
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2735.2/01 2nd draft

ATTY/TYPIST: GR:rmh

BRIEF DESCRIPTION:

2 HB 2265 - H AMD
3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7

"PART I

8

SHORT TITLE AND FINDINGS

9 NEW SECTION. **Sec. 101.** This act may be known and cited as the
10 Washington Primary Election Voting Rights Act.

11 NEW SECTION. **Sec. 102.** A new section is added to chapter 29.18
12 RCW to read as follows:

13 The provisions of this title relating to primaries must be
14 liberally construed to further the following interests:

15 (1) The legislature finds that the process of determining which
16 candidates will appear on the general election ballot is a public
17 process, in which all voters must be permitted to participate. The
18 legislature further finds that it is not in the public interest to
19 expend public funds on a partisan nominating process that does not
20 permit the participation of all voters without regard to party
21 affiliation or requires a public or private declaration of party
22 affiliation, and therefore reaffirms the provisions of RCW 29.18.200.

23 (2) All qualified registered voters of the state of Washington
24 should be permitted to participate in all meaningful stages of the
25 process for selecting candidates to qualify for the general election
26 ballot by voting for the candidates of their choice.

27 (3) All registered voters of the state of Washington have the right
28 to keep their party affiliation, if any, private and not accessible by
29 a public or private entity.

30

PART II

31

REVISIONS TO PRIMARIES

1 **Sec. 201.** RCW 29.01.130 and 1965 c 9 s 29.01.130 are each amended
2 to read as follows:

3 "Primary" (~~((or "primary election"))~~) means a statutory procedure
4 (~~((for nominating candidates to public office at the polls))~~) held before
5 a general election by which each voter is permitted to cast a vote for
6 his or her preferred candidate for each office appearing on the ballot,
7 without any limitation based on party preference or affiliation, of
8 either the voter or the candidate, with the result of qualifying not
9 more than two candidates for each office to appear on the general
10 election ballot.

11 **Sec. 202.** RCW 29.18.010 and 1990 c 59 s 78 are each amended to
12 read as follows:

13 Candidates for (~~(the following offices shall be nominated at)~~)
14 partisan offices will appear on the ballot at primaries held (~~((pursuant~~
15 ~~to the provisions of))~~) under this chapter(~~(:~~

16 ~~(1) Congressional offices;~~

17 ~~(2) All state offices except (a) judicial offices and (b) the~~
18 ~~office of superintendent of public instruction;~~

19 ~~(3) All county offices except (a) judicial offices and (b) those~~
20 ~~offices where a county home rule charter provides otherwise)).~~

21 NEW SECTION. **Sec. 203.** A new section is added to chapter 29.18
22 RCW to read as follows:

23 (1) Whenever candidates for a partisan office are to be elected,
24 the general election must be preceded by a primary conducted under this
25 chapter, except as otherwise provided in law. Based upon votes cast at
26 the primary, either one or two candidates must be certified as
27 qualified to appear on the general election ballot, under RCW 29.27.050
28 and 29.30.085.

29 (2) A primary may not be used to select the nominees of a political
30 party. A primary is a critical stage in the public process by which
31 voters elect candidates to public office.

32 (3) If a candidate expresses a party preference on his or her
33 declaration of candidacy, then the preference will be listed for the
34 candidate on the primary and general election ballots. Each candidate
35 who does not express a preference for a political party will be listed
36 as an independent candidate on the primary and general election
37 ballots. Party preferences will be listed for the information of

1 voters only, and may not be used for any purpose relating to the
2 conduct, canvassing, or certification of the primary, and may in no way
3 limit the options available to voters in deciding for whom to cast a
4 vote.

5 **Sec. 204.** RCW 29.30.085 and 1992 c 181 s 2 are each amended to
6 read as follows:

7 (1) Except as provided in RCW 29.30.086 and in subsection (2) of
8 this section, (~~(on the ballot at the general election for a nonpartisan~~
9 ~~office for which a primary was held, only the names of)) the following
10 candidates for an office for which a primary was held are qualified to
11 appear on the general election ballot: (a) The candidate who received
12 the greatest number of votes for that office; and (b) the candidate who
13 received the next greatest number of votes for that office (~~(shall~~
14 ~~appear under the title of that office, and)). The names of these
15 qualified candidates shall appear on the general election ballot in
16 that order. (~~(If a primary was conducted, no candidate's name may be~~
17 ~~printed on the subsequent general election ballot unless he or she~~
18 ~~receives at least one percent of the total votes cast for that office~~
19 ~~at the preceding primary. On the ballot at the general election for~~
20 ~~any other nonpartisan office for which)) If no primary was held for the
21 office, the names of the candidates shall be listed on the general
22 election ballot in the order determined under RCW 29.30.025.~~~~~~

23 (2) On the ballot at the general election for the office of justice
24 of the supreme court, judge of the court of appeals, judge of the
25 superior court, or state superintendent of public instruction, if a
26 candidate in a contested primary receives a majority of all the votes
27 cast for that office or position, only that candidate is qualified to
28 appear on the general election ballot, and only the name of that
29 candidate may be printed under the title of the office for that
30 position.

31 PART III

32 RELATED CONFORMING PROVISIONS

33 **Sec. 301.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended
34 to read as follows:

35 "Major political party" means a political party of which at least
36 one (~~(nominee for president, vice president, United States senator, or~~

1 a statewide office received at least five percent of the total vote
2 cast at the last preceding state general election in an even-numbered
3 year:— PROVIDED, That any political party qualifying as a major
4 political party under the previous subsection (2) or subsection (3) of
5 this section prior to its 1977 amendment shall retain such status until
6 after the next state general election following June 30, 1977))
7 candidate for an office voted upon statewide who expressed a preference
8 for that party on his or her declaration of candidacy received at least
9 five percent of the total vote cast at the last preceding primary
10 election or general election occurring in a year in which the governor
11 is elected.

12 NEW SECTION. Sec. 302. A new section is added to chapter 29.01
13 RCW to read as follows:

14 "Partisan office" means the following offices:

15 (1) United States senator and United States representative;

16 (2) All state offices except (a) judicial offices and (b) the
17 office of superintendent of public instruction;

18 (3) All county offices except (a) judicial offices and (b) those
19 offices where a county home rule charter provides otherwise.

20 **Sec. 303.** RCW 29.13.070 and 1977 ex.s. c 361 s 29 are each amended
21 to read as follows:

22 ((Nominating)) Primaries for general elections to be held in
23 November shall be held at the regular polling places in each precinct
24 on the third Tuesday of the preceding September or on the seventh
25 Tuesday immediately preceding such general election, whichever occurs
26 first.

27 **Sec. 304.** RCW 29.15.010 and 1990 c 59 s 82 are each amended to
28 read as follows:

29 A ((candidate)) person who desires to have his or her name printed
30 on the ballot as a candidate for ((election to)) an office where
31 ownership of property is not a prerequisite to vote, other than
32 president of the United States((,)) or vice president of the United
33 States, ((or an office for which ownership of property is a

34 prerequisite to voting)) shall complete and file a declaration and
35 affidavit of candidacy for the office. The secretary of state shall
36 adopt, by rule, a ((declaration of candidacy)) separate form for

1 candidates for the office of precinct committee officer and a
2 ((separate)) standard form for candidates for all other offices filing
3 under this chapter. Included on the standard form ((shall)) must be:

4 (1) A place for the candidate to declare that he or she is a
5 registered voter within the jurisdiction of the office for which he or
6 she is filing, and the address at which he or she is registered;

7 (2) A place for the candidate to indicate the position for which he
8 or she is filing;

9 (3) For partisan offices only, a place for the candidate to
10 indicate ((a party designation, if applicable)) which major or minor
11 political party, if any, or independent status, the candidate regards
12 as best approximating his or her personal preference. A candidate may
13 only list one party preference or independent;

14 (4) A place for the candidate to indicate the amount of the filing
15 fee accompanying the declaration and affidavit of candidacy or for the
16 candidate to indicate that he or she is filing a ((nominating))
17 petition of candidacy in lieu of the filing fee under RCW 29.15.050;

18 (5) A place for the candidate to sign the declaration and affidavit
19 of candidacy, stating that the information provided on the form is true
20 and swearing or affirming that he or she will support the Constitution
21 and laws of the United States and the Constitution and laws of the
22 state of Washington((-

23 The secretary of state may require)); and

24 (6) Any other information ((on the form he or she)) that the
25 secretary of state deems appropriate to facilitate the filing process.

26 **Sec. 305.** RCW 29.15.025 and 1999 c 298 s 9 are each amended to
27 read as follows:

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

32 (2) The name of a candidate for an office shall not appear on a
33 ballot for that office unless, except as provided in RCW 3.46.067 and
34 3.50.057, the candidate is, at the time the candidate's declaration and
35 affidavit of candidacy is filed, properly registered to vote in the
36 geographic area represented by the office. For the purposes of this
37 section, each geographic area in which registered voters may cast
38 ballots for an office is represented by that office. If a person

1 elected to an office must be (~~nominated~~) qualified from a district or
2 similar division of the geographic area represented by the office, the
3 name of a candidate for the office shall not appear on a primary ballot
4 for that office unless the candidate is, at the time the candidate's
5 declaration and affidavit of candidacy is filed, properly registered to
6 vote in that district or division. The officer with whom declarations
7 and affidavits of candidacy must be filed under this title shall review
8 each such declaration filed regarding compliance with this subsection.

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

11 NEW SECTION. **Sec. 306.** A new section is added to chapter 29.15
12 RCW to read as follows:

13 A major political party may file a declaration and affidavit of
14 candidacy for a person affiliated with the party for any partisan
15 office, and pay the applicable filing fees, during the regular filing
16 period under RCW 29.15.020 or special filing period under RCW
17 29.15.230, and the person's name will appear on the primary ballot.
18 The county central committee may make the filing for a partisan county
19 office, a legislative office with a legislative district only including
20 all or part of a single county, or a member of congress with a
21 congressional district only including all or part of a single county.
22 The state central committee shall make the filing for all state
23 partisan offices, all other legislative offices, all other
24 congressional offices, all United States senate offices, and for all
25 state partisan offices. These filings are in addition to declarations
26 and affidavits of candidacy filed by candidates themselves.

