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HOUSE BILL 3203

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives McDermott and Hunt

Read first time 02/17/2004. Referred to Committee on State Government.

1            AN ACT Relating to a semiclosed primary; amending RCW 29A.04.007,  
2 29A.04.085, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110, 29A.08.125,  
3 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340, 29A.08.350,  
4 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710, 29A.12.100,  
5 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.200,  
6 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040,  
7 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100,  
8 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190,  
9 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.230,  
10 29A.52.310, 29A.52.320, 29A.56.020, 29A.56.020, 29A.56.030, 29A.56.040,  
11 29A.56.050, 29A.56.060, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060,  
12 and 42.17.020; adding new sections to chapter 29A.04 RCW; adding a new  
13 section to chapter 29A.08 RCW; adding a new section to chapter 29A.32  
14 RCW; adding a new section to chapter 29A.36 RCW; adding new sections to  
15 chapter 29A.52 RCW; repealing RCW 29A.04.903, 29A.36.140, 29A.52.110,  
16 29A.52.120, 29A.52.130, and 29A.56.010; providing an effective date;  
17 providing an expiration date; and declaring an emergency.

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

1       **Sec. 1.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to  
2 read as follows:

3       As used in this title:

4       (1) "Ballot" means, as the context implies, either:

5       (a) The issues and offices to be voted upon in a jurisdiction or  
6 portion of a jurisdiction at a particular primary, general election, or  
7 special election;

8       (b) A facsimile of the contents of a particular ballot whether  
9 printed on a paper ballot or ballot card or as part of a voting machine  
10 or voting device;

11       (c) A physical or electronic record of the choices of an individual  
12 voter in a particular primary, general election, or special election;  
13 or

14       (d) The physical document on which the voter's choices are to be  
15 recorded;

16       (2) "Paper ballot" means a piece of paper on which the ballot for  
17 a particular election or primary has been printed, on which a voter may  
18 record his or her choices for any candidate or for or against any  
19 measure, and that is to be tabulated manually;

20       (3) "Ballot card" means any type of card or piece of paper of any  
21 size on which a voter may record his or her choices for any candidate  
22 and for or against any measure and that is to be tabulated on a vote  
23 tallying system;

24       (4) "Sample ballot" means a printed facsimile of all the issues and  
25 offices on the ballot in a jurisdiction and is intended to give voters  
26 notice of the issues, offices, and candidates that are to be voted on  
27 at a particular primary, general election, or special election;

28       (5) "Provisional ballot" means a ballot issued to a voter at the  
29 polling place on election day by the precinct election board, for one  
30 of the following reasons:

31       (a) The voter's name does not appear in the poll book;

32       (b) There is an indication in the poll book that the voter has  
33 requested an absentee ballot, but the voter wishes to vote at the  
34 polling place;

35       (c) There is a question on the part of the voter concerning the  
36 issues or candidates on which the voter is qualified to vote;

37       (6) "Party ballot" means a primary election ballot specific to a

1 particular major political party listing all partisan offices to be  
2 voted on at that primary, and the candidates for those offices who  
3 affiliate with that same major political party;

4 (7) "Nonpartisan ballot" means a primary election ballot listing  
5 all nonpartisan races and ballot measures to be voted on at a primary.

6 **Sec. 2.** RCW 29A.04.085 and 2003 c 111 s 115 are each amended to  
7 read as follows:

8 "Major political party" means a political party of which at least  
9 one nominee for president, vice president, United States senator, or a  
10 statewide office received at least five percent of the total vote cast  
11 at the last preceding state general election in an even-numbered year.  
12 A political party qualifying as a major political party under this  
13 section retains such status until the next even-year election at which  
14 a candidate of that party does not achieve at least five percent of the  
15 vote for one of the previously specified offices. If none of these  
16 offices appear on the ballot in an even-year general election, the  
17 major party retains its status as a major party through that election.  
18 However, a political party of which no nominee received at least ten  
19 percent of the total votes cast may forgo its status as a major  
20 political party by filing with the secretary of state an appropriate  
21 party rule within sixty days of attaining major party status under this  
22 section, or within fifteen days of the effective date of this section,  
23 whichever is later.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04 RCW  
25 to read as follows:

26 "Registered party member" means a registered voter who chooses to  
27 affiliate with a major political party as part of his or her voter  
28 registration. Party affiliation as part of voter registration is  
29 limited to major political parties only.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04 RCW  
31 to read as follows:

32 "Unaffiliated voter" means a registered voter who does not qualify  
33 as a registered party member for any major political party.

1           **Sec. 5.** RCW 29A.04.215 and 2003 c 111 s 134 are each amended to  
2 read as follows:

3           The county auditor of each county shall be ex officio the  
4 supervisor of all primaries and elections, general or special, and it  
5 shall be the county auditor's duty to provide places for holding such  
6 primaries and elections; to appoint the precinct election officers and  
7 to provide for their compensation; to provide the supplies and  
8 materials necessary for the conduct of elections to the precinct  
9 election officers; and to publish and post notices of calling such  
10 primaries and elections in the manner provided by law. The notice of  
11 a (~~general election~~) primary held in an even-numbered year must  
12 indicate that the office of precinct committee officer will be on the  
13 party ballot. The auditor shall also apportion to each city, town, or  
14 district, and to the state of Washington in the odd-numbered year, its  
15 share of the expense of such primaries and elections. This section  
16 does not apply to general or special elections for any city, town, or  
17 district that is not subject to RCW 29A.04.320 and 29A.04.330, but all  
18 such elections must be held and conducted at the time, in the manner,  
19 and by the officials (with such notice, requirements for filing for  
20 office, and certifications by local officers) as provided and required  
21 by the laws governing such elections.

22           **Sec. 6.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to  
23 read as follows:

24           Nominating primaries for general elections to be held in November,  
25 and the election of precinct committee officers, must be held on the  
26 third Tuesday of the preceding September or on the seventh Tuesday  
27 immediately preceding such general election, whichever occurs first.

