

2 **SB 6199** - S AMD 467

3 By Senators Constantine, Patterson and Carlson

4

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

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 create a primary for all partisan elected offices, except for president
9 and vice president, precinct committee officer, and offices exempted
10 from the primary under RCW 29.15.150, that:

11 (1) Ensures that all votes will be counted;

12 (2) Allows each voter, including those who choose not to declare an
13 affiliation with any major political party, to participate;

14 (3) Preserves the privacy of each voter's party affiliation, if
15 any;

16 (4) Rejects mandatory voter registration by political party;

17 (5) Protects ballot access for minor political party candidates and
18 independent candidates;

19 (6) Maintains a candidate's right to self-identify with any major
20 political party; and

21 (7) Upholds a political party's First Amendment right of
22 association.

23 **Sec. 2.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to
24 read as follows:

25 "Major political party" means a political party of which at least
26 one nominee for president, vice president, United States senator, or a
27 statewide office received at least five percent of the total vote cast
28 at the last preceding state general election in an even-numbered
29 year(~~(:— PROVIDED, That any political party qualifying as a major~~
30 ~~political party under the previous subsection (2) or subsection (3) of~~
31 ~~this section prior to its 1977 amendment shall retain such status until~~
32 ~~after the next state general election following June 30, 1977)).~~

33 However, a political party of which no nominee received at least ten
34 percent of the total vote cast may forgo its status as a major
35 political party by filing with the secretary of state an appropriate

1 party rule within sixty days of attaining major party status under this
2 section or thirty days of the effective date of this act, whichever is
3 later.

4 NEW SECTION. Sec. 3. A new section is added to chapter 29.07 RCW
5 to read as follows:

6 Under no circumstances may an individual be required to affiliate
7 with, join, adhere to, express faith in, or declare a preference for,
8 a political party or organization upon registering to vote.

9 NEW SECTION. Sec. 4. Candidates for all partisan elected offices,
10 except for president and vice president, precinct committee officer,
11 and offices exempted from the primary under RCW 29.15.150, will be
12 nominated or qualified, as applicable, at primaries held under this
13 chapter.

14 NEW SECTION. Sec. 5. So far as applicable, the provisions of this
15 title relating to conducting general elections govern the conduct of
16 primaries.

17 NEW SECTION. Sec. 6. A new section is added to chapter 29.30 RCW
18 to read as follows:

19 Each primary ballot that includes one or more partisan offices must
20 include a party identification checkoff box that allows a voter to
21 declare an affiliation with any of the major political parties, all of
22 which are to be listed, or the option to not declare an affiliation
23 with any major political party. The checkoff box shall appear before
24 any offices and ballot measures, and the voter shall be asked to
25 indicate the major political party, if any, with which the voter
26 chooses to declare an affiliation. If a voter makes no selection or
27 selects more than one option, then the voter is presumed to have not
28 declared an affiliation with any major political party.

29 NEW SECTION. Sec. 7. No record may be created or maintained by a
30 state or local governmental agency or a political organization that
31 identifies a voter with the information provided on the voter's ballot,
32 including the declaration that the voter makes regarding political
33 party affiliation.

1 NEW SECTION. **Sec. 8.** (1) A major political party may choose, by
2 rule adopted under chapter 29.42 RCW, to allow voters who declare an
3 affiliation with a different major political party, or who choose not
4 to declare an affiliation with any major political party, to cast votes
5 that will be used to determine the major political party's nominees.
6 The major political party shall have the option to accept votes cast by
7 voters who have declared an affiliation with a specific and different
8 major political party or parties, or who have chosen not to declare an
9 affiliation with any major political party, or both. The rule shall be
10 made on a statewide basis, shall be applied evenly to all votes cast by
11 the voters within any given party affiliation category, and shall not
12 be specific to any district, office, or candidate.

13 (2) A major political party that has adopted a rule under
14 subsection (1) of this section may repeal that rule at any time.
15 However, the effect of the repeal is subject to the time requirements
16 of subsection (6) of this section.

17 (3) A major political party shall provide the secretary of state
18 with written notification of an action taken under this section before
19 the end of the first business day that immediately follows the day
20 during which the action is taken.