27 No distinction may be made on the ballot between a candidate
28 affiliated with a major party who appears on the primary ballot by
29 action of the party under this section or by use of a petition of
30 candidacy.

31 **Sec. 307.** RCW 29.15.040 and 1987 c 110 s 2 are each amended to
32 read as follows:

33 Any candidate may mail his or her declaration of candidacy for an
34 office to the filing officer. Such declarations of candidacy shall be
35 processed by the filing officer in the following manner:

36 (1) Any declaration received by the filing officer by mail before
37 the tenth business day immediately preceding the first day for

1 candidates to file for office shall be returned to the candidate
2 submitting it, together with a notification that the declaration of
3 candidacy was received too early to be processed. The candidate shall
4 then be permitted to resubmit his or her declaration of candidacy
5 during the filing period.

6 (2) Any properly executed declaration of candidacy received by mail
7 on or after the tenth business day immediately preceding the first day
8 for candidates to file for office and before the close of business on
9 the last day of the filing period shall be included with filings made
10 in person during the filing period. In primaries for partisan offices
11 and judicial ((elections)) offices the filing officer shall determine
12 by lot the order in which the names of those candidates shall appear
13 upon sample and absentee primary ballots.

14 (3) Any declaration of candidacy received by the filing officer
15 after the close of business on the last day for candidates to file for
16 office shall be rejected and returned to the candidate attempting to
17 file it.

18 **Sec. 308.** RCW 29.15.050 and 1999 c 298 s 10 are each amended to
19 read as follows:

20 (1) A filing fee of one dollar shall accompany each declaration of
21 candidacy for precinct committee officer; a filing fee of ten dollars
22 shall accompany the declaration of candidacy for any office with a
23 fixed annual salary of one thousand dollars or less; a filing fee equal
24 to one percent of the annual salary of the office at the time of filing
25 shall accompany the declaration of candidacy for any office with a
26 fixed annual salary of more than one thousand dollars per annum. No
27 filing fee need accompany a declaration of candidacy for any office for
28 which compensation is on a per diem or per meeting attended basis.

29 (2) A candidate who lacks sufficient assets or income at the time
30 of filing to pay the filing fee required by this section shall submit
31 a petition of candidacy with his or her declaration of candidacy ((a
32 ~~nominating petition~~)). The petition shall contain not less than a
33 number of signatures of registered voters equal to the number of
34 dollars of the filing fee. The signatures shall be of voters
35 registered to vote within the jurisdiction of the office for which the
36 candidate is filing.

37 (3) When the candidacy is for:

1 **Sec. 310.** RCW 29.15.070 and 1984 c 142 s 6 are each amended to
2 read as follows:

3 (~~(Nominating)~~) (1) Petitions of candidacy may be rejected for the
4 following reasons:

5 (~~(+1)~~) (a) The petition is not in the proper form;

6 (~~(+2)~~) (b) The petition clearly bears insufficient signatures;

7 (~~(+3)~~) (c) The petition is not accompanied by a declaration of
8 candidacy;

9 (~~(+4)~~) (d) The time within which the petition and the declaration
10 of candidacy could have been filed has expired.

11 (2) If the petition is accepted, the officer with whom it is filed
12 shall canvass the signatures contained on it and shall reject the
13 signatures of those persons who are not registered voters (~~(and the~~
14 ~~signatures of those persons who are not registered to vote)~~) within the
15 jurisdiction of the office for which the (~~(nominating)~~) petition of
16 candidacy is filed. He or she shall additionally reject any signature
17 that appears on the (~~(nominating)~~) petitions of candidacy of two or
18 more candidates for the same office (~~(and shall also reject, each time~~
19 ~~it appears, the name of any person who signs the same petition more~~
20 ~~than once)~~). If the filing officer finds that the same voter has
21 signed the same petition more than once, the filing officer shall
22 reject all but the first valid signature.

23 (3) If the officer with whom the petition is filed refuses to
24 accept the petition or refuses to certify the petition as bearing
25 sufficient valid signatures, the person filing the petition may appeal
26 that action to the superior court. The application for judicial review
27 shall take precedence over other cases and matters and shall be
28 speedily heard and determined.

29 **Sec. 311.** RCW 29.15.080 and 1984 c 142 s 8 are each amended to
30 read as follows:

31 The following apply to persons signing (~~(nominating)~~) petitions of
32 candidacy prescribed by RCW 29.15.060:

33 (1) A person who signs a petition with any other than his or her
34 name (~~(shall be)~~) is guilty of a misdemeanor.

35 (2) A person (~~(shall be)~~) is guilty of a misdemeanor if the person
36 knowingly: Signs more than one petition for any single candidacy of
37 any single candidate; signs the petition when he or she is not a legal
38 voter; or makes a false statement as to his or her residence.

1 **Sec. 312.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read
2 as follows:

3 Whenever it shall be necessary to hold a special election in an
4 odd-numbered year to fill an unexpired term of any office which is
5 scheduled to be voted upon for a full term in an even-numbered year, no
6 ~~((September))~~ primary ~~((election shall))~~ may be held in the odd-
7 numbered year if, after the last day allowed for candidates to
8 withdraw, ~~((either of the following circumstances exist:~~

9 ~~(1) No more than one candidate of each qualified political party~~
10 ~~has filed a declaration of candidacy for the same partisan office to be~~
11 ~~filled; or~~

12 ~~(2))~~ no more than two candidates have filed a declaration of
13 candidacy for a single ~~((nonpartisan))~~ office to be filled.

14 In ~~((either))~~ this event, the officer with whom the declarations of
15 candidacy were filed shall immediately notify all candidates concerned
16 and the names of the candidates that would have been printed upon the
17 ~~((September))~~ primary ballot, but for the provisions of this section,
18 shall be printed as ~~((nominees))~~ candidates for the positions sought
19 upon the ~~((November))~~ general election ballot.

20 **Sec. 313.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each
21 amended to read as follows:

22 A void in candidacy for ~~((a nonpartisan))~~ an office occurs when an
23 election for such office, except for the short term, has been scheduled
24 and no valid declaration of candidacy has been filed for the position
25 or all persons filing such valid declarations of candidacy have died or
26 been disqualified.

27 **Sec. 314.** RCW 29.15.170 and 2001 c 46 s 1 are each amended to read
28 as follows:

29 Filings for ~~((a nonpartisan))~~ an office shall be reopened for a
30 period of three normal business days, ~~((such))~~ the special three-day
31 filing period to be fixed by the election officer with whom such
32 declarations of candidacy are filed and notice thereof given by
33 notifying press, radio, and television in the county or counties
34 involved, and by such other means as may ~~((now or hereafter))~~ be
35 provided by law whenever before the sixth Tuesday prior to a primary:

36 (1) A void in candidacy occurs;

1 (2) A vacancy occurs in (~~(any nonpartisan)~~) an office leaving an
2 unexpired term to be filled by an election for which filings have not
3 been held; or

4 (3) A (~~(nominee)~~) candidate for judge of the superior court
5 entitled to a certificate of election pursuant to Article 4, section
6 29(~~(, Amendment 41)~~) of the state Constitution, dies or is
7 disqualified.

8 Candidacies validly filed within (~~(said)~~) the special three-day
9 filing period shall appear on the ballot as if made during the earlier
10 filing period.

11 NEW SECTION. Sec. 315. A new section is added to chapter 29.15
12 RCW to read as follows:

13 If the death or disqualification of a candidate for a partisan or
14 nonpartisan office does not give rise to the opening of a new filing
15 period under RCW 29.15.170 and if no appointment is made under RCW
16 29.18.160, then the following will occur:

17 (1) If the candidate dies or becomes disqualified after filing a
18 declaration of candidacy but before the close of the filing period,
19 then the declaration of candidacy is void and the candidate's name will
20 not appear on the ballot.

21 (2)(a) If the candidate dies or becomes disqualified after the
22 close of the filing period but before the day of the primary, then the
23 candidate's name will appear on the primary ballot and all otherwise
24 valid votes for that candidate will be tabulated. The candidate's name
25 will not appear on the general election ballot even if the candidate
26 otherwise would have qualified to do so, but no other candidate will
27 advance or be substituted in place of that candidate.

28 (b) If the candidate was the only candidate qualifying to advance
29 to the general election, then the general election for that office
30 lapses, and the office will be regarded as vacant as of the time the
31 newly elected official would have otherwise taken office.

32 (3) If the candidate dies or becomes disqualified on or after the
33 day of the primary, and the candidate would have otherwise qualified to
34 appear on the general election ballot, then the candidate's name will
35 appear on the general election ballot and all otherwise valid votes for
36 that candidate will be tabulated. If the candidate received a number
37 of votes sufficient to be elected to office, but for the candidate's
38 death or disqualification, then the office will be regarded as vacant

1 as of the time the newly elected official would have otherwise taken
2 office.

3 **Sec. 316.** RCW 29.15.190 and 1975-'76 2nd ex.s. c 120 s 12 are each
4 amended to read as follows:

5 A scheduled election (~~(shall be lapsed)~~) lapses, the office is
6 deemed stricken from the ballot, no purported write-in votes may be
7 counted, and no candidate may be certified as elected, when:

8 (1) In an election for judge of the supreme court (~~(or)~~),
9 superintendent of public instruction, or a partisan office, a void in
10 candidacy occurs on or after the fourth Tuesday prior to a primary,
11 public filings and the primary being an indispensable phase of the
12 election process for such offices;

13 (2) Except as otherwise specified in RCW 29.15.180, (~~as now or~~
14 ~~hereafter amended, a nominee~~) a candidate for judge of the superior
15 court entitled to a certificate of election pursuant to Article 4,
16 section 29(~~(, Amendment 41)~~) of the state Constitution dies or is
17 disqualified on or after the fourth Tuesday prior to a primary;

18 (3) In other elections for nonpartisan office a void in candidacy
19 occurs or a vacancy occurs involving an unexpired term to be filled on
20 or after the fourth Tuesday (~~(prior to an)~~) before a general election.

21 **Sec. 317.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each amended
22 to read as follows:

23 The election officer with whom declarations of candidacy are filed
24 shall give notice of a void in candidacy for (~~(a nonpartisan)~~) an
25 office(~~(,)~~) by notifying press, radio, and television in the county or
26 counties involved and by such other means as may now or hereafter be
27 provided by law. The notice shall state the office, and the time and
28 place for filing declarations of candidacy.

