recovering damages under this section.

15 (2) It shall be the responsibility of each person furnished data
16 under RCW 29.04.100 or 29.04.110 to take reasonable precautions
17 designed to assure that the data is not used for the purpose of mailing
18 or delivering any advertisement or offer for any property,
19 establishment, organization, product or service or for the purpose of
20 mailing or delivering any solicitation for money, services, or anything
21 of value: PROVIDED, That such data may be used for any political
22 purpose. Where failure to exercise due care in carrying out this
23 responsibility results in the data being used for such purposes, then
24 such person shall be jointly and severally liable for damages under the
25 provisions of subsection (1) of this section along with any other
26 person liable under subsection (1) of this section for the misuse of
27 such data.

28 **Sec. 3.** RCW 29.04.170 and 1980 c 35 s 7 are each amended to read
29 as follows:

30 (1) The legislature finds that certain laws are in conflict
31 governing the election of various local officials. The purpose of
32 (~~this legislation~~) chapter 126, Laws of 1979 ex. sess. is to provide
33 a common date for the assumption of office for all the elected
34 officials of counties, cities, towns, and special purpose districts
35 other than school districts where the ownership of property is not a
36 prerequisite of voting. A person elected to the office of school
37 director begins his or her term of office at the first official meeting
38 of the board of directors after certification of the election results.

1 It is also the purpose of (~~this legislation~~) chapter 126, Laws of
2 1979 ex. sess. to remove these conflicts and delete old statutory
3 language concerning such elections which is no longer necessary.

4 (2) For elective offices of counties, cities, towns, and special
5 purpose districts other than school districts where the ownership of
6 property is not a prerequisite of voting, the term of incumbents shall
7 end and the term of successors shall begin after the successor is
8 elected and qualified, and the term shall commence immediately after
9 December 31st following the election, except as follows:

10 (a) Where the term of office varies from this standard according to
11 statute; and

12 (b) If the election results have not been certified prior to
13 January 1st after the election, in which event the time of commencement
14 for the new term shall occur when the successor becomes qualified in
15 accordance with RCW 29.01.135.

16 (3) For elective offices governed by this section, the oath of
17 office shall be taken as the last step of qualification as defined in
18 RCW 29.01.135 but may be taken either:

19 (a) Up to ten days prior to the scheduled date of assuming office;
20 or

21 (b) At the last regular meeting of the governing body of the
22 applicable county, city, town, or special district held before the
23 winner is to assume office.

24 **Sec. 4.** RCW 29.07.010 and 1994 c 57 s 8 are each amended to read
25 as follows:

26 (1) In all counties, the county auditor shall be the chief
27 registrar of voters for every precinct within the county. The auditor
28 may appoint a registration assistant for each precinct or group of
29 precincts and shall appoint city or town clerks as registration
30 assistants to assist in registering persons residing in cities, towns,
31 and rural precincts within the county.

32 (2) In addition, the auditor may appoint a registration assistant
33 for each common school. The auditor may appoint a registration
34 assistant for each fire station. (~~All common schools, fire stations,~~
35 ~~and public libraries shall make voter registration application forms~~
36 ~~available to the public.))~~

1 (3) A registration assistant must be a registered voter. Except
2 for city and town clerks, each registration assistant holds office at
3 the pleasure of the county auditor.

4 (4) The county auditor shall be the custodian of the official
5 registration records of that county. The county auditor shall ensure
6 that mail-in voter registration application forms are readily available
7 to the public at locations to include but not limited to the elections
8 office, and all common schools, fire stations, and public libraries.

9 **Sec. 5.** RCW 29.07.120 and 1994 c 57 s 16 are each amended to read
10 as follows:

11 (~~On each Monday next following the registration of any voter~~
12 ~~each~~) Once each week the county auditor shall transmit all cards
13 required by RCW 29.07.090 (~~received in the auditor's office during the~~
14 ~~prior week~~) to the secretary of state (~~for filing~~). The secretary
15 of state may exempt a county auditor who is providing electronic voter
16 registration and electronic voter signature information to the
17 secretary of state from the requirements of this section.

18 **Sec. 6.** RCW 29.07.260 and 1994 c 57 s 21 are each amended to read
19 as follows:

20 (1) A person may register to vote (~~or~~), transfer a voter
21 registration, or change his or her name for voter registration purposes
22 when he or she applies for or renews a driver's license or
23 identification card under chapter 46.20 RCW.