21 (4) If a major political party adopts an appropriate rule under
22 subsection (1) of this section, then the major political party's
23 nominee will be the candidate of that party who receives a plurality
24 from the aggregation of votes cast by voters who declare an affiliation
25 with that major political party and votes cast by any other specific
26 category of voter so authorized by the party.

27 (5) Unless a major political party adopts a rule under subsection
28 (1) of this section, or if a rule so adopted is repealed under
29 subsection (2) of this section, the major political party's nominee
30 will be the candidate who receives a plurality of votes cast by only
31 those voters who declare an affiliation with that major political
32 party.

33 (6) The adoption of a rule under subsection (1) of this section or
34 the repeal of the rule under subsection (2) of this section must occur
35 on or before July 1st in order to be in effect at any primary conducted
36 between September 1st of the same year and August 30th of the following
37 year.

1 (7) The decision by a major political party to accept votes cast by
2 any specific categories of voters does not affect the rights of any
3 other major political party.

4 NEW SECTION. **Sec. 9.** Prominent notification of each major
5 political party's decision of whether to allow voters who choose not to
6 declare an affiliation with that major political party to participate
7 in its nomination process, and an explanation of how the vote totals
8 will be used to nominate major party candidates and to qualify
9 candidates to the general election ballot, must be made, without
10 limitation, in:

11 (1) Any primary voters' pamphlet prepared by the secretary of state
12 or a local government;

13 (2) Instructions that accompany any ballot sent by a county auditor
14 to an absentee voter;

15 (3) Notices of primary published in compliance with RCW 29.27.030;

16 (4) Sample ballots prepared by a county auditor under RCW
17 29.30.060;

18 (5) Content of the web site of the office of the secretary of
19 state; and

20 (6) Content of each county auditors' web site that is in existence.

21 NEW SECTION. **Sec. 10.** (1) All votes cast that are deemed valid
22 shall be tabulated and reported.

23 (2) Votes cast for any candidate for partisan office shall be
24 reported by specific category of voter so that votes cast by voters who
25 declare an affiliation with a major political party are reported
26 separately from votes cast by voters who declare an affiliation with a
27 different major political party or who choose not to declare an
28 affiliation with any major political party.

29 NEW SECTION. **Sec. 11.** The secretary of state as chief election
30 officer shall adopt rules under chapter 34.05 RCW to facilitate the
31 operation, accomplishment, and purpose of this chapter.

32 **Sec. 12.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read
33 as follows:

34 Any person who desires to be a write-in candidate and have such
35 votes counted at a primary or election may, if the jurisdiction of the

1 office sought is entirely within one county, file a declaration of
2 candidacy with the county auditor not later than the day before the
3 primary or election. If the jurisdiction of the office sought
4 encompasses more than one county the declaration of candidacy shall be
5 filed with the secretary of state not later than the day before the
6 primary or election. Declarations of candidacy for write-in candidates
7 must be accompanied by a filing fee in the same manner as required of
8 other candidates filing for the office as provided in RCW 29.15.050.

9 Votes cast for write-in candidates who have filed such declarations
10 of candidacy and write-in votes for persons appointed by political
11 parties (~~(pursuant to RCW 29.18.160)~~) under section 14 of this act need
12 only specify the name of the candidate in the appropriate location on
13 the ballot in order to be counted. Write-in votes cast for any other
14 candidate, in order to be counted, must designate the office sought and
15 position number or political party, if applicable. In order for write-
16 in votes to be valid in jurisdictions employing optical-scan mark sense
17 ballot systems the voter must complete the proper mark next to the
18 write-in line for that office.

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

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

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

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

31 The declaration of candidacy shall be similar to that required by
32 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be
33 included in any voter's pamphlet produced under chapter (~~(29.80)~~) 29.81
34 RCW unless that candidate qualifies to have his or her name printed on
35 the general election ballot. The legislative authority of any
36 jurisdiction producing a local voter's pamphlet under chapter 29.81A
37 RCW may provide, by ordinance, for the inclusion of write-in candidates
38 in such pamphlets.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 29.15 RCW
2 to read as follows:

3 If a place on the ticket of a major political party is vacant
4 because no person has filed for nomination as the candidate of that
5 major political party after the last day allowed for candidates to
6 withdraw under RCW 29.15.120, and if the vacancy is for a state or
7 county office to be voted on solely by the voters of a single county,
8 the county central committee of the major political party may select
9 and certify a candidate to fill the vacancy. If the vacancy is for any
10 other office the state central committee of the major political party
11 may select and certify a candidate to fill the vacancy. The
12 certificate must set forth the cause of the vacancy, the name of the
13 person nominated, the office for which nominated, and other pertinent
14 information required in an ordinary certificate of nomination and be
15 filed in the proper office no later than the first Friday after the
16 last day allowed for candidates to withdraw, together with the
17 candidate's fee applicable to that office and a declaration of
18 candidacy.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 29.15 RCW
20 to read as follows:

21 A vacancy caused by the death or disqualification of a candidate or
22 nominee of a major or minor political party may be filled at any time
23 up to and including the day before the election for that position. For
24 state partisan offices in a political subdivision voted on solely by
25 voters of a single county, the county central committee in the case of
26 a major political party or the state central committee or comparable
27 governing body in the case of a minor political party shall appoint a
28 person to fill the vacancy. For other partisan offices, including
29 federal or statewide offices, the state central committee or comparable
30 governing body of the appropriate political party shall appoint a
31 person to fill the vacancy.

32 If the vacancy occurs no later than the sixth Tuesday before the
33 primary or general election concerned and the ballots have been
34 printed, the appropriate election officers shall correct the ballots.
35 In making the correction, it is not necessary to reprint complete
36 ballots if any other less expensive technique can be used and the
37 resulting correction is reasonably clear.

1 If the vacancy occurs after the sixth Tuesday before the primary or
2 general election and time does not exist in which to correct ballots
3 (including absentee ballots), either in total or in part, then the
4 votes cast or recorded for the person who has died or become
5 disqualified must be counted for the person who has been named to fill
6 the vacancy.

7 When the secretary of state is the person with whom the appointment
8 by the major or minor political party is filed, the secretary of state
9 shall, in certifying candidates or nominations to the various county
10 officers insert the name of the person appointed to fill a vacancy.

11 If the secretary of state has already sent forth the certificate
12 when the appointment to fill a vacancy is filed, the secretary of state
13 shall immediately certify to the county auditors of the proper counties
14 the name and place of residence of the person appointed to fill a
15 vacancy, the office for which the person is a candidate or nominee, the
16 party represented, and all other pertinent facts pertaining to the
17 vacancy.

18 **Sec. 15.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
19 as follows:

20 On or before the day following the last day for political parties
21 to fill vacancies in the ticket as provided by ((RCW 29.18.150))
22 section 13 of this act, the secretary of state shall certify to each
23 county auditor a list of the candidates who have filed declarations of
24 candidacy in his or her office for the primary. For each office, the
25 certificate shall include the name of each candidate, his or her
26 address, and his or her party designation, if any.

27 **Sec. 16.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended
28 to read as follows:

29 Not more than ten nor less than three days prior to the primary
30 ((election)), the county auditor shall publish notice of such primary
31 in one or more newspapers of general circulation within the county.
32 ((Said)) The notice shall contain the proper party designations, the
33 names and addresses of all persons who have filed a declaration of
34 candidacy to be voted upon at that primary election, the notification
35 that is required for each major political party under section 9 of this
36 act, the hours during which the polls will be open, and an explanation
37 that the election will be held in the regular polling place in each

1 precinct, giving the address of each polling place(~~(:—PROVIDED,~~
2 ~~That)~~). The names of all candidates for nonpartisan offices shall be
3 published separately with designation of the offices for which they are
4 candidates but without party designation. This shall be the only
5 notice required for the holding of any primary election.

6 **Sec. 17.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read
7 as follows:

8 Except for the candidates for the positions of president and vice
9 president or for ~~((a partisan or nonpartisan))~~ an office for which no
10 primary is required, the names of all candidates who have filed for
11 ~~((nomination under chapter 29.18 RCW and those independent candidates~~
12 ~~and candidates of minor political parties who have been nominated under~~
13 ~~chapter 29.24 RCW shall))~~ office under chapter 29.15 RCW must appear on
14 the appropriate ballots at the primary throughout the jurisdiction in
15 which they are to be nominated.