29 **Sec. 318.** RCW 29.15.220 and 1972 ex.s. c 61 s 6 are each amended
30 to read as follows:

31 Filings to fill a void in candidacy for (~~(nonpartisan)~~) an office
32 shall be made in the same manner and with the same official as required
33 during the regular filing period for such office(~~(: PROVIDED, That~~
34 ~~nominating signature)~~). Petitions (~~(which may be)~~) of candidacy that
35 are required of candidates filing (~~(for certain district offices)~~)

1 during the normal filing period shall not be required of candidates
2 filing during the special three-day filing period.

3 **Sec. 319.** RCW 29.18.160 and 2001 c 46 s 4 are each amended to read
4 as follows:

5 A vacancy caused by the death or disqualification of any candidate
6 (~~((or nominee of))~~) for a partisan office who is affiliated with a major
7 or minor political party that would result in no candidate affiliated
8 with that party being on the primary ballot for a partisan office, may
9 be filled at any time up to and including the day (~~((prior to the~~
10 ~~election))~~) before the primary for that position. For (~~((state))~~)
11 partisan offices ((in any political subdivision voted on solely by
12 electors)) of a county or the state legislature voted on solely by
13 voters all or part of a single county, an individual (~~((shall))~~) may be
14 appointed to fill (~~((such))~~) a vacancy by the county central committee in
15 the case of a major political party or by the state central committee
16 or comparable governing body in the case of a minor political party.
17 For other partisan offices, including federal or statewide offices, an
18 individual (~~((shall))~~) may be appointed to fill (~~((such))~~) the vacancy by
19 the state central committee or comparable governing body of the
20 appropriate political party.

21 (~~((Should such))~~) If the vacancy occurs and the appointment is made
22 no later than the sixth Tuesday ((prior to the state)) before the
23 primary ((or general election)) concerned and the ballots have been
24 printed, ((it shall be mandatory that)) they must be corrected by the
25 appropriate election officers. In making ((such)) the correction, it
26 ((shall)) is not ((be)) necessary to reprint complete ballots if any
27 other less expensive technique can be used and the resulting correction
28 is reasonably clear.

29 (~~((Should such))~~) If the vacancy occurs after the sixth Tuesday
30 ((prior to said state)) before the primary ((or general election)) and
31 time does not exist in which to correct ballots (including absentee
32 ballots), either in total or in part, then the votes cast or recorded
33 at the primary for the person who has died or become disqualified
34 ((shall)) must be counted for the person who has been named to fill
35 ((such)) the vacancy.

36 When the secretary of state is the person with whom the appointment
37 by the major or minor political party is filed, (~~((he))~~) the secretary of
38 state shall, in certifying candidates ((or nominations)) to the various

1 county officers insert the name of the person appointed to fill a
2 vacancy.

3 ~~((In the event that))~~ If the secretary of state has already sent
4 forth ~~((his))~~ a certificate when the appointment to fill a vacancy is
5 filed with ~~((him, he))~~ that office, the secretary of state shall
6 forthwith certify to the county auditors of the proper counties the
7 name and place of residence of the person appointed to fill a vacancy,
8 the office for which ~~((he))~~ the person is a candidate ~~((or nominee))~~,
9 the party ~~((he represents))~~ with which that person is affiliated, and
10 all other pertinent facts pertaining to the vacancy.

11 **Sec. 320.** RCW 29.24.010 and 1977 ex.s. c 329 s 1 are each amended
12 to read as follows:

13 A "convention" for the purposes of this chapter, is an organized
14 assemblage of registered voters representing an independent candidate
15 or candidates or a new or minor political party, organization, or
16 principle. As used in this chapter, the term "election jurisdiction"
17 shall mean the state or any political subdivision or jurisdiction of
18 the state from which partisan officials are elected. This term shall
19 include county commissioner districts or council districts for members
20 of a county legislative authority, counties for county officials who
21 are nominated and ~~((elected))~~ qualified on a county-wide basis,
22 legislative districts for members of the legislature, congressional
23 districts for members of congress, and the state for president and vice
24 president, members of the United States senate, and state officials who
25 are elected on a statewide basis.

26 **Sec. 321.** RCW 29.24.020 and 2001 c 30 s 2 are each amended to read
27 as follows:

28 (1) Any ~~((nomination of a candidate))~~ proposed candidacy for
29 partisan public office by other than a major political party may be
30 made only: (a) In a convention held not earlier than the last Saturday
31 in June and not later than the first Saturday in July or during any of
32 the seven days immediately preceding the first day for filing
33 declarations of candidacy as fixed in accordance with RCW 29.68.080;
34 (b) as provided by RCW 29.62.180; or (c) as otherwise provided in this
35 section.

36 (2) ~~((Nominations of candidates))~~ Proposed candidacies for
37 president and vice president of the United States other than by a major

1 political party may be made either at a convention conducted under
2 subsection (1) of this section, or at a similar convention taking place
3 not earlier than the first Sunday in July and not later than seventy
4 days before the general election. Conventions held during this time
5 period may not ~~((nominate candidates))~~ propose candidacies for any
6 public office other than president and vice president of the United
7 States, except as provided in subsection (3) of this section.

8 (3) If a special filing period for a partisan office is opened
9 under RCW 29.15.230, candidates of minor political parties and
10 independent candidates may file for office during that special filing
11 period. The names of those candidates may not appear on the ballot
12 unless they are ~~((nominated))~~ proposed by convention held no later than
13 five days after the close of the special filing period and a convention
14 certificate ~~((of nomination))~~ is filed with the filing officer no later
15 than three days after the convention. The requirements of RCW
16 29.24.025 do not apply to such a convention. If primary ballots or a
17 voters' pamphlet are ordered to be printed before the deadline for
18 submitting the convention certificate ~~((of nomination))~~ and the
19 certificate has not been filed, then the candidate's name will be
20 included but may not appear on the general election ballot unless the
21 certificate is timely filed and the candidate otherwise qualifies to
22 appear on that ballot.

23 (4) A minor political party may hold more than one convention but
24 in no case shall any such party ~~((nominate))~~ propose the candidacy of
25 more than one candidate for any one partisan public office or position.
26 For the purpose of ~~((nominating))~~ proposing candidates for the offices
27 of president and vice president, United States senator, or a statewide
28 office, a minor party or independent candidate holding multiple
29 conventions may add together the number of signatures of different
30 individuals from each convention obtained in support of the candidate
31 or candidates in order to obtain the number required by RCW 29.24.030.
32 For all other offices for which ~~((nominations))~~ proposals of candidacy
33 are made, signatures of the requisite number of registered voters must
34 be obtained at a single convention.

35 **Sec. 322.** RCW 29.24.030 and 1989 c 215 s 3 are each amended to
36 read as follows:

37 (1) To be valid, a convention must be attended by at least twenty-
38 five registered voters.

1 (2) In order to (~~nominate~~) propose candidates for the offices of
2 president and vice president of the United States, United States
3 senator, or any statewide office, a (~~nominating convention shall~~
4 ~~obtain and submit to the filing officer the signatures of~~) petition of
5 candidacy that has been signed by at least two hundred registered
6 voters of the state of Washington must be submitted to the appropriate
7 filing officer. In order to (~~nominate~~) propose candidates for any
8 other office, a (~~nominating convention shall obtain and submit to the~~
9 ~~filing officer the signatures of~~) petition of candidacy that has been
10 signed by at least twenty-five persons who are registered to vote in
11 the jurisdiction of the office for which the (~~nominations are made~~)
12 candidacy is proposed must be submitted to the appropriate filing
13 officer.

14 **Sec. 323.** RCW 29.24.035 and 2001 c 64 s 1 and 2001 c 30 s 3 are
15 each reenacted and amended to read as follows:

16 A (~~nominating~~) petition of candidacy submitted under this chapter
17 shall clearly identify the name of the minor party or independent
18 candidate convention as it appears on the convention certificate (~~of~~
19 ~~nomination~~) as required by RCW 29.24.040(3). The petition shall also
20 contain a statement that the person signing the petition is a
21 registered voter of the state of Washington or the jurisdiction of the
22 office for which the candidacy is proposed and shall have a space for
23 the voter to sign his or her name and to print his or her name and
24 address. No person may sign more than one (~~nominating~~) petition
25 under this chapter for an office for a primary or general election.

26 **Sec. 324.** RCW 29.24.040 and 1989 c 215 s 4 are each amended to
27 read as follows:

28 A convention certificate evidencing (~~nominations~~) proposed
29 candidacies made at a convention must:

30 (1) Be in writing;

31 (2) Contain the name of each person (~~nominated, his~~) whose
32 candidacy is proposed, the candidate's residence, and the office for
33 which (~~he is named~~) the candidacy is proposed, and if the
34 (~~nomination~~) proposed candidacy is for the offices of president and
35 vice president of the United States, a sworn statement from both
36 (~~nominees~~) candidates giving their consent to (~~the nomination~~)
37 their candidacies;

1 (3) Identify the minor political party or the independent candidate
2 on whose behalf the convention was held;

3 (4) Be verified by the oath of the presiding officer and secretary;

4 (5) Be accompanied by a (~~nominating~~) petition or petitions of
5 candidacy bearing the signatures and addresses of registered voters
6 equal in number to that required by RCW 29.24.030;

7 (6) Contain proof of publication of the notice of calling the
8 convention; and

9 (7) Be submitted to the appropriate filing officer not later than
10 one week following the adjournment of the convention at which the
11 (~~nominations~~) proposed candidacies were made. If the (~~nominations~~)
12 proposed candidacies are made only for offices whose jurisdiction is
13 entirely within one county, the certificate and (~~nominating~~)
14 petitions of candidacy must be filed with the county auditor. If a
15 minor party or independent candidate convention (~~nominates~~) proposes
16 the candidacy of any candidates for offices whose jurisdiction
17 encompasses more than one county, all (~~nominating~~) petitions of
18 candidacy and the convention (~~certificates~~) certificate must be filed
19 with the secretary of state.