28           **Sec. 7.** RCW 29A.04.320 and 2003 c 111 s 144 are each amended to  
29 read as follows:

30           (1) All state, county, city, town, and district general elections  
31 for the election of federal, state, legislative, judicial, county,  
32 city, town, and district(~~, and~~) precinct officers, and for the  
33 submission to the voters of the state, county, city, town, or district  
34 of any measure for their adoption and approval or rejection, shall be  
35 held on the first Tuesday after the first Monday of November, in the  
36 year in which they may be called. A statewide general election shall

1 be held on the first Tuesday after the first Monday of November of each  
2 year. However, the statewide general election held in odd-numbered  
3 years shall be limited to (a) city, town, and district general  
4 elections as provided for in RCW 29A.04.330, or as otherwise provided  
5 by law; (b) the election of federal officers for the remainder of any  
6 unexpired terms in the membership of either branch of the Congress of  
7 the United States; (c) the election of state and county officers for  
8 the remainder of any unexpired terms of offices created by or whose  
9 duties are described in Article II, section 15, Article III, sections  
10 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the  
11 state Constitution and RCW 2.06.080; (d) the election of county  
12 officers in any county governed by a charter containing provisions  
13 calling for general county elections at this time; and (e) the approval  
14 or rejection of state measures, including proposed constitutional  
15 amendments, matters pertaining to any proposed constitutional  
16 convention, initiative measures and referendum measures proposed by the  
17 electorate, referendum bills, and any other matter provided by the  
18 legislature for submission to the electorate.

19 (2) A county legislative authority may, if it deems an emergency to  
20 exist, call a special county election by presenting a resolution to the  
21 county auditor at least forty-five days prior to the proposed election  
22 date. Except as provided in subsection (4) of this section, a special  
23 election called by the county legislative authority shall be held on  
24 one of the following dates as decided by such governing body:

- 25 (a) The first Tuesday after the first Monday in February;
- 26 (b) The second Tuesday in March;
- 27 (c) The fourth Tuesday in April;
- 28 (d) The third Tuesday in May;
- 29 (e) The day of the primary as specified by RCW 29A.04.310; or
- 30 (f) The first Tuesday after the first Monday in November.

31 (3) In addition to the dates set forth in subsection (2)(a) through  
32 (f) of this section, a special election to validate an excess levy or  
33 bond issue may be called at any time to meet the needs resulting from  
34 fire, flood, earthquake, or other act of God. Such county special  
35 election shall be noticed and conducted in the manner provided by law.

36 (4) In a presidential election year, if a presidential preference  
37 primary is conducted in February, March, April, or May under chapter  
38 29A.56 RCW, the date on which a special election may be called by the

1 county legislative authority under subsection (2) of this section  
2 during the month of that primary is the date of the presidential  
3 primary.

4 (5) This section shall supersede the provisions of any and all  
5 other statutes, whether general or special in nature, having different  
6 dates for such city, town, and district elections, the purpose of this  
7 section being to establish mandatory dates for holding elections except  
8 for those elections held pursuant to a home-rule charter adopted under  
9 Article XI, section 4 of the state Constitution. This section shall  
10 not be construed as fixing the time for holding primary elections, or  
11 elections for the recall of any elective public officer.

12 **Sec. 8.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to  
13 read as follows:

14 (1) On receipt of an application for voter registration under this  
15 chapter, the county auditor shall review the application to determine  
16 whether the information supplied is complete. An application that  
17 contains the applicant's name, complete valid residence address, date  
18 of birth, and signature attesting to the truth of the information  
19 provided on the application is complete. If it is not complete, the  
20 auditor shall promptly mail a verification notice of the deficiency to  
21 the applicant. This verification notice shall require the applicant to  
22 provide the missing information. If the verification notice is not  
23 returned by the applicant or is returned as undeliverable the auditor  
24 shall not place the name of the applicant on the county voter list. If  
25 the applicant provides the required information, the applicant shall be  
26 registered to vote as of the date of mailing of the original voter  
27 registration application. Party affiliation information is not  
28 required for a complete voter registration.

29 (2) If the information is complete, the applicant is considered to  
30 be registered to vote as of the date of mailing. The auditor shall  
31 record the appropriate precinct identification, taxing district  
32 identification, ((and)) date of registration, and party affiliation, if  
33 any, on the voter's record. Within forty-five days after the receipt  
34 of an application but no later than seven days before the next primary,  
35 special election, or general election, the auditor shall send to the  
36 applicant, by first class mail, an acknowledgement notice identifying  
37 the registrant's precinct and containing such other information as may

1 be required by the secretary of state. The postal service shall be  
2 instructed not to forward a voter registration card to any other  
3 address and to return to the auditor any card which is not deliverable.  
4 If the applicant has indicated that he or she is registered to vote in  
5 another county in Washington but has also provided an address within  
6 the auditor's county that is for voter registration purposes, the  
7 auditor shall send, on behalf of the registrant, a registration  
8 cancellation notice to the auditor of that other county and the auditor  
9 receiving the notice shall cancel the registrant's voter registration  
10 in that other county. If the registrant has indicated on the form that  
11 he or she is registered to vote within the county but has provided a  
12 new address within the county that is for voter registration purposes,  
13 the auditor shall transfer the voter's registration.

14 (3) If an acknowledgement notice card is properly mailed as  
15 required by this section to the address listed by the voter as being  
16 the voter's mailing address and the notice is subsequently returned to  
17 the auditor by the postal service as being undeliverable to the voter  
18 at that address, the auditor shall promptly send the voter a  
19 confirmation notice. The auditor shall place the voter's registration  
20 on inactive status pending a response from the voter to the  
21 confirmation notice.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 29A.08 RCW  
23 to read as follows:

24 In addition to the information required by RCW 29A.08.010 for voter  
25 registration, the county auditor shall provide each voter an  
26 opportunity to affiliate with a major political party as part of his or  
27 her voter registration. Under no circumstances may an individual be  
28 required to affiliate with a political party in order to register to  
29 vote. Each voter who chooses to affiliate with a major political party  
30 as part of his or her voter registration is considered a "registered  
31 party member" of that political party. A voter may not affiliate with  
32 more than one major political party at a time, but may change his or  
33 her party affiliation information in a manner consistent with the  
34 procedures for changing a voter registration address, as provided in  
35 RCW 29A.08.140, 29A.08.145, and 29A.08.430.

1       **Sec. 10.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to  
2 read as follows:

3       Each county auditor shall maintain a computer file containing the  
4 records of all registered voters within the county. The auditor may  
5 provide for the establishment and maintenance of such files by private  
6 contract or through interlocal agreement as provided by chapter 39.34  
7 RCW. The computer file must include, but not be limited to, each  
8 voter's last name, first name, middle initial, date of birth, residence  
9 address, gender, party affiliation, if any, date of registration,  
10 applicable taxing district and precinct codes, and the last date on  
11 which the individual voted. The county auditor shall subsequently  
12 record each consecutive date upon which the individual has voted and  
13 retain at least the last five such consecutive dates. If the voter has  
14 not voted at least five times since establishing his or her current  
15 registration record, only the available dates will be included.