16 **Sec. 18.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
17 as follows:

18 After the close of business on the last day for candidates to file
19 for office, the filing officer shall, from among those filings made in
20 person and by mail, determine by lot the order in which the names of
21 those candidates will appear on all primary, sample, and absentee
22 ballots. ~~((In the case of candidates for city, town, and district~~
23 ~~office, this procedure shall also determine the order for candidate~~
24 ~~names on the official primary ballot used at the polling place.))~~ The
25 determination shall be done publicly and may be witnessed by the media
26 and by any candidate. If no primary is required for any nonpartisan
27 office under RCW 29.15.150 or 29.21.015, the names shall appear on the
28 general election ballot in the order determined by lot.

29 **Sec. 19.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read
30 as follows:

31 (1) The name of a candidate for a partisan office for which a
32 primary was conducted shall not be printed on the ballot for that
33 office at the subsequent general election unless the candidate receives
34 a number of votes equal to at least one percent of the total number
35 cast for all candidates for that position sought and either a plurality
36 of the votes cast, the acceptance of which is determined by party rule

1 under section 8 of this act, for the candidates of his or her party for
2 that office, or a plurality that exceeds forty percent of all the votes
3 cast for that office at the preceding primary.

4 (2) If, under section 8 of this act, a major political party has
5 adopted a rule allowing a voter who declares an affiliation with a
6 different major political party or who chooses not to declare an
7 affiliation with any major political party to participate in its
8 nomination process, then votes cast by all voters who have declared an
9 affiliation with that party for candidates who indicated that major
10 political party designation when filing a declaration of candidacy must
11 be aggregated with votes cast by the other specific categories of
12 voters so authorized by the party before comparing vote totals in order
13 to determine a plurality. If not, then a plurality is determined by
14 comparing only the tabulations of votes cast by voters who declared any
15 affiliation with that major political party.

16 (3) A candidate who does not receive a plurality of the votes cast
17 for the candidates of his or her party for that office as determined
18 under subsection (2) of this section but does receive a plurality that
19 exceeds forty percent of all votes cast for that office qualifies to
20 have his or her name placed on the general election ballot as an
21 unaffiliated candidate.

22 **NEW SECTION. Sec. 20.** A new section is added to chapter 29.30 RCW
23 to read as follows:

24 Any candidate for partisan office who is nominated or qualified at
25 a primary may remove his or her name from consideration at the
26 subsequent general election if the appropriate action is taken by the
27 candidate less than twenty-four hours after the certification of the
28 primary results. The secretary of state shall adopt rules under
29 chapter 34.05 RCW that facilitate this section.

30 **Sec. 21.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to
31 read as follows:

32 The names of the persons certified as nominees or as qualified
33 unaffiliated candidates by the secretary of state or the county
34 canvassing board shall be printed on the ballot at the ensuing
35 election.

36 No name of any candidate whose nomination or qualification at a
37 primary is required by law shall be placed upon the ballot at a general

1 or special election unless it appears upon the certificate of either
2 (1) the secretary of state, or (2) the county canvassing board, or (3)
3 a minor political party convention or the state or county central
4 committee of a major political party to fill a vacancy on its ticket
5 under ((RCW 29.18.160)) section 14 of this act.

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

10 **Sec. 22.** RCW 29.33.320 and 1990 c 59 s 28 are each amended to read
11 as follows:

12 The secretary of state shall not approve a vote tallying system
13 unless it:

14 (1) Correctly counts votes on ballots on which the proper number of
15 votes have been marked for any office or issue;

16 (2) Ignores votes marked for any office or issue where more than
17 the allowable number of votes have been marked, but correctly counts
18 the properly voted portions of the ballot;

19 (3) Accumulates a count of the specific number of ballots tallied
20 for each precinct, total votes by candidate for each office, and total
21 votes for and against each issue of the ballot in that precinct;

22 (4) (~~Accommodates rotation of candidates' names on the ballot~~
23 ~~under RCW 29.30.040;~~

24 ~~(5))~~ Produces precinct and cumulative totals in printed form; and

25 ~~((6))~~ (5) Except for functions or capabilities unique to this
26 state, has been tested, certified, and used in at least one other state
27 or election jurisdiction.