20 **Sec. 325.** RCW 29.24.055 and 1989 c 215 s 6 are each amended to
21 read as follows:

22 A minor political party or independent candidate convention
23 (~~nominating~~) proposing candidates for the offices of president and
24 vice president of the United States shall, not later than ten days
25 after the adjournment of the convention, submit a list of proposed
26 presidential electors to the office of the secretary of state. The
27 list shall contain the names and the mailing addresses of the persons
28 selected and shall be verified by the presiding officer of the
29 convention.

30 **Sec. 326.** RCW 29.24.060 and 1989 c 215 s 7 are each amended to
31 read as follows:

32 Upon the receipt of the convention certificate (~~of nomination~~),
33 the officer with whom it is filed shall check the certificate and
34 canvass the signatures on the accompanying (~~nominating~~) petitions of
35 candidacy to determine if the requirements of RCW 29.24.030 have been
36 met. Once the determination has been made, the filing officer shall
37 notify the presiding officer of the convention and any other persons

1 requesting the notification, of ~~((his or her))~~ the decision regarding
2 the sufficiency of the certificate or the ~~((nominating))~~ petitions of the
3 candidacy. Any appeal regarding the filing officer's determination
4 must be filed with the superior court of the county in which the
5 certificate or petitions were filed not later than five days from the
6 date the determination is made, and shall be heard and finally disposed
7 of by the court within five days of the filing. ~~((Nominating))~~
8 Petitions of candidacy shall not be available for public inspection or
9 copying.

10 **Sec. 327.** RCW 29.24.070 and 1990 c 59 s 103 are each amended to
11 read as follows:

12 Not later than the Friday immediately preceding the first day for
13 candidates to file, the secretary of state shall notify the county
14 auditors of the names and designations of all minor party and
15 independent candidates who have filed valid convention certificates and
16 ~~((nominating))~~ petitions of candidacy with that office. Except for the
17 offices of president and vice president, persons ~~((nominated))~~ whose
18 candidacies are proposed under this chapter shall file declarations of
19 candidacy as provided by RCW 29.15.010 and 29.15.030. The name of a
20 candidate ~~((nominated))~~ proposed at a convention shall not be printed
21 upon the primary ballot unless ~~((he))~~ the candidate pays the fee
22 required by law to be paid by candidates for the same office to be
23 ~~((nominated))~~ qualified at a primary.

24 **Sec. 328.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
25 as follows:

26 On or before the day following the last day allowed for ~~((political~~
27 ~~parties to fill vacancies in the ticket as provided by RCW 29.18.150))~~
28 candidates to withdraw under RCW 29.15.120, the secretary of state
29 shall certify to each county auditor a list of the candidates who have
30 filed declarations of candidacy ~~((in his or her office))~~ with the
31 secretary of state for the primary. For each office, the certificate
32 shall include the name of each candidate, ~~((his or her))~~ the
33 candidate's address, and ~~((his or her))~~ the candidate's party
34 ~~((designation))~~ preference, if any.

35 **Sec. 329.** RCW 29.27.050 and 1990 c 59 s 9 are each amended to read
36 as follows:

1 No later than the day following the certification of the returns of
2 any primary, the secretary of state shall certify to the appropriate
3 county auditors, the names of all persons ((nominated)) qualified to
4 appear on the general election ballot as candidates for offices, the
5 returns of which have been canvassed by the secretary of state.

6 **Sec. 330.** RCW 29.27.--- and 2001 c 30 s 1 are each amended to read
7 as follows:

8 (1) In a year in which the president and vice president of the
9 United States are to be elected, the secretary of state shall include
10 in the certification prepared under RCW 29.27.050 the names of all
11 candidates for president and vice president who, at least ((fifty))
12 sixty days before the general election, have certified a slate of
13 electors to the secretary of state under RCW 29.71.020 and have been
14 ((nominated either (1))) proposed by a major or minor political party,
15 as certified by the appropriate authority under party rules, or ((+2)
16 by a minor party or) who qualify as independent candidates ((under
17 chapter 29.24 RCW. Major or minor political parties or independent
18 presidential candidates may substitute a different candidate for vice
19 president for the one whose name appears on the party's certification
20 or nominating petition at any time before forty five days before the
21 general election, by certifying the change to the secretary of state.
22 Substitutions must not be permitted to delay the printing of either
23 ballots or a voters' pamphlet. Substitutions are valid only if
24 submitted under oath and signed by the same individual who originally
25 certified the nomination, or his or her documented successor, and only
26 if the substitute candidate consents in writing)). The names of
27 candidates for president and vice president who are proposed by a minor
28 political party or as independent candidates may not appear on the
29 general election ballot unless their certificate is accompanied by a
30 petition of candidacy, in substantially the form provided by RCW
31 29.15.060, containing the valid signatures of at least two hundred
32 registered voters.

33 (2) Major or minor political parties may substitute a different
34 candidate for president or vice president for the one whose name
35 appears on the party's certificate or petition of candidacy at any time
36 before fifty-five days before the general election, by certifying the
37 change to the secretary of state. Independent campaigns may substitute
38 a different candidate for vice president for the one whose name appears

1 on the party's certificate or petition of candidacy at any time before
2 fifty-five days before the general election, by certifying the change
3 to the secretary of state. Substitutions must not be permitted to
4 delay the printing of either ballots or a voters' pamphlet.
5 Substitutions are valid only if submitted under oath and signed by the
6 same individual who originally certified the candidacy, or his or her
7 documented successor, and only if the substitute candidate consents in
8 writing.

9 (3) If two or more valid convention certificates or petitions of
10 candidacy are filed purporting to propose different candidates for
11 president and vice president using the same party name, the secretary
12 of state must certify the names of both slates of candidates to the
13 ballot. If the secretary determines that one slate of candidates was
14 clearly and properly certified by the party, the secretary must
15 announce that determination no later than fifty-five days before the
16 general election and must list the name of the party on the ballot only
17 in conjunction with that slate. Whether the secretary makes such a
18 determination or not, any affected person may petition the superior
19 court of Thurston County by no later than fifty days before the general
20 election to determine which slate of candidates was properly proposed
21 by the party and what party names to list on the ballot. Proceedings
22 under this subsection must not be permitted to delay the printing of
23 ballots or of the voters' pamphlet.

24 **Sec. 331.** RCW 29.27.080 and 1999 c 4 s 1 are each amended to read
25 as follows:

26 (1) Except as provided in RCW 29.81A.060, notice for any state,
27 county, district, or municipal election, whether special or general,
28 shall be given by at least one publication not more than ten nor less
29 than three days prior to the election by the county auditor or the
30 officer conducting the election as the case may be, in one or more
31 newspapers of general circulation within the county. ((Said)) The
32 legal notice shall contain the title of each office under the proper
33 party ((designation)) preference, the names and addresses of all
34 ((officers)) candidates who have been ((nominated)) qualified to appear
35 on the ballot for an office to be voted upon at that election, together
36 with the ballot titles of all measures, the hours during which the
37 polls will be open, and that the election will be held in the regular
38 polling places in each precinct, giving the address of each polling

1 place: PROVIDED, That the names of all candidates for nonpartisan
2 offices shall be published separately with designation of the offices
3 for which they are candidates but without party designation. This
4 shall be the only notice required for a state, county, district, or
5 municipal general or special election and shall supersede the
6 provisions of any and all other statutes, whether general or special in
7 nature, having different requirements for the giving of notice of any
8 general or special elections.

9 (2) All school district elections held on February 5, 1980, at
10 which the number and proportion of persons required by law voted to
11 authorize bonds or tax levies, are hereby validated regardless of any
12 failure to publish notice of such election. No action challenging the
13 validity of any such election may be brought later than April 15, 1980,
14 or thirty days from June 12, 1980, whichever is later. Notice of
15 provisions of this subsection shall be published within five days after
16 February 28, 1980, in a newspaper of general circulation within each
17 county where a school district election was held on February 5, 1980,
18 and where notice of such election was not published as provided in
19 subsection (1) of this section.

20 (3) All school district elections held on May 19, 1998, at which
21 the number and proportion of persons required by law voted to authorize
22 bonds or tax levies, are hereby validated regardless of any failure to
23 publish notice of such election. No action challenging the validity of
24 any such election may be brought later than thirty days after January
25 29, 1999. Notice of provisions of this subsection shall be published
26 within five days after January 29, 1999, in a newspaper of general
27 circulation within each county where a school district election was
28 held on May 19, 1998, and where notice of such election was not
29 published as provided in subsection (1) of this section.

30 **Sec. 332.** RCW 29.27.090 and 1965 c 9 s 29.27.090 are each amended
31 to read as follows:

32 The secretary of state(~~(,—county)~~) and the auditor of each
33 county(~~(,—and clerks of the several municipal corporations)~~) shall
34 preserve (~~(all certificates of nomination)~~) documentation indicating
35 which candidates have qualified to appear on a general election ballot
36 filed in their respective offices for six months. All certificates
37 shall be open to public inspection under proper regulations made by the
38 officer with whom they are filed.

1 **Sec. 333.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to
2 read as follows:

3 Except for the candidates for the positions of president and vice
4 president or for a partisan or nonpartisan office for which no primary
5 is required, the names of all candidates who have ~~((filed for~~
6 ~~nomination under chapter 29.18 RCW and those independent candidates and~~
7 ~~candidates of minor political parties who have been nominated under~~
8 ~~chapter 29.24 RCW shall))~~ satisfied all requirements of law will appear
9 on the appropriate ballot at the primary throughout the jurisdiction
10 ~~((in which they are to be nominated))~~ of the office for which they are
11 a candidate.

12 **Sec. 334.** RCW 29.30.020 and 2001 c 30 s 5 are each amended to read
13 as follows:

14 (1) The positions or offices on a primary ballot shall be arranged
15 in substantially the following order: United States senator; United
16 States representative; governor; lieutenant governor; secretary of
17 state; state treasurer; state auditor; attorney general; commissioner
18 of public lands; superintendent of public instruction; insurance
19 commissioner; state senator; state representative; county officers;
20 justices of the supreme court; judges of the court of appeals; judges
21 of the superior court; and judges of the district court. For all other
22 jurisdictions on the primary ballot, the offices in each jurisdiction
23 shall be grouped together and be in the order of the position numbers
24 assigned to those offices, if any.