16       **Sec. 11.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to  
17 read as follows:

18       The county auditor shall acknowledge each new voter registration or  
19 transfer of address or party affiliation by providing or sending the  
20 voter a card identifying his or her current precinct and containing  
21 such other information as may be prescribed by the secretary of state.  
22 When a person who has previously registered to vote in a jurisdiction  
23 applies for voter registration in a new jurisdiction, the person shall  
24 provide on the registration form, all information needed to cancel any  
25 previous registration. The county auditor shall forward any  
26 information pertaining to the voter's prior voter registration to the  
27 county where the voter was previously registered, so that registration  
28 may be canceled. If the prior voter registration is in another state,  
29 the notification must be made to the state elections office of that  
30 state. A county auditor receiving official information that a voter  
31 has registered to vote in another jurisdiction shall immediately cancel  
32 that voter's registration.

33       **Sec. 12.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to  
34 read as follows:

35       The registration files of all precincts shall be closed against

1 original registration or transfers of address or party affiliation for  
2 thirty days immediately preceding every primary, special election, and  
3 general election to be held in such precincts.

4 The county auditor shall give notice of the closing of the precinct  
5 files for original registration and transfer and notice of the special  
6 registration and voting procedure provided by RCW 29A.08.145 by one  
7 publication in a newspaper of general circulation in the county at  
8 least five days before the closing of the precinct files.

9 No person may vote at any primary, special election, or general  
10 election in a precinct polling place unless he or she has registered to  
11 vote at least thirty days before that primary or election. If a  
12 person, otherwise qualified to vote in the state, county, and precinct  
13 in which he or she applies for registration, does not register at least  
14 thirty days before any primary, special election, or general election,  
15 he or she may register and vote by absentee ballot for that primary or  
16 election under RCW 29A.08.145.

17 **Sec. 13.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to  
18 read as follows:

19 This section establishes a special procedure which an elector may  
20 use to register to vote or change his or her voter registration address  
21 or party affiliation during the period beginning after the closing of  
22 registration for voting at the polls under RCW 29A.08.140 and ending on  
23 the fifteenth day before a primary, special election, or general  
24 election. A qualified elector in the ((~~county~~)) state may register to  
25 vote or change his or her registration address or party affiliation in  
26 person in the office of the county auditor or at a voter registration  
27 location specifically designated for this purpose by the county auditor  
28 of the county in which the applicant resides, and apply for an absentee  
29 ballot for that primary or election. The auditor or registration  
30 assistant shall register that individual in the manner provided in this  
31 chapter. The application for an absentee ballot executed by the newly  
32 registered voter for the primary or election that follows the execution  
33 of the registration shall be promptly transmitted to the auditor with  
34 the completed voter registration form.

35 **Sec. 14.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to  
36 read as follows:

1 An applicant for voter registration shall complete an application  
2 providing the following information concerning his or her  
3 qualifications as a voter in this state:

4 (1) The address of the last former registration of the applicant as  
5 a voter in the state;

6 (2) The applicant's full name;

7 (3) The applicant's date of birth;

8 (4) The address of the applicant's residence for voting purposes;

9 (5) The mailing address of the applicant if that address is not the  
10 same as the address in subsection (4) of this section;

11 (6) The sex of the applicant;

12 (7) A declaration that the applicant is a citizen of the United  
13 States;

14 (8) The applicant's signature; and

15 (9) Any other information that the secretary of state determines is  
16 necessary to establish the identity of the applicant and prevent  
17 duplicate or fraudulent voter registrations.

18 The application must also include a place for the applicant to  
19 indicate affiliation with a major political party. Affiliation with a  
20 major political party is not required for registration, and lack of  
21 party affiliation may not be used as grounds for not registering an  
22 applicant to vote.

23 This information shall be recorded on a single registration form to  
24 be prescribed by the secretary of state.

25 If the applicant fails to provide the information required for  
26 voter registration, the auditor shall send the applicant a verification  
27 notice. The auditor shall not register the applicant until the  
28 required information is provided. If a verification notice is returned  
29 as undeliverable or the applicant fails to respond to the notice within  
30 forty-five days, the auditor shall not register the applicant to vote.

31 The following warning shall appear in a conspicuous place on the  
32 voter registration form:

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

1       The voter registration form must include information on the option  
2 to affiliate with a major political party, and the fact that party  
3 affiliation is not required to register to vote.

4       **Sec. 15.** RCW 29A.08.340 and 2003 c 111 s 225 are each amended to  
5 read as follows:

6       (1) A person may register to vote(~~(, transfer a voter~~  
7 ~~registration,~~) or change his or her voter registration name (~~for~~  
8 ~~voter registration purposes~~), address, or party affiliation when he or  
9 she applies for or renews a driver's license or identification card  
10 under chapter 46.20 RCW.

11       (2) To register to vote(~~(, transfer his or her voter~~  
12 ~~registration,~~) or change his or her voter registration name (~~for~~  
13 ~~voter registration purposes~~), address, or party affiliation under this  
14 section, the applicant shall provide the information required by RCW  
15 29A.08.210.

16       (3) The driver licensing agent shall record that the applicant has  
17 requested to register to vote or (~~(transfer a))~~ change voter  
18 (~~(registration))~~ information.

19       **Sec. 16.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to  
20 read as follows:

21       (1) The secretary of state shall provide for the voter registration  
22 forms submitted under RCW 29A.08.340 to be collected from each driver's  
23 licensing facility within five days of their completion.

24       (2) The department of licensing shall produce and transmit to the  
25 secretary of state a machine-readable file containing the following  
26 information from the records of each individual who requested a voter  
27 registration or transfer at a driver's license facility during each  
28 period for which forms are transmitted under subsection (1) of this  
29 section: The name, address, date of birth, gender, and driver's  
30 license number of the applicant, the (~~(driver's license number))~~  
31 applicant's party affiliation, if any, the date on which the  
32 application for voter registration or transfer was submitted, and the  
33 location of the office at which the application was submitted.

34       (3) The voter registration forms from the driver's licensing  
35 facilities must be forwarded to the county in which the applicant has

1 registered to vote no later than ten days after the date on which the  
2 forms were to be collected.