28 **Sec. 23.** RCW 29.36.045 and 2001 c 241 s 8 are each amended to read
29 as follows:

30 The county auditor shall send each absentee voter a ballot, a
31 security envelope in which to seal the ballot after voting, a larger
32 envelope in which to return the security envelope, and instructions on
33 how to mark the ballot and how to return it to the county auditor. The
34 instructions that accompany an absentee ballot for a primary must
35 include the notification that is required for each major political
36 party under section 9 of this act. The larger return envelope must
37 contain a declaration by the absentee voter reciting his or her

1 qualifications and stating that he or she has not voted in any other
2 jurisdiction at this election, together with a summary of the penalties
3 for any violation of any of the provisions of this chapter. The return
4 envelope must provide space for the voter to indicate the date on which
5 the ballot was voted and for the voter to sign the oath. A summary of
6 the applicable penalty provisions of this chapter must be printed on
7 the return envelope immediately adjacent to the space for the voter's
8 signature. The signature of the voter on the return envelope must
9 affirm and attest to the statements regarding the qualifications of
10 that voter and to the validity of the ballot. For out-of-state voters,
11 overseas voters, and service voters, the signed declaration on the
12 return envelope constitutes the equivalent of a voter registration for
13 the election or primary for which the ballot has been issued. The
14 voter must be instructed to either return the ballot to the county
15 auditor by whom it was issued or attach sufficient first class postage,
16 if applicable, and mail the ballot to the appropriate county auditor no
17 later than the day of the election or primary for which the ballot was
18 issued.

19 If the county auditor chooses to forward absentee ballots, he or
20 she must include with the ballot a clear explanation of the
21 qualifications necessary to vote in that election and must also advise
22 a voter with questions about his or her eligibility to contact the
23 county auditor. This explanation may be provided on the ballot
24 envelope, on an enclosed insert, or printed directly on the ballot
25 itself. If the information is not included, the envelope must clearly
26 indicate that the ballot is not to be forwarded and that return postage
27 is guaranteed.

28 **Sec. 24.** 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;
- 35 (5) Provide for the nomination of presidential electors; and
- 36 (6) Perform all functions inherent in such an organization(~~+~~
37 ~~PROVIDED, That~~)). However, only major political parties (~~shall have~~
38 ~~the power to~~) may designate candidates to appear on the state primary

1 election ballot as provided in (~~RCW 29.18.150 as now or hereafter~~
2 amended)) section 13 of this act.

3 **Sec. 25.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
4 read as follows:

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

1 **Sec. 26.** RCW 29.42.070 and 1991 c 363 s 35 are each amended to
2 read as follows:

3 Within forty-five days after the statewide general election in
4 even-numbered years, (~~or within thirty days following July 30, 1967,~~
5 ~~for the biennium ending with the 1968 general elections,~~) the county
6 chair of each major political party for the county with the largest
7 number of precincts within the legislative district shall call separate
8 meetings of all elected precinct committee officers in each legislative
9 district (~~a majority of the precincts of which are within a county~~
10 ~~with a population of one million or more~~) for the purpose of electing
11 a legislative district chair in such district. The district chair
12 shall hold office until the next legislative district reorganizational
13 meeting two years later, or until a successor is elected.

14 The legislative district chair can only be removed by the majority
15 vote of the elected precinct committee officers in the chair's
16 district.

17 NEW SECTION. **Sec. 27.** A new section is added to chapter 29.81A
18 RCW to read as follows:

19 If the legislative authority of a county or first-class or code
20 city provides for the inclusion in the local voters' pamphlet of
21 candidates for partisan office, the pamphlet must prominently include
22 the notification that is required for each major political party under
23 section 9 of this act.

24 **Sec. 28.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
25 as follows:

26 (1) "Agency" includes all state agencies and all local agencies.
27 "State agency" includes every state office, department, division,
28 bureau, board, commission, or other state agency. "Local agency"
29 includes every county, city, town, municipal corporation, quasi-
30 municipal corporation, or special purpose district, or any office,
31 department, division, bureau, board, commission, or agency thereof, or
32 other local public agency.