24 (2) To register to vote (~~or~~), transfer ((a)) his or her voter
25 registration, or change his or her name for voter registration purposes
26 under this section, the applicant shall provide the following:

27 (a) His or her full name;

28 (b) Whether the address in the driver's license file is the same as
29 his or her residence for voting purposes;

30 (c) The address of the residence for voting purposes if it is
31 different from the address in the driver's license file;

32 (d) His or her mailing address if it is not the same as the address
33 in (c) of this subsection;

34 (e) Additional information on the geographic location of that
35 voting residence if it is only identified by route or box;

36 (f) The last address at which he or she was registered to vote in
37 this state;

1 (g) A declaration that he or she is a citizen of the United States;
2 and

3 (h) Any other information that the secretary of state determines is
4 necessary to establish the identity of the applicant and to prevent
5 duplicate or fraudulent voter registrations.

6 (3) The following warning shall appear in a conspicuous place on
7 the voter registration form:

8 "If you knowingly provide false information on this voter
9 registration form or knowingly make a false declaration about your
10 qualifications for voter registration you will have committed a class
11 C felony that is punishable by imprisonment for up to five years, or by
12 a fine of up to ten thousand dollars, or both imprisonment and fine."

13 (4) The applicant shall sign a portion of the form that can be used
14 as an initiative signature card for the verification of petition
15 signatures by the secretary of state and shall sign and attest to the
16 following oath:

17 "I declare that the facts on this voter registration form are true.
18 I am a citizen of the United States, I am not presently denied my civil
19 rights as a result of being convicted of a felony, I will have lived in
20 Washington at this address for thirty days before the next election at
21 which I vote, and I will be at least eighteen years old when I vote."

22 (5) The driver licensing agent shall record that the applicant has
23 requested to register to vote or transfer a voter registration.

24 **Sec. 7.** RCW 29.08.080 and 1993 c 434 s 8 are each amended to read
25 as follows:

26 The secretary of state shall furnish registration forms necessary
27 to carry out the registration of voters as provided by this chapter
28 without cost to the respective counties. (~~However, costs incurred by~~
29 ~~the secretary of state during 1994 and 1995 in the printing and~~
30 ~~distribution of voter registration forms shall be reimbursed by the~~
31 ~~counties. This cost shall be considered an election cost under RCW~~
32 ~~29.13.045 and be prorated as part of the 1994 and 1995 general election~~
33 ~~costs.))~~

34 **Sec. 8.** RCW 29.10.100 and 1994 c 57 s 43 are each amended to read
35 as follows:

1 (~~On the Monday next following~~) Once each week after the
2 cancellation of the registration of any voter or the change of name of
3 a voter, each county auditor (~~must~~) shall certify (~~to~~) all
4 cancellations or name changes (~~made during the prior week~~) to the
5 secretary of state. The certificate shall set forth the name of each
6 voter whose registration has been canceled or whose name was changed,
7 and the county, city or town, and precinct in which the voter was
8 registered.

9 **Sec. 9.** RCW 29.15.025 and 1993 c 317 s 10 are each amended to read
10 as follows:

11 (1) A person filing a declaration and affidavit of candidacy for an
12 office shall, at the time of filing, be a registered voter and possess
13 the qualifications specified by law for persons who may be elected to
14 the office.

15 (2) The name of a candidate for an office shall not appear on a
16 ballot for that office unless, except as provided in RCW 3.46.067 and
17 3.50.057, the candidate is, at the time the candidate's declaration and
18 affidavit of candidacy is filed, properly registered to vote in the
19 geographic area represented by the office. For the purposes of this
20 section, each geographic area in which registered voters may cast
21 ballots for an office is represented by that office. If a person
22 elected to an office must be nominated from a district or similar
23 division of the geographic area represented by the office, the name of
24 a candidate for the office shall not appear on a primary ballot for
25 that office unless the candidate is, at the time the candidate's
26 declaration and affidavit of candidacy is filed, properly registered to
27 vote in that district or division. The officer with whom declarations
28 and affidavits of candidacy must be filed under this title shall review
29 each such declaration filed regarding compliance with this subsection.

30 (3) This section does not apply to the office of a member of the
31 United States congress.

32 **Sec. 10.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read
33 as follows:

34 A filing fee of one dollar shall accompany each declaration of
35 candidacy for precinct committee officer; a filing fee of ten dollars
36 shall accompany the declaration of candidacy for any office with a
37 fixed annual salary of one thousand dollars or less; a filing fee equal

1 to one percent of the annual salary of the office at the time of filing
2 shall accompany the declaration of candidacy for any office with a
3 fixed annual salary of more than one thousand dollars per annum. No
4 filing fee need accompany a declaration of candidacy for any office for
5 which compensation is on a per diem or per meeting attended basis(~~(7~~
6 ~~nor for the filing of any declaration of candidacy by a write-in~~
7 ~~candidate))~~).

8 A candidate who lacks sufficient assets or income at the time of
9 filing to pay the filing fee required by this section shall submit with
10 his or her declaration of candidacy a nominating petition. The
11 petition shall contain not less than a number of signatures of
12 registered voters equal to the number of dollars of the filing fee.
13 The signatures shall be of voters registered to vote within the
14 jurisdiction of the office for which the candidate is filing.