3 (4) For a voter registration application where the address for  
4 voting purposes is different from the address in the machine-readable  
5 file received from the department of licensing, the secretary of state  
6 shall amend the record of that application in the machine-readable file  
7 to reflect the county in which the applicant has registered to vote.

8 (5) The secretary of state shall sort the records in the machine-  
9 readable file according to the county in which the applicant registered  
10 to vote and produce a file of voter registration transactions for each  
11 county. The records of each county may be transmitted on or through  
12 whatever medium the county auditor determines will best facilitate the  
13 incorporation of these records into the existing voter registration  
14 files of that county.

15 (6) The secretary of state shall produce a list of voter  
16 registration transactions for each county and transmit a copy of this  
17 list to that county with each file of voter registration transactions  
18 no later than ten days after the date on which that information was to  
19 be transmitted under subsection (1) of this section.

20 (7) If a registrant has indicated on the voter registration  
21 application form that he or she is registered to vote in another county  
22 in Washington but has also provided an address within the auditor's  
23 county that is for voter registration purposes, the auditor shall send,  
24 on behalf of the registrant, a registration cancellation notice to the  
25 auditor of that other county and the auditor receiving the notice shall  
26 cancel the registrant's voter registration in that other county. If  
27 the registrant has indicated on the form that he or she is registered  
28 to vote within the county but has provided a new address within the  
29 county that is for voter registration purposes, the auditor shall  
30 transfer the voter's registration.

31 **Sec. 17.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to  
32 read as follows:

33 (1) The department of licensing shall provide information on all  
34 persons changing their address on change of address forms submitted to  
35 the department unless the voter has indicated that the address change  
36 is not for voting purposes. This information will be transmitted to  
37 the secretary of state each week in a machine-readable file containing

1 the following information on persons changing their address: The name,  
2 address, date of birth, gender, and driver's license number of the  
3 applicant, the applicant's (~~driver's license number~~) party  
4 affiliation, if any, the applicant's former address, the county code  
5 for the applicant's former address, and the date that the request for  
6 address change was received.

7 (2) The secretary of state shall forward this information to the  
8 appropriate county each week. When the information indicates that the  
9 voter has moved within the county, the county auditor shall use the  
10 change of address information to transfer the voter's registration and  
11 send the voter an acknowledgement notice of the transfer. If the  
12 information indicates that the new address is outside the voter's  
13 original county, the county auditor shall send the voter a registration  
14 by mail form at the voter's new address and advise the voter of the  
15 need to reregister in the new county. The auditor shall then place the  
16 voter on inactive status.

17 **Sec. 18.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to  
18 read as follows:

19 (~~To maintain a valid voter registration,~~) A registered voter who  
20 changes his or her party affiliation, or residence from one address to  
21 another within the same county, shall transfer his or her registration  
22 (~~to the new address~~) information in one of the following ways: (1)  
23 Sending to the county auditor a signed request stating the voter's  
24 present and previous party affiliation or registration address (~~and~~  
25 ~~the address from which the voter was last registered~~); (2) appearing  
26 in person before the auditor and signing such a request; (3)  
27 transferring the registration information in the manner provided by RCW  
28 29A.08.430; or (4) telephoning the county auditor to transfer the  
29 registration information. The telephone call transferring a  
30 registration by telephone must be received by the auditor before the  
31 precinct registration files are closed to new registrations for the  
32 next primary or special or general election in which the voter  
33 participates.

34 **Sec. 19.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to  
35 read as follows:

36 (1) A person who is registered to vote in this state may transfer

1 his or her voter registration information on the day of a special,  
2 primary, or general election (~~(or primary)~~) under the following  
3 procedures:

4 (a) The voter may complete, at the polling place, a registration  
5 transfer form designed by the secretary of state and supplied by the  
6 county auditor; or

7 (b) The voter may write in his or her new residential address or  
8 party affiliation in the precinct list of registered voters.

9 The county auditor shall determine which of these two procedures  
10 are to be used in the county or may determine that both procedures are  
11 to be available to voters for use in the county.

12 (2) A voter who transfers his or her registration in the manner  
13 authorized by this section shall vote in the precinct and according to  
14 the party affiliation in which he or she was previously registered.

15 (3) The auditor shall, within ninety days, mail to each voter who  
16 has transferred a registration under this section a notice of his or  
17 her current precinct (~~(and)~~), polling place, and party affiliation.

18 **Sec. 20.** RCW 29A.08.645 and 2003 c 111 s 244 are each amended to  
19 read as follows:

20 The secretary of state shall create a standard electronic file  
21 format (state transfer form) to be used for the transfer of voter  
22 registration information between county auditors and the office of the  
23 secretary of state. The format must be prescribed by rule and contain  
24 at least the following information: Voter name, address, date of  
25 birth, party affiliation, if any, date of registration, mailing  
26 address, legislative and congressional district, and digitized  
27 signature image. Each county shall program its voter registration  
28 system to convert this data from the county's storage format into the  
29 state transfer format.

30 **Sec. 21.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to  
31 read as follows:

32 (1) The county auditor shall have custody of the voter registration  
33 records for each county. The original voter registration form must be  
34 filed without regard to precinct and is considered confidential and  
35 unavailable for public inspection and copying. An automated file of  
36 all registered voters must be maintained pursuant to RCW 29A.08.125.

1 An auditor may maintain the automated file in lieu of filing or  
2 maintaining the original voter registration forms if the automated file  
3 includes all of the information from the original voter registration  
4 forms including, but not limited to, a retrievable facsimile of each  
5 voter's signature.

6 (2) The following information contained in voter registration  
7 records or files regarding a voter or a group of voters is available  
8 for public inspection and copying: The voter's name, gender, voting  
9 record, party affiliation, if any, date of registration, and  
10 registration number. The address and political jurisdiction of a  
11 registered voter are available for public inspection and copying except  
12 as provided by chapter 40.24 RCW. No other information from voter  
13 registration records or files is available for public inspection or  
14 copying.

15 **Sec. 22.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to  
16 read as follows:

17 The secretary of state shall not approve a vote tallying system  
18 unless it:

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

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

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

27 (4) ~~((Accommodates rotation of candidates' names on the ballot  
28 under RCW 29A.36.140;~~

29 ~~+5))~~ Produces precinct and cumulative totals in printed form; and

30 ~~((+6))~~ (5) Except for functions or capabilities unique to this  
31 state, has been tested, certified, and used in at least one other state  
32 or election jurisdiction.