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

1 (3) "Ballot proposition" means any "measure" as defined by RCW
2 29.01.110, or any initiative, recall, or referendum proposition
3 proposed to be submitted to the voters of the state or any municipal
4 corporation, political subdivision, or other voting constituency from
5 and after the time when the proposition has been initially filed with
6 the appropriate election officer of that constituency prior to its
7 circulation for signatures.

8 (4) "Benefit" means a commercial, proprietary, financial, economic,
9 or monetary advantage, or the avoidance of a commercial, proprietary,
10 financial, economic, or monetary disadvantage.

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

12 (a) An organization that has filed a valid certificate of
13 nomination with the secretary of state under chapter 29.24 RCW;

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

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

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

23 (7) "Treasurer" and "deputy treasurer" mean the individuals
24 appointed by a candidate or political committee, pursuant to RCW
25 42.17.050, to perform the duties specified in that section.

26 (8) "Candidate" means any individual who seeks nomination for
27 election or election to public office. An individual seeks nomination
28 or election when he or she first:

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

31 (b) Announces publicly or files for office;

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

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

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

1 (10) "Commercial advertiser" means any person who sells the service
2 of communicating messages or producing printed material for broadcast
3 or distribution to the general public or segments of the general public
4 whether through the use of newspapers, magazines, television and radio
5 stations, billboard companies, direct mail advertising companies,
6 printing companies, or otherwise.

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

8 (12) "Compensation" unless the context requires a narrower meaning,
9 includes payment in any form for real or personal property or services
10 of any kind: PROVIDED, That for the purpose of compliance with RCW
11 42.17.241, the term "compensation" shall not include per diem
12 allowances or other payments made by a governmental entity to reimburse
13 a public official for expenses incurred while the official is engaged
14 in the official business of the governmental entity.

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

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

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

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

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

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

33 (b) "Contribution" does not include:

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

36 (ii) Ordinary home hospitality;

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

1 (iv) A news item, feature, commentary, or editorial in a regularly
2 scheduled news medium that is of primary interest to the general
3 public, that is in a news medium controlled by a person whose business
4 is that news medium, and that is not controlled by a candidate or a
5 political committee;

6 (v) An internal political communication primarily limited to the
7 members of or contributors to a political party organization or
8 political committee, or to the officers, management staff, or
9 stockholders of a corporation or similar enterprise, or to the members
10 of a labor organization or other membership organization;

11 (vi) The rendering of personal services of the sort commonly
12 performed by volunteer campaign workers, or incidental expenses
13 personally incurred by volunteer campaign workers not in excess of
14 fifty dollars personally paid for by the worker. "Volunteer services,"
15 for the purposes of this section, means services or labor for which the
16 individual is not compensated by any person;

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

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

24 (A) A political party or caucus political committee if the person
25 paying for the services is the regular employer of the person rendering
26 such services; or

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

31 (c) Contributions other than money or its equivalent are deemed to
32 have a monetary value equivalent to the fair market value of the
33 contribution. Services or property or rights furnished at less than
34 their fair market value for the purpose of assisting any candidate or
35 political committee are deemed a contribution. Such a contribution
36 must be reported as an in-kind contribution at its fair market value
37 and counts towards any applicable contribution limit of the provider.

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

4 (16) "Election" includes any primary, general, or special election
5 for public office and any election in which a ballot proposition is
6 submitted to the voters: PROVIDED, That an election in which the
7 qualifications for voting include other than those requirements set
8 forth in Article VI, section 1 (Amendment 63) of the Constitution of
9 the state of Washington shall not be considered an election for
10 purposes of this chapter.

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

14 (18) "Election cycle" means the period beginning on the first day
15 of December after the date of the last previous general election for
16 the office that the candidate seeks and ending on November 30th after
17 the next election for the office. In the case of a special election to
18 fill a vacancy in an office, "election cycle" means the period
19 beginning on the day the vacancy occurs and ending on November 30th
20 after the special election.

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

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

37 (21) "General election" for the purposes of the limits in RCW
38 42.17.640 means the election that results in the election of a person
39 to a state office. It does not include a primary.