25 (2) The order of the positions or offices on an election ballot
26 shall be substantially the same as on a primary ballot except that the
27 offices of president and vice president of the United States shall
28 precede all other offices on a presidential election ballot. State
29 ballot issues shall be placed before all offices on an election ballot.
30 The positions on a ballot to be assigned to ballot measures regarding
31 local units of government shall be established by the secretary of
32 state by rule.

33 (3) For partisan office, the political party or independent
34 candidacy of each candidate for partisan office shall be indicated next
35 to the name of the candidate on the primary and election ballot. ~~((A~~
36 ~~candidate shall file a written notice with the filing officer within~~
37 ~~three business days after the close of the filing period designating~~
38 ~~the political party to be indicated next to the candidate's name on the~~

1 ballot if either:—(a) The candidate has been nominated by two or more
2 minor political parties or independent conventions; or (b) the
3 candidate has both filed a declaration of candidacy declaring an
4 affiliation with a major political party and been nominated by a minor
5 political party or independent convention. If no written notice is
6 filed the filing officer shall give effect to the party designation
7 shown upon the first document filed. A candidate may be deemed
8 nominated by a minor party or independent convention only if all
9 documentation required by chapter 29.24 RCW has been timely filed.))

10 **Sec. 335.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to
11 read as follows:

12 The names of the persons certified ((as nominees)) by the secretary
13 of state or the county canvassing board as having qualified to appear
14 on the general election ballot shall be printed on the ballot at the
15 ensuing election.

16 No name of any candidate ((whose nomination at a primary is
17 required by law shall)) for an office for which a primary is conducted
18 may be placed upon the ballot at a general or special election unless
19 it appears upon the certificate of either (1) the secretary of state,
20 or (2) the county canvassing board, or (3) a minor party convention or
21 the state or county central committee of a major political party to
22 fill a vacancy on its ticket under RCW 29.18.160.

23 Excluding the office of precinct committee officer or a temporary
24 elected position such as a charter review board member or freeholder,
25 a candidate's name shall not appear more than once upon a ballot for a
26 position regularly ((nominated)) qualified or elected at the same
27 election.

28 **Sec. 336.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to
29 read as follows:

30 (1) At any nonpartisan special election not being held in
31 conjunction with a state primary or general election, the county, city,
32 town, or district requesting the election pursuant to RCW 29.13.010 or
33 29.13.020 may also request that the election be conducted by mail
34 ballot. The county auditor may honor the request or may determine that
35 the election is not to be conducted by mail ballot. The decision of
36 the county auditor in this regard is final.

1 (2) In an odd-numbered year, the county auditor may conduct by mail
2 ballot a primary or a special election concurrently with the primary:

3 (a) For any office or ballot measure of a special purpose district
4 which is entirely within the county;

5 (b) For any office or ballot measure of a special purpose district
6 which lies in the county and one or more other counties if the auditor
7 first secures the concurrence of the county auditors of those other
8 counties to conduct the primary in this manner district-wide; and

9 (c) For any ballot measure or nonpartisan office of a county, city,
10 or town if the auditor first secures the concurrence of the legislative
11 authority of the county, city, or town involved.

12 A primary in an odd-numbered year may not be conducted by mail
13 ballot in any precinct with two hundred or more active registered
14 voters if a partisan office or state office or state ballot measure is
15 to be voted upon at that primary in the precinct.

16 (3) For all special elections not being held in conjunction with a
17 state primary or state general election where voting is conducted by
18 mail ballot, the county auditor shall, not less than fifteen days
19 before the date of such election, mail or deliver to each registered
20 voter a mail ballot and an envelope, preaddressed to the issuing
21 officer. The county auditor shall notify an election jurisdiction for
22 which a primary is to be held that the primary will be conducted by
23 mail ballot.

24 (4) To the extent they are not inconsistent with subsections (1)
25 through (3) of this section, the laws governing the conduct of mail
26 ballot special elections apply to ~~((nonpartisan))~~ primaries for
27 nonpartisan offices conducted by mail ballot.

28 **Sec. 337.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended
29 to read as follows:

30 Each political party organization ~~((shall have the power to))~~ may:

31 (1) Make its own rules and regulations;

32 (2) Call conventions;

33 (3) Elect delegates to conventions, state and national;

34 (4) Fill vacancies on the ticket caused by death or
35 disqualification as provided by RCW 29.18.160;

36 (5) Provide ~~((for the nomination of))~~ a list of proposed
37 presidential electors; and

1 (6) Perform all functions inherent in such an organization(~~(+
2 PROVIDED, That only major political parties shall have the power to
3 designate candidates to appear on the state primary election ballot as
4 provided in RCW 29.18.150 as now or hereafter amended)~~)).

5 **Sec. 338.** RCW 29.42.020 and 1987 c 295 s 11 are each amended to
6 read as follows:

7 The state committee of each major political party shall consist of
8 one committeeman and one committeewoman from each county elected by the
9 county committee at its organization meeting. It shall have a chair
10 and vice-chair who must be of opposite sexes. This committee shall
11 meet during January of each odd-numbered year for the purpose of
12 organization at a time and place designated by a sufficient notice to
13 all the newly elected state committeemen and committeewomen by the
14 authorized officers of the retiring committee. For the purpose of this
15 section a notice mailed at least one week prior to the date of the
16 meeting shall constitute sufficient notice. At its organizational
17 meeting it shall elect its chair and vice-chair, and such officers as
18 its bylaws may provide, and adopt bylaws, rules and regulations. It
19 shall have power to:

20 (1) Call conventions at such time and place and under such
21 circumstances and for such purposes as the call to convention shall
22 designate. The manner, number and procedure for selection of state
23 convention delegates shall be subject to the committee's rules and
24 regulations duly adopted;

25 (2) Provide for the election of delegates to national conventions;

26 (3) Fill vacancies on the ticket for any federal or state office to
27 be voted on by the (~~(electors)~~) voters of more than one county as
28 provided by RCW 29.18.160;

29 (4) Provide (~~(for the nomination of)~~) a list of proposed
30 presidential electors; and

31 (5) Perform all functions inherent in such an organization.

32 Notwithstanding any provision of this chapter, the committee shall
33 not set rules which shall govern the conduct of the actual proceedings
34 at a party state convention.

35 **Sec. 339.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
36 read as follows:

1 The statutory requirements for filing as a candidate at the
2 primaries shall apply to candidates for precinct committee officer
3 except that the filing period for this office alone shall be extended
4 to and include the Friday immediately following the last day for
5 political parties to fill vacancies in the ticket arising from death or
6 disqualification as provided by RCW (~~(29.18.150)~~) 29.18.160, and the
7 office shall not be voted upon at the primaries, but the names of all
8 candidates must appear under the proper party and office designations
9 on the ballot for the general (~~(November)~~) election for each even-
10 numbered year and the one receiving the (~~(highest)~~) greatest number of
11 votes shall be declared elected: PROVIDED, That to be declared
12 elected, a candidate must receive at least ten percent of the number of
13 votes cast for the candidate of the candidate's party receiving the
14 greatest number of votes in the precinct. Any person elected to the
15 office of precinct committee officer who has not filed a declaration of
16 candidacy shall pay the fee of one dollar to the county auditor for a
17 certificate of election. The term of office of precinct committee
18 officer shall be for two years, commencing upon completion of the
19 official canvass of votes by the county canvassing board of election
20 returns. Should any vacancy occur in this office by reason of death,
21 resignation, or disqualification of the incumbent, or because of
22 failure to elect, the respective county chair of the county central
23 committee shall be empowered to fill such vacancy by appointment:
24 PROVIDED, HOWEVER, That in legislative districts having a majority of
25 its precincts in a county with a population of one million or more,
26 such appointment shall be made only upon the recommendation of the
27 legislative district chair: PROVIDED, That the person so appointed
28 shall have the same qualifications as candidates when filing for
29 election to such office for such precinct: PROVIDED FURTHER, That when
30 a vacancy in the office of precinct committee officer exists because of
31 failure to elect at a state general election, such vacancy shall not be
32 filled until after the organization meeting of the county central
33 committee and the new county chair selected as provided by RCW
34 29.42.030.

35 **Sec. 340.** RCW 29.62.010 and 1990 c 59 s 62 are each amended to
36 read as follows:

37 Every canvassing board or officer responsible for canvassing and
38 certifying the returns of any primary or election shall:

1 (1) Adopt administrative rules to facilitate and govern the
2 canvassing process in that jurisdiction;

3 (2) For each primary and election, prepare and sign a statement of
4 the returns for each office, candidate, and issue voted on in that
5 jurisdiction;

6 (3) If, at a (~~(partisan)~~) primary, two or more candidates (~~(of the~~
7 ~~same party)~~) receive the greatest, and identical, number of votes for
8 an office or position, resolve the tie vote by lot;

9 (4) If, at a (~~(nonpartisan or judicial)~~) primary where subsection
10 (3) of this section does not apply, two or more candidates receive the
11 second greatest, and identical, number of votes for that office or
12 position, resolve the tie vote by lot.

13 **Sec. 341.** RCW 29.62.180 and 1999 c 157 s 3 are each amended to
14 read as follows:

15 (1) For any office at any election or primary, any voter may write
16 in on the ballot the name of any person for an office who has filed as
17 a write-in candidate for the office in the manner provided by RCW
18 29.04.180 and such vote shall be counted the same as if the name had
19 been printed on the ballot and marked by the voter. No write-in vote
20 made for any person who has not filed a declaration of candidacy
21 pursuant to RCW 29.04.180 is valid if that person filed for the same
22 office, either as a regular candidate or a write-in candidate, at the
23 preceding primary, except that nothing in this section invalidates a
24 vote for the sole reason that the vote was cast as a write-in for a
25 candidate whose name appears on the same ballot for the same office.
26 Any abbreviation used to designate office, position, or political party
27 shall be accepted if the canvassing board can determine, to their
28 satisfaction, the voter's intent.

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

31 (3) Write-in votes cast for an individual candidate for an office
32 need not be tallied if the total number of write-in votes cast for the
33 office is not greater than the number of votes cast for (~~(the)~~) a
34 candidate apparently (~~(nominated)~~) qualified to appear on the general
35 election ballot or elected, and the write-in votes could not have
36 altered the outcome of the primary or election. In the case of write-
37 in votes for statewide office or for any office whose jurisdiction
38 encompasses more than one county, write-in votes for an individual

1 candidate must be tallied whenever the county auditor is notified by
2 either the office of the secretary of state or another auditor in a
3 multicounty jurisdiction that it appears that the write-in votes could
4 alter the outcome of the primary or election.