33 **Sec. 23.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to  
34 read as follows:

35 (1) A person filing a declaration of candidacy for an office shall,

1 at the time of filing, be a registered voter and possess the  
2 qualifications specified by law for persons who may be elected to the  
3 office.

4 (2) Excluding the office of precinct committee officer or a  
5 temporary elected position such as a charter review board member or  
6 freeholder, no person may file for more than one office.

7 (3) The name of a candidate for an office shall not appear on a  
8 ballot for that office unless, except as provided in RCW 3.46.067 and  
9 3.50.057, the candidate is, at the time the candidate's declaration of  
10 candidacy is filed, properly registered to vote in the geographic area  
11 represented by the office. For the purposes of this section, each  
12 geographic area in which registered voters may cast ballots for an  
13 office is represented by that office. If a person elected to an office  
14 must be nominated from a district or similar division of the geographic  
15 area represented by the office, the name of a candidate for the office  
16 shall not appear on a primary ballot for that office unless the  
17 candidate is, at the time the candidate's declaration of candidacy is  
18 filed, properly registered to vote in that district or division. The  
19 officer with whom declarations of candidacy must be filed under this  
20 title shall review each such declaration filed regarding compliance  
21 with this subsection. This subsection does not apply to the office of  
22 a member of the United States Congress.

23 (4) (~~This section does not apply to the office of a member of the~~  
24 ~~United States Congress~~) If a person filing a declaration of candidacy  
25 for a partisan office designates on his or her declaration an  
26 affiliation with a major political party, he or she must, at the time  
27 of filing, be a registered party member of that major political party.  
28 If a person filing a declaration of candidacy for a partisan office  
29 designates on his or her declaration an affiliation with a minor  
30 political party or indicates that he or she is an independent  
31 candidate, he or she may not, at the time of filing, be a registered  
32 party member of any major political party.

33 **Sec. 24.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to  
34 read as follows:

35 (1) Any nomination of a candidate for partisan public office by  
36 other than a major political party may be made only: (a) In a  
37 convention held not earlier than the last Saturday in June and not

1 later than the first Saturday in July or during any of the seven days  
2 immediately preceding the first day for filing declarations of  
3 candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided  
4 by RCW 29A.60.020; or (c) as otherwise provided in this section. Minor  
5 political party and independent candidates may appear only on the  
6 general election ballot.

7 (2) Nominations of candidates for president and vice president of  
8 the United States other than by a major political party may be made  
9 either at a convention conducted under subsection (1) of this section,  
10 or at a similar convention taking place not earlier than the first  
11 Sunday in July and not later than seventy days before the general  
12 election. Conventions held during this time period may not nominate  
13 candidates for any public office other than president and vice  
14 president of the United States, except as provided in subsection (3) of  
15 this section.

16 (3) If a special filing period for a partisan office is opened  
17 under RCW 29A.24.210, candidates of minor political parties and  
18 independent candidates may file for office during that special filing  
19 period. The names of those candidates may not appear on the ballot  
20 unless they are nominated by convention held no later than five days  
21 after the close of the special filing period and a certificate of  
22 nomination is filed with the filing officer no later than three days  
23 after the convention. The requirements of RCW 29A.20.130 do not apply  
24 to such a convention. (~~If primary ballots or a voters' pamphlet are  
25 ordered to be printed before the deadline for submitting the  
26 certificate of nomination and the certificate has not been filed, then  
27 the candidate's name will be included but may not appear on the general  
28 election ballot unless the certificate is timely filed and the  
29 candidate otherwise qualifies to appear on that ballot.~~)

30 (4) A minor political party may hold more than one convention but  
31 in no case shall any such party nominate more than one candidate for  
32 any one partisan public office or position. For the purpose of  
33 nominating candidates for the offices of president and vice president,  
34 United States senator, United States representative, or a statewide  
35 office, a minor party or independent candidate holding multiple  
36 conventions may add together the number of signatures of different  
37 individuals from each convention obtained in support of the candidate  
38 or candidates in order to obtain the number required by RCW 29A.20.140.

1 For all other offices for which nominations are made, signatures of the  
2 requisite number of registered voters must be obtained at a single  
3 convention.

4 **Sec. 25.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to  
5 read as follows:

6 (1) To be valid, a convention must be attended by at least  
7 (~~twenty-five~~) one hundred registered voters, none of whom may be  
8 registered party members of a major political party.

9 (2) In order to nominate candidates for the offices of president  
10 and vice president of the United States, United States senator, United  
11 States representative, or any statewide office, a nominating convention  
12 shall obtain and submit to the filing officer the signatures of at  
13 least (~~two hundred~~) one thousand registered voters of the state of  
14 Washington, none of whom may be registered party members of a major  
15 political party. In order to nominate candidates for any other office,  
16 a nominating convention shall obtain and submit to the filing officer  
17 the signatures of (~~twenty-five~~) one hundred persons who are  
18 registered to vote in the jurisdiction of the office for which the  
19 nominations are made, none of whom may be registered party members of  
20 a major political party.

21 **Sec. 26.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to  
22 read as follows:

23 A nominating petition submitted under this chapter shall clearly  
24 identify the name of the minor party or independent candidate  
25 convention as it appears on the certificate of nomination as required  
26 by RCW 29A.20.160(3). The petition shall also contain a statement that  
27 the person signing the petition is a registered voter of the state of  
28 Washington and shall have a space for the voter to sign his or her name  
29 and to print his or her name and address. No person may sign more than  
30 one nominating petition under this chapter for an office for (~~a~~  
31 ~~primary or~~) an election.

32 **Sec. 27.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to  
33 read as follows:

34 A certificate evidencing nominations made at a convention must:  
35 (1) Be in writing;

1 (2) Contain the name of each person nominated, his or her  
2 residence, a statement that he or she is not a registered party member  
3 of a major political party, and the office for which he or she is  
4 named, and if the nomination is for the offices of president and vice  
5 president of the United States, a sworn statement from both nominees  
6 giving their consent to the nomination;

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

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

10 (5) Be accompanied by a nominating petition or petitions bearing  
11 the signatures and addresses of registered voters equal in number to  
12 that required by RCW 29A.20.140;

13 (6) Contain proof of publication of the notice of calling the  
14 convention; and

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

24 **Sec. 28.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to  
25 read as follows:

26 Not later than the Friday immediately preceding the first day for  
27 candidates to file, the secretary of state shall notify the county  
28 auditors of the names and designations of all minor party and  
29 independent candidates who have filed valid convention certificates and  
30 nominating petitions with that office. Except for the offices of  
31 president and vice president, persons nominated under this chapter  
32 shall file declarations of candidacy as provided by RCW 29A.24.030 and  
33 29A.24.070. The name of a candidate nominated at a convention shall  
34 not be printed upon the (~~primary~~) general election ballot unless he  
35 or she pays the fee required by law to be paid by candidates for the  
36 same office to be nominated at a primary.