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

2 (23) "Immediate family" includes the spouse, dependent children,
3 and other dependent relatives, if living in the household. For the
4 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
5 an individual's spouse, and child, stepchild, grandchild, parent,
6 stepparent, grandparent, brother, half brother, sister, or half sister
7 of the individual and the spouse of any such person and a child,
8 stepchild, grandchild, parent, stepparent, grandparent, brother, half
9 brother, sister, or half sister of the individual's spouse and the
10 spouse of any such person.

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

13 (a) It is made in support of or in opposition to a candidate for
14 office by a person who is not (i) a candidate for that office, (ii) an
15 authorized committee of that candidate for that office, (iii) a person
16 who has received the candidate's encouragement or approval to make the
17 expenditure, if the expenditure pays in whole or in part for political
18 advertising supporting that candidate or promoting the defeat of any
19 other candidate or candidates for that office, or (iv) a person with
20 whom the candidate has collaborated for the purpose of making the
21 expenditure, if the expenditure pays in whole or in part for political
22 advertising supporting that candidate or promoting the defeat of any
23 other candidate or candidates for that office;

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

28 (c) The expenditure, alone or in conjunction with another
29 expenditure or other expenditures of the same person in support of or
30 opposition to that candidate, has a value of five hundred dollars or
31 more. A series of expenditures, each of which is under five hundred
32 dollars, constitutes one independent expenditure if their cumulative
33 value is five hundred dollars or more.

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

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

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

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

8 (26) "Legislation" means bills, resolutions, motions, amendments,
9 nominations, and other matters pending or proposed in either house of
10 the state legislature, and includes any other matter that may be the
11 subject of action by either house or any committee of the legislature
12 and all bills and resolutions that, having passed both houses, are
13 pending approval by the governor.

14 (27) "Lobby" and "lobbying" each mean attempting to influence the
15 passage or defeat of any legislation by the legislature of the state of
16 Washington, or the adoption or rejection of any rule, standard, rate,
17 or other legislative enactment of any state agency under the state
18 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
19 "lobbying" includes an association's or other organization's act of
20 communicating with the members of that association or organization.

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

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

26 (30) "Person" includes an individual, partnership, joint venture,
27 public or private corporation, association, federal, state, or local
28 governmental entity or agency however constituted, candidate,
29 committee, political committee, political party, executive committee
30 thereof, or any other organization or group of persons, however
31 organized.

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

36 (32) "Political advertising" includes any advertising displays,
37 newspaper ads, billboards, signs, brochures, articles, tabloids,
38 flyers, letters, radio or television presentations, or other means of
39 mass communication, used for the purpose of appealing, directly or

1 indirectly, for votes or for financial or other support in any election
2 campaign.

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

7 (34) "Primary" for purposes of the limits in RCW 42.17.640 means
8 the (~~procedure for nominating~~) election that nominates or qualifies
9 to the general election ballot a candidate to state office (~~under~~
10 ~~chapter 29.18 or 29.21 RCW or any other primary for an election that~~
11 ~~uses, in large measure, the procedures established in chapter 29.18 or~~
12 ~~29.21 RCW~~)).

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

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

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

31 (38) "State legislative office" means the office of a member of the
32 state house of representatives or the office of a member of the state
33 senate.

34 (39) "State office" means state legislative office or the office of
35 governor, lieutenant governor, secretary of state, attorney general,
36 commissioner of public lands, insurance commissioner, superintendent of
37 public instruction, state auditor, or state treasurer.

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

1 (41) "Surplus funds" mean, in the case of a political committee or
2 candidate, the balance of contributions that remain in the possession
3 or control of that committee or candidate subsequent to the election
4 for which the contributions were received, and that are in excess of
5 the amount necessary to pay remaining debts incurred by the committee
6 or candidate prior to that election. In the case of a continuing
7 political committee, "surplus funds" mean those contributions remaining
8 in the possession or control of the committee that are in excess of the
9 amount necessary to pay all remaining debts when it makes its final
10 report under RCW 42.17.065.

11 (42) "Writing" means handwriting, typewriting, printing,
12 photostating, photographing, and every other means of recording any
13 form of communication or representation, including, but not limited to,
14 letters, words, pictures, sounds, or symbols, or combination thereof,
15 and all papers, maps, magnetic or paper tapes, photographic films and
16 prints, motion picture, film and video recordings, magnetic or punched
17 cards, discs, drums, diskettes, sound recordings, and other documents
18 including existing data compilations from which information may be
19 obtained or translated.