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

14 **Sec. 342.** RCW 29.64.010 and 2001 c 225 s 3 are each amended to
15 read as follows:

16 (1) An officer of a political party or any person for whom votes
17 were cast in a primary who was not declared (~~nominated~~) qualified to
18 appear on the general election ballot may file a written application
19 for a recount of the votes or a portion of the votes cast at that
20 primary for all persons for whom votes were cast for (~~nomination to~~)
21 that office.

22 (2) An officer of a political party or any person for whom votes
23 were cast at any election may file a written application for a recount
24 of the votes or a portion of the votes cast at that election for all
25 candidates for election to that office.

26 (3) Any group of five or more registered voters may file a written
27 application for a recount of the votes or a portion of the votes cast
28 upon any question or issue. They shall designate one of the members of
29 the group as chairman and shall indicate the voting residence of each
30 member of the group.

31 (4) An application for a recount of the votes cast for an office or
32 on a ballot measure must be filed with the officer with whom filings
33 are made for the jurisdiction.

34 (5) An application for a recount must specify whether the recount
35 will be done manually or by the vote tally system. A recount done by
36 the vote tally system must use programming that recounts and reports
37 only the office or ballot measure in question. The county shall also
38 provide for a test of the logic and accuracy of that program.

1 (6) An application for a recount shall be filed within three
2 business days after the county canvassing board or secretary of state
3 has declared the official results of the primary or election for the
4 office or issue for which the recount is requested.

5 (7) This chapter applies to the recounting of votes cast by paper
6 ballots and to the recounting of votes recorded on ballots counted by
7 a vote tally system.

8 **Sec. 343.** RCW 29.64.015 and 2001 c 225 s 4 are each amended to
9 read as follows:

10 (1) If the official canvass of all of the returns for any office at
11 any primary or election reveals that the difference in the number of
12 votes cast for a candidate apparently (~~nominated~~) qualified to appear
13 on the general election ballot or elected to any office and the number
14 of votes cast for the closest apparently defeated opponent is less than
15 two thousand votes and also less than one-half of one percent of the
16 total number of votes cast for both candidates, the county canvassing
17 board shall conduct a recount of all votes cast on that position.

18 (a) Whenever such a difference occurs in the number of votes cast
19 for candidates for a position the declaration of candidacy for which
20 was filed with the secretary of state, the secretary of state shall,
21 within three business days of the day that the returns of the primary
22 or election are first certified by the canvassing boards of those
23 counties, direct those boards to recount all votes cast on the
24 position.

25 (b) If the difference in the number of votes cast for the apparent
26 winner and the closest apparently defeated opponent is less than one
27 hundred fifty votes and also less than one-fourth of one percent of the
28 total number of votes cast for both candidates, the votes shall be
29 recounted manually or as provided in subsection (3) of this section.

30 (2) A mandatory recount shall be conducted in the manner provided
31 by RCW 29.64.020, 29.64.030, and 29.64.040. No cost of a mandatory
32 recount may be charged to any candidate.

33 (3) The apparent winner and closest apparently defeated opponent
34 for an office for which a manual recount is required under subsection
35 (1)(b) of this section may select an alternative method of conducting
36 the recount. To select such an alternative, the two candidates shall
37 agree to the alternative in a signed, written statement filed with the
38 election official for the office. The recount shall be conducted using

1 the alternative method if: It is suited to the balloting system that
2 was used for casting the votes for the office; it involves the use of
3 a vote tallying system that is approved for use in this state by the
4 secretary of state; and the vote tallying system is readily available
5 in each county required to conduct the recount. If more than one
6 balloting system was used in casting votes for the office, an
7 alternative to a manual recount may be selected for each system.

8 **Sec. 344.** RCW 29.64.030 and 2001 c 225 s 6 are each amended to
9 read as follows:

10 (1) At the time and place established for a recount, the canvassing
11 board or its duly authorized representatives, in the presence of all
12 witnesses who may be in attendance, shall open the sealed containers
13 containing the ballots to be recounted, and shall recount the votes for
14 the offices or issues for which the recount has been ordered. Ballots
15 shall be handled only by the members of the canvassing board or their
16 duly authorized representatives.

17 Witnesses shall be permitted to observe the ballots and the process
18 of tabulating the votes, but they shall not be permitted to handle the
19 ballots. The canvassing board shall not permit the tabulation of votes
20 for any ((~~nomination~~)) qualification, election, or issue other than the
21 ones for which a recount was applied for or required.

22 (2) At any time before the ballots from all of the precincts listed
23 in the application for the recount have been recounted, the applicant
24 may file with the board a written request to stop the recount.

25 (3) The recount may be observed by persons representing the
26 candidates affected by the recount or the persons representing both
27 sides of an issue that is being recounted. The observers may not make
28 a record of the names, addresses, or other information on the ballots,
29 poll books, or applications for absentee ballots unless authorized by
30 the superior court. The secretary of state or county auditor may limit
31 the number of observers to not less than two on each side if, in his or
32 her opinion, a greater number would cause undue delay or disruption of
33 the recount process.

34 **Sec. 345.** RCW 29.64.040 and 2001 c 225 s 8 are each amended to
35 read as follows:

36 Upon completion of the canvass of a recount, the canvassing board
37 shall prepare and certify an amended abstract showing the votes cast in

1 each precinct for which the recount was conducted. Copies of the
2 amended abstracts must be transmitted to the same officers who received
3 the abstract on which the recount was based.

4 If the ((~~nomination, election,~~) office or issue for which the
5 recount was conducted was submitted only to the voters of a county, the
6 canvassing board shall file the amended abstract with the original
7 results of that election or primary.

8 If the ((~~nomination, election,~~) office or issue for which a
9 recount was conducted was submitted to the voters of more than one
10 county, the secretary of state shall canvass the amended abstracts and
11 shall file an amended abstract with the original results of that
12 election. An amended abstract certified under this section supersedes
13 any prior abstract of the results for the same offices or issues at the
14 same primary or election.

15 **Sec. 346.** RCW 29.64.060 and 2001 c 225 s 10 are each amended to
16 read as follows:

17 The canvassing board shall determine the expenses for conducting a
18 recount of votes.

19 The cost of the recount shall be deducted from the amount deposited
20 by the applicant for the recount at the time of filing the request for
21 the recount, and the balance shall be returned to the applicant. If
22 the costs of the recount exceed the deposit, the applicant shall pay
23 the difference. No charges may be deducted by the canvassing board
24 from the deposit for a recount if the recount changes the result of the
25 ((~~nomination~~)) primary or election for the office or issue for which
26 the recount was ordered.

27 **Sec. 347.** RCW 29.68.080 and 1990 c 59 s 105 are each amended to
28 read as follows:

29 (1) Whenever a vacancy occurs in the office of United States
30 representative or United States senator from this state or any
31 congressional district of this state, the governor shall order a
32 special election to fill the vacancy.

33 (2) Within ten days of such vacancy occurring, he or she shall
34 issue a writ of election fixing a date for the special vacancy election
35 not less than ninety days after the issuance of the writ, fixing a date
36 for the primary for ((~~nominating~~)) qualifying candidates for the
37 special vacancy election not less than thirty days before the day fixed

1 for holding the special vacancy election, fixing the dates for the
2 special filing period, and designating the term or part of the term for
3 which the vacancy exists. If the vacancy is in the office of United
4 States representative, the writ of election shall specify the
5 congressional district that is vacant.

6 (3) If the vacancy occurs less than six months before a state
7 general election and before the second Friday following the close of
8 the filing period for that general election, the special primary and
9 special vacancy elections shall be held in concert with the state
10 primary and state general election in that year.

11 (4) If the vacancy occurs on or after the first day for filing
12 under RCW 29.15.020 and on or before the second Friday following the
13 close of the filing period, a special filing period of three normal
14 business days shall be fixed by the governor and notice thereof given
15 to all media, including press, radio, and television within the area in
16 which the vacancy election is to be held, to the end that, insofar as
17 possible, all interested persons will be aware of such filing period.
18 The last day of the filing period shall not be later than the third
19 Tuesday before the primary (~~(at which candidates are to be nominated)~~).
20 The names of candidates who have filed valid declarations of candidacy
21 during this three-day period shall appear on the approaching primary
22 ballot.

23 (5) If the vacancy occurs later than the second Friday following
24 the close of the filing period, a special primary and special vacancy
25 election to fill the position shall be held after the next state
26 general election but, in any event, no later than the ninetieth day
27 following the November election.

28 (6) As used in this chapter, "county" means, in the case of a
29 vacancy in the office of United States senator, any or all of the
30 counties in the state and, in the case of a vacancy in the office of
31 United States representative, only those counties wholly or partly
32 within the congressional district in which the vacancy has occurred.

33 **Sec. 348.** RCW 29.68.130 and 1985 c 45 s 7 are each amended to read
34 as follows:

35 The general election laws and laws relating to (~~(partisan)~~)
36 primaries (~~(shall)~~) for partisan offices apply to the special primaries
37 and vacancy elections provided for in RCW 29.68.080 through 29.68.120
38 to the extent that they are not inconsistent with the provisions of

1 these sections. Statutory time deadlines relating to availability of
2 absentee ballots, certification, canvassing, and related procedures
3 that cannot be met in a timely fashion may be modified for the purposes
4 of a specific primary or vacancy election under this chapter by the
5 secretary of state through emergency rules adopted under RCW 29.04.080.

6 **Sec. 349.** RCW 29.71.020 and 1990 c 59 s 69 are each amended to
7 read as follows:

8 In the year in which a presidential election is held, each major
9 political party and each minor political party or independent candidate
10 convention held under chapter 29.24 RCW that (~~nominates~~) proposes
11 candidates for president and vice president of the United States shall
12 (~~nominate~~) certify a slate of presidential electors for this state.
13 The party or (~~convention~~) independent campaign shall file with the
14 secretary of state a certificate signed by the (~~presiding officer of~~
15 ~~the convention at which the presidential electors were chosen~~)
16 authorized party official or the same voter who both signed and filed
17 the convention certificate, listing the names and addresses of the
18 presidential electors. Each presidential elector shall execute and
19 file with the secretary of state a pledge that, as an elector, he or
20 she will vote for the candidates (~~nominated~~) certified by that party.
21 The names of presidential electors shall not appear on the ballots.
22 The votes cast for candidates for president and vice president of each
23 political party shall be counted for the candidates for presidential
24 electors of that political party.