1       **Sec. 29.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to  
2 read as follows:

3       A candidate who desires to have his or her name printed on the  
4 ballot for election to an office other than president of the United  
5 States, vice president of the United States, or an office for which  
6 ownership of property is a prerequisite to voting shall complete and  
7 file a declaration of candidacy. The secretary of state shall adopt,  
8 by rule, a declaration of candidacy form for the office of precinct  
9 committee officer and a separate standard form for candidates for all  
10 other offices filing under this chapter. Included on the standard form  
11 shall be:

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

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

17       (3) A place for the candidate to indicate a party designation, if  
18 applicable, and confirm that he or she is a registered party member if  
19 the designation is a major political party;

20       (4) A place for the candidate to indicate the amount of the filing  
21 fee accompanying the declaration of candidacy or for the candidate to  
22 indicate that he or she is filing a nominating petition in lieu of the  
23 filing fee under RCW 29A.24.090;

24       (5) A place for the candidate to sign the declaration of candidacy,  
25 stating that the information provided on the form is true and swearing  
26 or affirming that he or she will support the Constitution and laws of  
27 the United States and the Constitution and laws of the state of  
28 Washington.

29       In the case of a declaration of candidacy filed electronically,  
30 submission of the form constitutes agreement that the information  
31 provided with the filing is true, that he or she will support the  
32 Constitutions and laws of the United States and the state of  
33 Washington, and that he or she agrees to electronic payment of the  
34 filing fee established in RCW 29A.24.090.

35       The secretary of state may require any other information on the  
36 form he or she deems appropriate to facilitate the filing process.

1           **Sec. 30.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to  
2 read as follows:

3           (1) The nominating petition authorized by RCW 29A.24.090 ((shall))  
4 must be printed on sheets of uniform color and size, ((shall)) include  
5 a place for each individual to sign and print his or her name and the  
6 address, city, and county at which he or she is registered to vote, and  
7 contain no more than twenty numbered lines((, and)).

8           (2) For candidates for nonpartisan office and candidates of a major  
9 political party for partisan office, the nominating petition must be in  
10 substantially the following form:

11           The warning prescribed by RCW 29A.72.140; followed by:

12           We, the undersigned registered voters of     (the state of  
13 Washington or the political subdivision for which the nomination is  
14 made)    , hereby petition that the name of     (candidate's name)     be  
15 printed on the official primary ballot for the office of     (insert  
16 name of office)    .

17           ~~((The petition must include a place for each individual to sign and~~  
18 ~~print his or her name, and the address, city, and county at which he or~~  
19 ~~she is registered to vote.))~~

20           (3) For independent candidates and candidates of a minor political  
21 party for partisan office, the nominating petition must be in  
22 substantially the following form:

23           The warning prescribed by RCW 29A.72.140; followed by:

24           We, the undersigned registered voters of . . . (the state of  
25 Washington or the political subdivision for which the nomination is  
26 made) . . . , hereby petition that the name of . . . (candidate's name)  
27 . . . be printed on the official general election ballot for the office  
28 of . . . (insert name of office) . . . .

29           **Sec. 31.** RCW 29A.24.130 and 2003 c 111 s 613 are each amended to  
30 read as follows:

31           A candidate may withdraw his or her declaration of candidacy at any  
32 time before the close of business on the Thursday following the last  
33 day for candidates to file under RCW 29A.24.050 by filing, with the  
34 officer with whom the declaration of candidacy was filed, a signed  
35 request that his or her name not be printed on the ballot. There shall

1 be no withdrawal period for declarations of candidacy filed during  
2 special filing periods held under this title. The filing officer may  
3 permit the withdrawal of a filing for the office of precinct committee  
4 officer at the request of the candidate at any time if no absentee  
5 ballots have been issued for that office and the ((general election))  
6 party ballots for that precinct have not been printed. The filing  
7 officer may permit the withdrawal of a filing for any elected office of  
8 a city, town, or special district at the request of the candidate at  
9 any time before a primary if the primary ballots for that city, town,  
10 or special district have not been ordered. No filing fee may be  
11 refunded to any candidate who withdraws under this section. Notice of  
12 the deadline for withdrawal of candidacy and that the filing fee is not  
13 refundable shall be given to each candidate at the time he or she  
14 files.

15 **Sec. 32.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to  
16 read as follows:

17 Filings for a partisan elective office shall be opened for a period  
18 of three normal business days whenever, on or after the first day of  
19 the regular filing period and before the sixth Tuesday prior to a  
20 primary, a vacancy occurs in that office, leaving an unexpired term to  
21 be filled by an election for which filings have not been held.

22 Any such special three-day filing period shall be fixed by the  
23 election officer with whom declarations of candidacy for that office  
24 are filed. The election officer shall give notice of the special  
25 three-day filing period by notifying the press, radio, and television  
26 in the county or counties involved, and by such other means as may be  
27 required by law.

28 Candidacies validly filed within the special three-day filing  
29 period shall appear on the ((primary)) ballot as if filed during the  
30 regular filing period.

31 **Sec. 33.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to  
32 read as follows:

33 Any person who desires to be a write-in candidate and have such  
34 votes counted at a primary or election may file a declaration of  
35 candidacy with the officer designated in RCW 29A.24.070 not later than  
36 the day before the primary or election. Declarations of candidacy for

1 write-in candidates must be accompanied by a filing fee in the same  
2 manner as required of other candidates filing for the office as  
3 provided in RCW 29A.24.090.

4 Votes cast for write-in candidates who have filed such declarations  
5 of candidacy and write-in votes for persons appointed by major  
6 political parties pursuant to RCW 29A.28.020 need only specify the name  
7 of the candidate in the appropriate location on the ballot in order to  
8 be counted. Write-in votes cast for any other candidate, in order to  
9 be counted, must designate the office sought and position number or  
10 political party, if the manner in which the write-in is done does not  
11 make the office or position clear. In order for write-in votes to be  
12 valid in jurisdictions employing optical-scan mark sense ballot systems  
13 the voter must complete the proper mark next to the write-in line for  
14 that office.