15 When the candidacy is for:

16 (1) A legislative or judicial office that includes territory from
17 more than one county, the fee shall be paid to the secretary of state
18 for equal division between the treasuries of the counties comprising
19 the district.

20 (2) A city or town office, the fee shall be paid to the county
21 auditor who shall transmit it to the city or town clerk for deposit in
22 the city or town treasury.

23 **Sec. 11.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read
24 as follows:

25 The names of the persons certified as nominees by the secretary of
26 state or the county canvassing board shall be printed on the ballot at
27 the ensuing election.

28 No name of any candidate whose nomination at a primary is required
29 by law shall be placed upon the ballot at a general or special election
30 unless it appears upon the certificate of either (1) the secretary of
31 state, or (2) the county canvassing board, or (3) a minor party
32 convention or the state or county central committee of a major
33 political party to fill a vacancy on its ticket under RCW 29.18.160.

34 Excluding the office of precinct committee officer or a temporary
35 elected position such as a charter review board member or freeholder,
36 a candidate's name shall not appear more than once upon a ballot for a
37 position regularly nominated or elected at the same election.

1 **Sec. 12.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read
2 as follows:

3 Any voter may apply, in writing, for status as an ongoing absentee
4 voter. Each qualified applicant shall automatically receive an
5 absentee ballot for each ensuing election for which he or she is
6 entitled to vote and need not submit a separate request for each
7 election. Ballots received from ongoing absentee voters shall be
8 validated, processed, and tabulated in the same manner as other
9 absentee ballots.

10 Status as an ongoing absentee voter shall be terminated upon any of
11 the following events:

- 12 (1) The written request of the voter;
13 (2) The death or disqualification of the voter;
14 (3) The cancellation of the voter's registration record; ~~((or))~~
15 (4) The return of an ongoing absentee ballot as undeliverable; or
16 (5) Upon placing a voter on inactive status under RCW 29.10.071.

17 **Sec. 13.** RCW 29.57.010 and 1985 c 205 s 1 are each amended to read
18 as follows:

19 The intent of this chapter is to ~~((implement Public Law 98-435~~
20 ~~which))~~ require~~((s))~~ state and local election officials~~((, wherever~~
21 ~~possible,))~~ to designate and use polling places in ~~((federal))~~ all
22 elections and permanent registration locations which are accessible to
23 elderly and handicapped persons. County auditors ~~((are encouraged to))~~
24 shall:

- 25 (1) Make modifications such as installation of temporary ramps or
26 relocation of polling places within buildings, where appropriate;
27 (2) Designate new, accessible polling places to replace those that
28 are inaccessible; and
29 (3) Continue to use polling places and voter registration locations
30 which are accessible to elderly and handicapped persons.

31 **Sec. 14.** RCW 29.57.070 and 1985 c 205 s 3 are each amended to read
32 as follows:

33 No later than April 1st of each even-numbered year ~~((until and~~
34 ~~including 1994))~~, each county auditor shall ~~((report))~~ submit to the
35 secretary of state~~((, on the form provided by the secretary of state,))~~
36 a list showing the number of ~~((all))~~ polling places in the county~~((,))~~
37 and specifying any that have been found inaccessible. The auditor

1 shall indicate the reasons for inaccessibility, and what efforts have
2 been made pursuant to this chapter to locate alternative polling places
3 or to make the existing facilities temporarily accessible. ((Each
4 county auditor shall notify the secretary of state of any changes in
5 polling place locations before the next state general election,
6 including any changes required due to alteration of precinct
7 boundaries.))

8 If a county auditor's list shows, for two consecutive reporting
9 periods, that no polling places have been found inaccessible, the
10 auditor need not submit further reports unless the secretary of state
11 specifically reinstates the requirement for that county. Notice of
12 reinstatement must be in writing and delivered at least sixty days
13 before the reporting date.

14 **Sec. 15.** RCW 29.57.090 and 1985 c 205 s 5 are each amended to read
15 as follows:

16 The secretary of state shall establish procedures to assure that,
17 in any ((state)) primary or ((state general)) election ((in an even-
18 numbered year)), any handicapped or elderly voter assigned to an
19 inaccessible polling place will, upon advance request of that voter,
20 either be permitted to vote at an alternative accessible polling place
21 not overly inconvenient to that voter or be provided with an
22 alternative means of casting a ballot on the day of the primary or
23 election. The county auditor shall make any accommodations in voting
24 procedures necessary to allow the use of alternative polling places by
25 elderly or handicapped voters under this section.