20 As used in this chapter, the singular shall take the plural and any
21 gender, the other, as the context requires.

22 NEW SECTION. **Sec. 29.** Nothing in this act may be construed by the
23 secretary of state or a county auditor to mean that a voter may cast
24 more than one vote for candidates for a given office.

25 NEW SECTION. **Sec. 30.** (1) The legislature recognizes that this
26 act significantly changes the way in which a primary for partisan
27 office shall be conducted, and thus it intends to ease the transition
28 and allow any primary held prior to July 1, 2002, to be implemented
29 with existing systems currently in use by each county auditor.

30 (2) Each county auditor may design a ballot and utilize procedures
31 other than those detailed in this act when conducting a partisan
32 primary provided that the design of the ballot and the procedures are
33 specifically allowed by a rule adopted by the secretary of state under
34 chapter 34.05 RCW, and that the following criteria are met:

35 (a) A voter shall have the option to declare an affiliation with a
36 major political party, or to choose not to declare an affiliation with
37 any major political party;

1 (b) Voter privacy, including selection of party affiliation, is
2 preserved;

3 (c) A voter may vote for any candidate regardless of the voter's
4 declared political party affiliation or the candidate's political party
5 designation, and votes cast by such voter shall be tabulated and
6 reported; and

7 (d) Votes cast for a candidate by voters who declare an affiliation
8 with a major political party shall be reported separately from votes
9 cast for the same candidate by voters who declare an affiliation with
10 a different major political party or who choose not to declare an
11 affiliation with any major political party.

12 (3) This section expires July 1, 2002.

13 NEW SECTION. **Sec. 31.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 &
16 1965 c 9 s 29.18.010;

17 (2) RCW 29.18.120 (General election laws govern primaries) and 1990
18 c 59 s 87, 1971 ex.s. c 112 s 1, & 1965 c 9 s 29.18.120;

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

22 (4) RCW 29.18.160 (Vacancies by death or disqualification--How
23 filled--Correcting ballots and labels--Counting votes already cast) and
24 2001 c 46 s 4 & 1977 ex.s. c 329 s 13;

25 (5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88
26 & 1965 c 9 s 29.18.200; and

27 (6) RCW 29.30.040 (Primaries--Rotating names of candidates) and
28 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040.

29 NEW SECTION. **Sec. 32.** Sections 1, 4, 5, 7 through 11, 29, and 30
30 of this act constitute a new chapter in Title 29 RCW.

31 NEW SECTION. **Sec. 33.** The sum of seven million dollars, or as
32 much thereof as may be necessary, is appropriated from the state
33 surplus assets reserve fund or, if the state surplus assets reserve
34 fund has insufficient funds available, the state general fund, to the
35 secretary of state for the biennium ending June 30, 2003, for the

1 purposes of implementing this act as provided in this section. The
2 appropriation may be expended exclusively for:

3 (1) Distribution to county auditors for the one-time costs of
4 modifying election equipment and computer hardware and software
5 necessary to implement this act, including the cost of converting from
6 punchcard voting systems to optical scan systems, or the cost of
7 upgrading existing optical scan systems;

8 (2) Costs incurred by the secretary of state to provide direct
9 assistance to county auditors under subsection (1) of this section by
10 performing statewide computer programming or software upgrade services
11 necessary to implement this act; and

12 (3) Voter education efforts undertaken by the secretary of state.

13 NEW SECTION. **Sec. 34.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 35.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately."

21 **SB 6199** - S AMD 467

22 By Senators Constantine, Patterson and Carlson

23

24 On page 1, line 1 of the title, after "primary;" strike the
25 remainder of the title and insert "amending RCW 29.01.090, 29.04.180,
26 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101,
27 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020;
28 adding a new section to chapter 29.07 RCW; adding new sections to
29 chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a
30 new section to chapter 29.81A RCW; adding a new chapter to Title 29
31 RCW; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160,
32 29.18.200, and 29.30.040; making an appropriation; providing an
33 expiration date; and declaring an emergency."

--- END ---