25 **Sec. 350.** RCW 29.81.220 and 1999 c 260 s 2 are each amended to
26 read as follows:

27 The voters' pamphlet must contain:

28 (1) Information about each ballot measure initiated by or referred
29 to the voters for their approval or rejection as required by RCW
30 29.81.250;

31 (2) In even-numbered years, statements, if submitted, advocating
32 the candidacies of (~~nominees~~) candidates qualified to appear on the
33 ballot for the office of president and vice president of the United
34 States, United States senator, United States representative, governor,
35 lieutenant governor, secretary of state, state treasurer, state
36 auditor, attorney general, commissioner of public lands, superintendent
37 of public instruction, insurance commissioner, state senator, state

1 representative, justice of the supreme court, judge of the court of
2 appeals, or judge of the superior court. Candidates may also submit a
3 campaign mailing address and telephone number and a photograph not more
4 than five years old and of a size and quality that the secretary of
5 state determines to be suitable for reproduction in the voters'
6 pamphlet;

7 (3) In odd-numbered years, if any office voted upon statewide
8 appears on the ballot due to a vacancy, then statements and photographs
9 for candidates for any vacant office listed in subsection (2) of this
10 section must appear;

11 (4) In even-numbered years, a section explaining how voters may
12 participate in the election campaign process; the address and telephone
13 number of the public disclosure commission established under RCW
14 42.17.350; and a summary of the disclosure requirements that apply when
15 contributions are made to candidates and political committees;

16 (5) In even-numbered years the name, address, and telephone number
17 of each political party (~~with nominees listed in the pamphlet, if
18 filed with the secretary of state by the state committee of a major
19 political party or the presiding officer of the convention of a minor
20 political party~~) for which a candidate appearing on the ballot has
21 expressed a preference on his or her declaration of candidacy, if the
22 party has provided that information to the secretary of state;

23 (6) In each odd-numbered year immediately before a year in which a
24 president of the United States is to be nominated and elected,
25 information explaining the precinct caucus and convention process used
26 by each major political party to elect delegates to its national
27 presidential candidate nominating convention. The pamphlet must also
28 provide a description of the statutory procedures by which minor
29 political parties are formed and the statutory methods used by the
30 parties to nominate candidates for president;

31 (7) In even-numbered years, a description of the office of precinct
32 committee officer and its duties;

33 (8) An application form for an absentee ballot;

34 (9) A brief statement explaining the deletion and addition of
35 language for proposed measures under RCW 29.81.260; and

36 (10) Any additional information pertaining to elections as may be
37 required by law or in the judgment of the secretary of state is deemed
38 informative to the voters.

1 **Sec. 351.** RCW 29.85.100 and 1991 c 81 s 8 are each amended to read
2 as follows:

3 Every person who:

4 (1) Knowingly and falsely issues a certificate of ~~((nomination or))~~
5 election or a certificate stating which candidates for office have
6 qualified to appear on the general election ballot; or

7 (2) ~~((Knowingly provides false information on a certificate which~~
8 ~~must be filed with an elections officer under chapter 29.24 RCW; or~~

9 ~~(3))~~ Knowingly provides false information on his or her
10 declaration of candidacy or petition of ~~((nomination))~~ candidacy; or

11 ~~((4))~~ (3) Conceals or fraudulently defaces or destroys a
12 ~~((certificate which has been filed with an elections officer under~~
13 ~~chapter 29.24 RCW or a))~~ declaration of candidacy or petition of
14 ~~((nomination which))~~ candidacy that has been filed with an elections
15 officer, or any part of such a certificate, declaration, or petition,
16 is guilty of a class C felony punishable under RCW 9A.20.021.

17 **Sec. 352.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to
18 read as follows:

19 (1) "Agency" includes all state agencies and all local agencies.
20 "State agency" includes every state office, department, division,
21 bureau, board, commission, or other state agency. "Local agency"
22 includes every county, city, town, municipal corporation, quasi-
23 municipal corporation, or special purpose district, or any office,
24 department, division, bureau, board, commission, or agency thereof, or
25 other local public agency.

26 (2) "Authorized committee" means the political committee authorized
27 by a candidate, or by the public official against whom recall charges
28 have been filed, to accept contributions or make expenditures on behalf
29 of the candidate or public official.

30 (3) "Ballot proposition" means any "measure" as defined by RCW
31 29.01.110, or any initiative, recall, or referendum proposition
32 proposed to be submitted to the voters of the state or any municipal
33 corporation, political subdivision, or other voting constituency from
34 and after the time when the proposition has been initially filed with
35 the appropriate election officer of that constituency prior to its
36 circulation for signatures.

1 (4) "Benefit" means a commercial, proprietary, financial, economic,
2 or monetary advantage, or the avoidance of a commercial, proprietary,
3 financial, economic, or monetary disadvantage.

4 (5) "Bona fide political party" means:

5 (a) An organization that has filed a valid convention certificate
6 (~~of nomination~~) with the secretary of state under chapter 29.24 RCW;

7 (b) The governing body of the state organization of a major
8 political party, as defined in RCW 29.01.090, that is the body
9 authorized by the charter or bylaws of the party to exercise authority
10 on behalf of the state party; or

11 (c) The county central committee or legislative district committee
12 of a major political party. There may be only one legislative district
13 committee for each party in each legislative district.

14 (6) "Depository" means a bank designated by a candidate or
15 political committee pursuant to RCW 42.17.050.

16 (7) "Treasurer" and "deputy treasurer" mean the individuals
17 appointed by a candidate or political committee, pursuant to RCW
18 42.17.050, to perform the duties specified in that section.

19 (8) "Candidate" means any individual who seeks (~~nomination~~)
20 qualification for election or election to public office. An individual
21 seeks (~~nomination~~) qualification or election when he or she first:

22 (a) Receives contributions or makes expenditures or reserves space
23 or facilities with intent to promote his or her candidacy for office;

24 (b) Announces publicly or files for office;

25 (c) Purchases commercial advertising space or broadcast time to
26 promote his or her candidacy; or

27 (d) Gives his or her consent to another person to take on behalf of
28 the individual any of the actions in (a) or (c) of this subsection.

29 (9) "Caucus political committee" means a political committee
30 organized and maintained by the members of a major political party in
31 the state senate or state house of representatives.

32 (10) "Commercial advertiser" means any person who sells the service
33 of communicating messages or producing printed material for broadcast
34 or distribution to the general public or segments of the general public
35 whether through the use of newspapers, magazines, television and radio
36 stations, billboard companies, direct mail advertising companies,
37 printing companies, or otherwise.

38 (11) "Commission" means the agency established under RCW 42.17.350.

1 (12) "Compensation" unless the context requires a narrower meaning,
2 includes payment in any form for real or personal property or services
3 of any kind: PROVIDED, That for the purpose of compliance with RCW
4 42.17.241, the term "compensation" shall not include per diem
5 allowances or other payments made by a governmental entity to reimburse
6 a public official for expenses incurred while the official is engaged
7 in the official business of the governmental entity.

8 (13) "Continuing political committee" means a political committee
9 that is an organization of continuing existence not established in
10 anticipation of any particular election campaign.

11 (14)(a) "Contribution" includes:

12 (i) A loan, gift, deposit, subscription, forgiveness of
13 indebtedness, donation, advance, pledge, payment, transfer of funds
14 between political committees, or anything of value, including personal
15 and professional services for less than full consideration;

16 (ii) An expenditure made by a person in cooperation, consultation,
17 or concert with, or at the request or suggestion of, a candidate, a
18 political committee, or their agents;

19 (iii) The financing by a person of the dissemination, distribution,
20 or republication, in whole or in part, of broadcast, written, graphic,
21 or other form of political advertising prepared by a candidate, a
22 political committee, or its authorized agent;

23 (iv) Sums paid for tickets to fund-raising events such as dinners
24 and parties, except for the actual cost of the consumables furnished at
25 the event.

26 (b) "Contribution" does not include:

27 (i) Standard interest on money deposited in a political committee's
28 account;

29 (ii) Ordinary home hospitality;

30 (iii) A contribution received by a candidate or political committee
31 that is returned to the contributor within five business days of the
32 date on which it is received by the candidate or political committee;

33 (iv) A news item, feature, commentary, or editorial in a regularly
34 scheduled news medium that is of primary interest to the general
35 public, that is in a news medium controlled by a person whose business
36 is that news medium, and that is not controlled by a candidate or a
37 political committee;

38 (v) An internal political communication primarily limited to the
39 members of or contributors to a political party organization or

1 political committee, or to the officers, management staff, or
2 stockholders of a corporation or similar enterprise, or to the members
3 of a labor organization or other membership organization;

4 (vi) The rendering of personal services of the sort commonly
5 performed by volunteer campaign workers, or incidental expenses
6 personally incurred by volunteer campaign workers not in excess of
7 fifty dollars personally paid for by the worker. "Volunteer services,"
8 for the purposes of this section, means services or labor for which the
9 individual is not compensated by any person;

10 (vii) Messages in the form of reader boards, banners, or yard or
11 window signs displayed on a person's own property or property occupied
12 by a person. However, a facility used for such political advertising
13 for which a rental charge is normally made must be reported as an in-
14 kind contribution and counts towards any applicable contribution limit
15 of the person providing the facility;

16 (viii) Legal or accounting services rendered to or on behalf of:

17 (A) A political party or caucus political committee if the person
18 paying for the services is the regular employer of the person rendering
19 such services; or

20 (B) A candidate or an authorized committee if the person paying for
21 the services is the regular employer of the individual rendering the
22 services and if the services are solely for the purpose of ensuring
23 compliance with state election or public disclosure laws.

24 (c) Contributions other than money or its equivalent are deemed to
25 have a monetary value equivalent to the fair market value of the
26 contribution. Services or property or rights furnished at less than
27 their fair market value for the purpose of assisting any candidate or
28 political committee are deemed a contribution. Such a contribution
29 must be reported as an in-kind contribution at its fair market value
30 and counts towards any applicable contribution limit of the provider.