26 **Sec. 16.** RCW 29.57.100 and 1985 c 205 s 6 are each amended to read
27 as follows:

28 Each polling place ((for a state primary or state general election
29 in an even-numbered year shall)) must be accessible unless:

30 (1) The ((secretary of state has reviewed that polling place,))
31 county auditor has determined that it is inaccessible, that no
32 alternative accessible polling place is available, that no temporary
33 modification of that polling place or any alternative polling place is
34 possible, and that the county auditor has complied with the procedures
35 established under RCW 29.57.090; or

1 (2) The secretary of state determines that a state of emergency
2 exists that would otherwise interfere with the efficient administration
3 of ~~((that))~~ the primary or election.

4 **Sec. 17.** RCW 29.57.130 and 1985 c 205 s 9 are each amended to read
5 as follows:

6 (1) Each county auditor shall provide voting and registration
7 instructions, printed in large type, to be conspicuously displayed at
8 each polling place and permanent registration facility.

9 (2) The ~~((secretary of state))~~ county auditor shall make
10 information available for deaf persons throughout the state by
11 telecommunications.

12 **Sec. 18.** RCW 29.57.140 and 1985 c 205 s 10 are each amended to
13 read as follows:

14 The ~~((secretary of state))~~ county auditor shall provide public
15 notice of the availability of registration and voting aids, assistance
16 to elderly and handicapped persons ~~((under RCW 29.51.200 and 42 U.S.C.~~
17 ~~Section 1973aa-6))~~, and procedures for voting by absentee ballot
18 calculated to reach elderly and handicapped persons not later than
19 public notice of the closing of registration for ~~((the state))~~ a
20 primary ~~((and state general))~~ or election ~~((in each even-numbered~~
21 ~~year))~~.

22 **Sec. 19.** RCW 29.57.150 and 1985 c 205 s 11 are each amended to
23 read as follows:

24 Each county auditor shall include a notice of the accessibility of
25 polling places in the notice of election published under RCW 29.27.030
26 and 29.27.080 ~~((for the state primary and state general election in~~
27 ~~each even-numbered year))~~.

28 **Sec. 20.** RCW 29.57.160 and 1985 c 205 s 12 are each amended to
29 read as follows:

30 (1) County auditors shall seek alternative polling places or other
31 low-cost alternatives including, but not limited to, procedural changes
32 and assistance from local disabled groups, service organizations, and
33 other private sources before incurring costs for modifications under
34 this chapter ~~((and Public Law 98-435))~~.

1 (2) (~~In a state primary or state general election in an even-~~
2 ~~numbered year,~~) The cost of those modifications to buildings or other
3 facilities, including signs designating handicapped accessible parking
4 and entrances, that are necessary to permit the use of those facilities
5 for polling places under this chapter (~~and Public Law 98-435~~) or any
6 procedures established under RCW 29.57.090 shall be treated as election
7 costs and prorated under RCW 29.13.045.

8 **Sec. 21.** RCW 29.62.090 and 1990 c 262 s 1 are each amended to read
9 as follows:

10 (1) Immediately after the official results of a state primary or
11 general election in a county are ascertained, the county auditor or
12 other election officer shall make an abstract of the number of
13 registered voters in each precinct and of all the votes cast in the
14 county at such state primary or general election for and against state
15 measures and for each candidate for federal, state, and legislative
16 office or for any other office which the secretary of state is required
17 by law to canvass. The abstract shall be entered on blanks furnished
18 by the secretary of state or on compatible computer printouts approved
19 by the secretary of state, and transmitted to the secretary of state no
20 later than the next business day following the certification by the
21 county canvassing board.

22 (2) After each general election (~~in an even-numbered year~~), the
23 county auditor or other election officer shall provide to the secretary
24 of state a report of the number of absentee ballots cast in each
25 precinct for and against state measures and for each candidate for
26 federal, state, and legislative office or for any other office which
27 the secretary of state is required by law to canvass. The report may
28 be included in the abstract required by this section or may be
29 transmitted to the secretary of state separately, but in no event later
30 than March 31 of the year following the election. Absentee ballot
31 results may be incorporated into votes cast at the polls for each
32 precinct or may be reported separately on a precinct-by-precinct basis.

33 (3) If absentee ballot results are not incorporated into votes cast
34 at the polls, the county auditor or other election official may
35 aggregate results from more than one precinct if the auditor, pursuant
36 to rules adopted by the secretary of state, finds that reporting a
37 single precinct's absentee ballot results would jeopardize the secrecy

1 of a person's ballot. To the extent practicable, precincts for which
2 absentee results are aggregated shall be contiguous.

3 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 29.57.030 and 1985 c 205 s 2 & 1979 ex.s. c 64 s 3;

6 (2) RCW 29.57.080 and 1985 c 205 s 4;

7 (3) RCW 29.57.110 and 1985 c 205 s 7; and

8 (4) RCW 29.57.120 and 1985 c 205 s 8.

Passed the House April 19, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.