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

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

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

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

27 The declaration of candidacy shall be similar to that required by  
28 RCW 29A.24.030. No write-in candidate filing under this section may be  
29 included in any voter's pamphlet produced under chapter 29A.32 RCW  
30 unless that candidate qualifies to have his or her name printed on the  
31 general election ballot. The legislative authority of any jurisdiction  
32 producing a local voter's pamphlet under chapter 29A.32 RCW may  
33 provide, by ordinance, for the inclusion of write-in candidates in such  
34 pamphlets.

35 **Sec. 34.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to  
36 read as follows:

37 (1) Whenever a vacancy occurs in the United States house of

1 representatives or the United States senate from this state, the  
2 governor shall order a special election to fill the vacancy. Minor  
3 political party candidates and independent candidates may be nominated  
4 through the convention procedures provided in RCW 29A.20.110 through  
5 29A.20.200.

6 (2) Within ten days of such vacancy occurring, he or she shall  
7 issue a writ of election fixing a date for the special vacancy election  
8 not less than ninety days after the issuance of the writ, fixing a date  
9 for the primary for nominating major political party candidates for the  
10 special vacancy election not less than thirty days before the day fixed  
11 for holding the special vacancy election, fixing the dates for the  
12 special filing period, and designating the term or part of the term for  
13 which the vacancy exists. If the vacancy is in the office of United  
14 States representative, the writ of election shall specify the  
15 congressional district that is vacant.

16 (3) If the vacancy occurs less than six months before a state  
17 general election and before the second Friday following the close of  
18 the filing period for that general election, the special primary and  
19 special vacancy elections shall be held in concert with the state  
20 primary and state general election in that year.

21 (4) If the vacancy occurs on or after the first day for filing  
22 under RCW 29A.24.050 and on or before the second Friday following the  
23 close of the filing period, a special filing period of three normal  
24 business days shall be fixed by the governor and notice thereof given  
25 to all media, including press, radio, and television within the area in  
26 which the vacancy election is to be held, to the end that, insofar as  
27 possible, all interested persons will be aware of such filing period.  
28 The last day of the filing period shall not be later than the third  
29 Tuesday before the primary at which major political party candidates  
30 are to be nominated. The names of major political party candidates who  
31 have filed valid declarations of candidacy during this three-day period  
32 shall appear on the approaching primary ballot. The requirements of  
33 RCW 29A.20.130 do not apply to a minor political party or independent  
34 candidate convention held under this subsection.

35 (5) If the vacancy occurs later than the second Friday following  
36 the close of the filing period, a special primary ~~((and))~~ special  
37 vacancy election, and the minor party and independent candidate

1 conventions to fill the position shall be held after the next state  
2 general election but, in any event, no later than the ninetieth day  
3 following the November election.

4 **Sec. 35.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to  
5 read as follows:

6 The general election laws and laws relating to partisan primaries  
7 shall apply to the special primaries and vacancy elections provided for  
8 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not  
9 inconsistent with the provisions of these sections. Minor political  
10 party and independent candidates may appear only on the general  
11 election ballot. Statutory time deadlines relating to availability of  
12 absentee ballots, certification, canvassing, and related procedures  
13 that cannot be met in a timely fashion may be modified for the purposes  
14 of a specific primary or vacancy election under this chapter by the  
15 secretary of state through emergency rules adopted under RCW  
16 29A.04.610.

17 **Sec. 36.** RCW 29A.28.070 and 2003 c 111 s 707 are each amended to  
18 read as follows:

19 If a vacancy occurs in the office of precinct committee officer by  
20 reason of death, resignation, or disqualification of the incumbent, or  
21 because of failure to elect, the respective county chair of the county  
22 central committee shall fill the vacancy by appointment. (~~However, in~~  
23 ~~a legislative district having a majority of its precincts in a county~~  
24 ~~with a population of one million or more, the appointment may be made~~  
25 ~~only upon the recommendation of the legislative district chair.)) The  
26 person so appointed must have the same qualifications as candidates  
27 when filing for election to the office for that precinct. When a  
28 vacancy in the office of precinct committee officer exists because of  
29 failure to elect at a (~~state general~~) primary election, the vacancy  
30 may not be filled until after the organization meeting of the county  
31 central committee and the new county chair has been selected as  
32 provided by RCW 29A.80.030.~~

33 **Sec. 37.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to  
34 read as follows:

35 The voters' pamphlet must contain:

1 (1) Information about each ballot measure initiated by or referred  
2 to the voters for their approval or rejection as required by RCW  
3 29A.32.070;

4 (2) In even-numbered years, statements, if submitted, advocating  
5 the candidacies of nominees for the office of president and vice  
6 president of the United States, United States senator, United States  
7 representative, governor, lieutenant governor, secretary of state,  
8 state treasurer, state auditor, attorney general, commissioner of  
9 public lands, superintendent of public instruction, insurance  
10 commissioner, state senator, state representative, justice of the  
11 supreme court, judge of the court of appeals, or judge of the superior  
12 court. Candidates may also submit a campaign mailing address and  
13 telephone number and a photograph not more than five years old and of  
14 a size and quality that the secretary of state determines to be  
15 suitable for reproduction in the voters' pamphlet;

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

20 (4) In even-numbered years, a section explaining how voters may  
21 participate in the election campaign process; the address and telephone  
22 number of the public disclosure commission established under RCW  
23 42.17.350; and a summary of the disclosure requirements that apply when  
24 contributions are made to candidates and political committees;

25 (5) In even-numbered years the name, address, and telephone number  
26 of each political party with nominees listed in the pamphlet, if filed  
27 with the secretary of state by the state committee of a major political  
28 party or the presiding officer of the convention of a minor political  
29 party;

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

1           (7) (~~In even numbered years, a description of the office of~~  
2 ~~precinct committee officer and its duties~~) A section explaining how to  
3 register to vote, the option of affiliating with a major political  
4 party, and the fact that party affiliation is not required in order to  
5 register to vote;

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

7           (9) A brief statement explaining the deletion and addition of  
8 language for proposed measures under RCW 29A.32.080;

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

12           NEW SECTION. Sec. 38. A new section is added to chapter 29A.32  
13 RCW to read as follows:

14           If the secretary of state prints and distributes a voters' pamphlet  
15 for a primary in an even-numbered year, it must contain:

16           (1) A description of the office of precinct committee officer and  
17 its duties;

18           (2) An explanation of whether each major political party is  
19 allowing unaffiliated voters to participate in that party's partisan  
20 primary; and

21           (3) An explanation that minor political party candidates and  
22 independent candidates will appear only on the general election ballot.

