

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1592

Chapter 157, Laws of 1999

56th Legislature
1999 Regular Session

WRITE-IN VOTING

EFFECTIVE DATE: 7/25/99

Passed by the House March 10, 1999
Yeas 96 Nays 1

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 14, 1999
Yeas 43 Nays 2

BRAD OWEN
President of the Senate

Approved April 30, 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 1592** 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

April 30, 1999 - 12:01 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1592

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, Bush, Miloscia and Dunshee; by request of Secretary of State)

Read first time 03/02/1999.

1 AN ACT Relating to write-in voting; and amending RCW 29.04.180,
2 29.15.050, 29.62.180, and 29.54.050.

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

4 **Sec. 1.** RCW 29.04.180 and 1995 c 158 s 1 are each amended to read
5 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, if the jurisdiction of the
8 office sought is entirely within one county, file a declaration of
9 candidacy with the county auditor not later than the day before the
10 primary or election. If the jurisdiction of the office sought
11 encompasses more than one county the declaration of candidacy shall be
12 filed with the secretary of state not later than the day before the
13 primary or election. Declarations of candidacy for write-in candidates
14 must be accompanied by a filing fee in the same manner as required of
15 other candidates filing for the office as provided in RCW 29.15.050.

16 Votes cast for write-in candidates who have filed such declarations
17 of candidacy and write-in votes for persons appointed by political
18 parties pursuant to RCW 29.18.160 need only specify the name of the
19 candidate in the appropriate location on the ballot in order to be

1 counted. Write-in votes cast for any other candidate, in order to be
2 counted, must designate the office sought and position number or
3 political party, if applicable. In order for write-in votes to be
4 valid in jurisdictions employing optical-scan mark sense ballot systems
5 the voter must complete the proper mark next to the write-in line for
6 that office.

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

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

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

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

19 The declaration of candidacy shall be similar to that required by
20 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be
21 included in any voter's pamphlet produced under chapter 29.80 RCW
22 unless that candidate qualifies to have his or her name printed on the
23 general election ballot. The legislative authority of any jurisdiction
24 producing a local voter's pamphlet under chapter 29.81A RCW may
25 provide, by ordinance, for the inclusion of write-in candidates in such
26 pamphlets.

27 **Sec. 2.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read
28 as follows:

29 A filing fee of one dollar shall accompany each declaration of
30 candidacy for precinct committee officer; a filing fee of ten dollars
31 shall accompany the declaration of candidacy for any office with a
32 fixed annual salary of one thousand dollars or less; a filing fee equal
33 to one percent of the annual salary of the office at the time of filing
34 shall accompany the declaration of candidacy for any office with a
35 fixed annual salary of more than one thousand dollars per annum. No
36 filing fee need accompany a declaration of candidacy for any office for
37 which compensation is on a per diem or per meeting attended basis((7

1 nor for the filing of any declaration of candidacy by a write-in
2 candidate)).

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

10 When the candidacy is for:

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

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

18 **Sec. 3.** RCW 29.62.180 and 1995 c 158 s 2 are each amended to read
19 as follows:

20 (1) For any office at any election or primary, any voter may write
21 in on the ballot the name of any person for an office who has filed as
22 a write-in candidate for the office in the manner provided by RCW
23 29.04.180 and such vote shall be counted the same as if the name had
24 been printed on the ballot and marked by the voter. No write-in vote
25 made for any person who has not filed a declaration of candidacy
26 pursuant to RCW 29.04.180 is valid if that person filed for the same
27 office, either as a regular candidate or a write-in candidate, at the
28 preceding primary. Any abbreviation used to designate office,
29 position, or political party shall be accepted if the canvassing board
30 can determine, to their satisfaction, the voter's intent.

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

33 (3) Write-in votes cast for an individual candidate for an office
34 need not be tallied if ((~~assuming all of these~~)) the total number of
35 write-in votes ((~~were~~)) cast for the ((~~same person~~)) office is not
36 greater than the number of votes cast for the candidate apparently
37 nominated or elected, and the write-in votes could not have altered the
38 outcome of the primary or election. In the case of write-in votes for

1 state-wide office or for any office whose jurisdiction encompasses more
2 than one county, write-in votes for an individual candidate must be
3 tallied whenever the county auditor is notified by either the office of
4 the secretary of state or another auditor in a multicounty jurisdiction
5 that it appears that the write-in votes could alter the outcome of the
6 primary or election.

7 (4) In the case of state-wide offices or jurisdictions that
8 encompass more than one county, if the total number of write-in votes
9 cast for an office within a county is greater than the number of votes
10 cast for a candidate apparently nominated or elected in a primary or
11 election, the auditor shall tally all write-in votes for individual
12 candidates for that office and notify the office of the secretary of
13 state and the auditors of the other counties within the jurisdiction,
14 that the write-in votes for individual candidates should be tallied.

15 **Sec. 4.** RCW 29.54.050 and 1990 c 59 s 56 are each amended to read
16 as follows:

17 A ballot is invalid and no votes on that ballot may be counted if
18 it is found folded together with another ballot; or, except for an
19 absentee ballot, it is marked so as to identify the voter.

20 Those parts of a ballot are invalid and no votes may be counted for
21 those issues or offices where more votes are cast for the office or
22 issue than are permitted by law; write-in votes do not contain all of
23 the information required under RCW (~~29.51.170~~) 29.62.180; or that
24 issue or office is not marked with sufficient definiteness to determine
25 the voter's choice or intention. No write-in vote may be rejected due
26 to a variation in the form of the name if the election board or the
27 canvassing board can determine the issue for or against which or the
28 person and the office for which the voter intended to vote.

Passed the House March 10, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor April 30, 1999.

Filed in Office of Secretary of State April 30, 1999.