31 (15) "Elected official" means any person elected at a general or
32 special election to any public office, and any person appointed to fill
33 a vacancy in any such office.

34 (16) "Election" includes any primary, general, or special election
35 for public office and any election in which a ballot proposition is
36 submitted to the voters: PROVIDED, That an election in which the
37 qualifications for voting include other than those requirements set
38 forth in Article VI, section 1 (Amendment 63) of the Constitution of

1 the state of Washington shall not be considered an election for
2 purposes of this chapter.

3 (17) "Election campaign" means any campaign in support of or in
4 opposition to a candidate for election to public office and any
5 campaign in support of, or in opposition to, a ballot proposition.

6 (18) "Election cycle" means the period beginning on the first day
7 of December after the date of the last previous general election for
8 the office that the candidate seeks and ending on November 30th after
9 the next election for the office. In the case of a special election to
10 fill a vacancy in an office, "election cycle" means the period
11 beginning on the day the vacancy occurs and ending on November 30th
12 after the special election.

13 (19) "Expenditure" includes a payment, contribution, subscription,
14 distribution, loan, advance, deposit, or gift of money or anything of
15 value, and includes a contract, promise, or agreement, whether or not
16 legally enforceable, to make an expenditure. The term "expenditure"
17 also includes a promise to pay, a payment, or a transfer of anything of
18 value in exchange for goods, services, property, facilities, or
19 anything of value for the purpose of assisting, benefiting, or honoring
20 any public official or candidate, or assisting in furthering or
21 opposing any election campaign. For the purposes of this chapter,
22 agreements to make expenditures, contracts, and promises to pay may be
23 reported as estimated obligations until actual payment is made. The
24 term "expenditure" shall not include the partial or complete repayment
25 by a candidate or political committee of the principal of a loan, the
26 receipt of which loan has been properly reported.

27 (20) "Final report" means the report described as a final report in
28 RCW 42.17.080(2).

29 (21) "General election" for purposes of the limitation under RCW
30 42.17.640 means the election that results in the election of a person
31 to a state office. It does not include a primary.

32 (22) "Gift," is as defined in RCW 42.52.010.

33 (23) "Immediate family" includes the spouse, dependent children,
34 and other dependent relatives, if living in the household. For the
35 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
36 an individual's spouse, and child, stepchild, grandchild, parent,
37 stepparent, grandparent, brother, half brother, sister, or half sister
38 of the individual and the spouse of any such person and a child,
39 stepchild, grandchild, parent, stepparent, grandparent, brother, half

1 brother, sister, or half sister of the individual's spouse and the
2 spouse of any such person.

3 (24) "Independent expenditure" means an expenditure that has each
4 of the following elements:

5 (a) It is made in support of or in opposition to a candidate for
6 office by a person who is not (i) a candidate for that office, (ii) an
7 authorized committee of that candidate for that office, (iii) a person
8 who has received the candidate's encouragement or approval to make the
9 expenditure, if the expenditure pays in whole or in part for political
10 advertising supporting that candidate or promoting the defeat of any
11 other candidate or candidates for that office, or (iv) a person with
12 whom the candidate has collaborated for the purpose of making the
13 expenditure, if the expenditure pays in whole or in part for political
14 advertising supporting that candidate or promoting the defeat of any
15 other candidate or candidates for that office;

16 (b) The expenditure pays in whole or in part for political
17 advertising that either specifically names the candidate supported or
18 opposed, or clearly and beyond any doubt identifies the candidate
19 without using the candidate's name; and

20 (c) The expenditure, alone or in conjunction with another
21 expenditure or other expenditures of the same person in support of or
22 opposition to that candidate, has a value of five hundred dollars or
23 more. A series of expenditures, each of which is under five hundred
24 dollars, constitutes one independent expenditure if their cumulative
25 value is five hundred dollars or more.

26 (25)(a) "Intermediary" means an individual who transmits a
27 contribution to a candidate or committee from another person unless the
28 contribution is from the individual's employer, immediate family as
29 defined for purposes of RCW 42.17.640 through 42.17.790, or an
30 association to which the individual belongs.

31 (b) A treasurer or a candidate is not an intermediary for purposes
32 of the committee that the treasurer or candidate serves.

33 (c) A professional fund-raiser is not an intermediary if the fund-
34 raiser is compensated for fund-raising services at the usual and
35 customary rate.

36 (d) A volunteer hosting a fund-raising event at the individual's
37 home is not an intermediary for purposes of that event.

38 (26) "Legislation" means bills, resolutions, motions, amendments,
39 nominations, and other matters pending or proposed in either house of

1 the state legislature, and includes any other matter that may be the
2 subject of action by either house or any committee of the legislature
3 and all bills and resolutions that, having passed both houses, are
4 pending approval by the governor.

5 (27) "Lobby" and "lobbying" each mean attempting to influence the
6 passage or defeat of any legislation by the legislature of the state of
7 Washington, or the adoption or rejection of any rule, standard, rate,
8 or other legislative enactment of any state agency under the state
9 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
10 "lobbying" includes an association's or other organization's act of
11 communicating with the members of that association or organization.

12 (28) "Lobbyist" includes any person who lobbies either in his or
13 her own or another's behalf.

14 (29) "Lobbyist's employer" means the person or persons by whom a
15 lobbyist is employed and all persons by whom he or she is compensated
16 for acting as a lobbyist.

17 (30) "Person" includes an individual, partnership, joint venture,
18 public or private corporation, association, federal, state, or local
19 governmental entity or agency however constituted, candidate,
20 committee, political committee, political party, executive committee
21 thereof, or any other organization or group of persons, however
22 organized.

23 (31) "Person in interest" means the person who is the subject of a
24 record or any representative designated by that person, except that if
25 that person is under a legal disability, the term "person in interest"
26 means and includes the parent or duly appointed legal representative.

27 (32) "Political advertising" includes any advertising displays,
28 newspaper ads, billboards, signs, brochures, articles, tabloids,
29 flyers, letters, radio or television presentations, or other means of
30 mass communication, used for the purpose of appealing, directly or
31 indirectly, for votes or for financial or other support in any election
32 campaign.

33 (33) "Political committee" means any person (except a candidate or
34 an individual dealing with his or her own funds or property) having the
35 expectation of receiving contributions or making expenditures in
36 support of, or opposition to, any candidate or any ballot proposition.

37 (34) "Primary" for purposes of the limitation under RCW 42.17.640
38 means the procedure for ~~((nominating a candidate to state office under~~
39 ~~chapter 29.18 or 29.21 RCW or any other primary for an election that~~

1 uses, in large measure, the procedures established in chapter 29.18 or
2 29.21)) qualifying candidates to the general election ballot under
3 Title 29 RCW.

4 (35) "Public office" means any federal, state, county, city, town,
5 school district, port district, special district, or other state
6 political subdivision elective office.

7 (36) "Public record" includes any writing containing information
8 relating to the conduct of government or the performance of any
9 governmental or proprietary function prepared, owned, used, or retained
10 by any state or local agency regardless of physical form or
11 characteristics. For the office of the secretary of the senate and the
12 office of the chief clerk of the house of representatives, public
13 records means legislative records as defined in RCW 40.14.100 and also
14 means the following: All budget and financial records; personnel
15 leave, travel, and payroll records; records of legislative sessions;
16 reports submitted to the legislature; and any other record designated
17 a public record by any official action of the senate or the house of
18 representatives.

19 (37) "Recall campaign" means the period of time beginning on the
20 date of the filing of recall charges under RCW 29.82.015 and ending
21 thirty days after the recall election.

22 (38) "State legislative office" means the office of a member of the
23 state house of representatives or the office of a member of the state
24 senate.

25 (39) "State office" means state legislative office or the office of
26 governor, lieutenant governor, secretary of state, attorney general,
27 commissioner of public lands, insurance commissioner, superintendent of
28 public instruction, state auditor, or state treasurer.

29 (40) "State official" means a person who holds a state office.

30 (41) "Surplus funds" mean, in the case of a political committee or
31 candidate, the balance of contributions that remain in the possession
32 or control of that committee or candidate subsequent to the election
33 for which the contributions were received, and that are in excess of
34 the amount necessary to pay remaining debts incurred by the committee
35 or candidate prior to that election. In the case of a continuing
36 political committee, "surplus funds" mean those contributions remaining
37 in the possession or control of the committee that are in excess of the
38 amount necessary to pay all remaining debts when it makes its final
39 report under RCW 42.17.065.

1 (42) "Writing" means handwriting, typewriting, printing,
2 photostating, photographing, and every other means of recording any
3 form of communication or representation, including, but not limited to,
4 letters, words, pictures, sounds, or symbols, or combination thereof,
5 and all papers, maps, magnetic or paper tapes, photographic films and
6 prints, motion picture, film and video recordings, magnetic or punched
7 cards, discs, drums, diskettes, sound recordings, and other documents
8 including existing data compilations from which information may be
9 obtained or translated.

10 As used in this chapter, the singular (~~shall~~) takes the plural
11 and any gender, the other, as the context requires.

12 **PART IV**

13 **RELATED TECHNICAL PROVISIONS**

14 NEW SECTION. **Sec. 401.** (1) Section 102 of this act must be
15 codified at the beginning of chapter 29.18 RCW.

16 (2) The code reviser shall recaption chapter 29.18 RCW as
17 "Primaries and elections for partisan offices."

18 (3) The code reviser shall recaption RCW 29.30.085 as "Candidates
19 qualified for general election."

20 (4) The code reviser shall recaption RCW 29.18.200 as "Rights of
21 voters in primary elections."

22 NEW SECTION. **Sec. 402.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 29.01.160 (September primary) and 1965 c 9 s 29.01.160;

25 (2) RCW 29.18.150 (Vacancies on major party ticket caused by no
26 filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965
27 c 9 s 29.18.150;

28 (3) RCW 29.24.--- and 2001 c 30 s 4; and

29 (4) RCW 29.30.095 (Partisan candidates qualified for general
30 election) and 1990 c 59 s 96.

31 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 June 1, 2001.

1 NEW SECTION. **Sec. 404.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 405.** Part headings used in this act are not
6 part of the law."

7 Correct the title.

--- END ---