23           **Sec. 39.** RCW 29A.32.240 and 2003 c 111 s 816 are each amended to  
24 read as follows:

25           The local voters' pamphlet shall include but not be limited to the  
26 following:

27           (1) Appearing on the cover, the words "official local voters'  
28 pamphlet," the name of the jurisdiction producing the pamphlet, and the  
29 date of the election or primary;

30           (2) A list of jurisdictions that have measures or candidates in the  
31 pamphlet;

32           (3) Information on how a person may register to vote, the option of  
33 affiliating with a major political party, the fact that party  
34 affiliation is not required in order to register to vote, and how to  
35 obtain an absentee ballot;

1 (4) The text of each measure accompanied by an explanatory  
2 statement prepared by the prosecuting attorney for any county measure  
3 or by the attorney for the jurisdiction submitting the measure if other  
4 than a county measure. All explanatory statements for city, town, or  
5 district measures not approved by the attorney for the jurisdiction  
6 submitting the measure shall be reviewed and approved by the county  
7 prosecuting attorney or city attorney, when applicable, before  
8 inclusion in the pamphlet;

9 (5) The arguments for and against each measure submitted by  
10 committees selected pursuant to RCW 29A.32.280;

11 (6) For partisan primary elections, an explanation of whether each  
12 major political party is allowing unaffiliated voters to participate in  
13 that party's partisan primary, and an explanation that minor political  
14 party candidates and independent candidates will appear only on the  
15 general election ballot.

16 **Sec. 40.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to  
17 read as follows:

18 On or before the day following the last day for political parties  
19 to fill vacancies in the ticket as provided by RCW 29A.28.010, the  
20 secretary of state shall certify to each county auditor a list of the  
21 candidates who have filed declarations of candidacy in his or her  
22 office for the primary. For each office, the certificate shall include  
23 the name of each candidate, his or her address, and his or her party  
24 designation, if any. Minor political party and independent candidates  
25 may appear only on the general election ballot.

26 **Sec. 41.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to  
27 read as follows:

28 Except for the candidates for the positions of president and vice  
29 president ((~~or~~)), for a partisan or nonpartisan office for which no  
30 primary is required, or for independent or minor party candidates, the  
31 names of all candidates who, under this title, filed a declaration of  
32 candidacy((~~or~~)) or were certified as a candidate to fill a vacancy on a  
33 major party ticket((~~or were nominated as an independent or minor~~  
34 ~~party candidate~~)) will appear on the appropriate ballot at the primary  
35 throughout the jurisdiction in which they are to be nominated.



1 ~~governor; secretary of state; state treasurer; state auditor; attorney~~  
2 ~~general; commissioner of public lands;)~~ Superintendent of public  
3 instruction; (~~insurance commissioner; state senator; state~~  
4 ~~representative; county officers;)~~ justices of the supreme court;  
5 judges of the court of appeals; judges of the superior court; and  
6 judges of the district court. For all other jurisdictions on the  
7 primary ballot, the offices in each jurisdiction shall be grouped  
8 together and be in the order of the position numbers assigned to those  
9 offices, if any.

10 (b) The positions or offices on a primary party ballot must be  
11 arranged in substantially the following order: United States senator;  
12 United States representative; governor; lieutenant governor; secretary  
13 of state; state treasurer; state auditor; attorney general;  
14 commissioner of public lands; insurance commissioner; state senator;  
15 state representative; and county officers. For all other jurisdictions  
16 on the party primary ballot, the offices in each jurisdiction must be  
17 grouped together and be in the order of the position numbers assigned  
18 to those offices, if any.

19 (2) The order of the positions or offices on ~~((an))~~ a general  
20 election ballot ~~((shall be substantially the same as on a primary~~  
21 ~~ballot except that))~~ must be arranged in substantially the following  
22 order: United States senator; United States representative; governor;  
23 lieutenant governor; secretary of state; state treasurer; state  
24 auditor; attorney general; commissioner of public lands; superintendent  
25 of public instruction; insurance commissioner; state senator; state  
26 representative; county officers; justices of the supreme court; judges  
27 of the court of appeals; judges of the superior court; and judges of  
28 the district court. For all other jurisdictions on the general  
29 election ballot, the offices in each jurisdiction must be grouped  
30 together and be in the order of the position numbers assigned to those  
31 offices, if any. State ballot issues must be placed before all offices  
32 on a general election ballot, and the offices of president and vice  
33 president of the United States shall precede all other offices on a  
34 presidential election ballot. ~~((State ballot issues shall be placed~~  
35 ~~before all offices on an election ballot.))~~ The positions on a ballot  
36 to be assigned to ballot measures regarding local units of government  
37 shall be established by the secretary of state by rule.

1 (3) The political party or independent candidacy of each candidate  
2 for partisan office shall be indicated next to the name of the  
3 candidate on ~~((the))~~ party primary and general election ballots. A  
4 candidate shall file a written notice with the filing officer within  
5 three business days after the close of the filing period designating  
6 the political party to be indicated next to the candidate's name on the  
7 ballot if either: (a) The candidate has been nominated by two or more  
8 minor political parties or independent conventions; or (b) the  
9 candidate has both filed a declaration of candidacy declaring an  
10 affiliation with a major political party and been nominated by a minor  
11 political party or independent convention. If no written notice is  
12 filed the filing officer shall give effect to the party designation  
13 shown upon the first document filed. A candidate may be deemed  
14 nominated by a minor party or independent convention only if all  
15 documentation required by chapter 29A.20 RCW has been timely filed.

16 **Sec. 45.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to  
17 read 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 sample and absentee))~~ the  
22 applicable ballots. ~~((In the case of candidates for city, town, and~~  
23 ~~district office, this procedure shall also determine the order for~~  
24 ~~candidate names on the official primary ballot used at the polling~~  
25 ~~place.))~~ The determination shall be done publicly and may be witnessed  
26 by the media and by any candidate. If no primary is required for any  
27 nonpartisan office under RCW 29A.52.010 or 29A.52.220, or if any  
28 independent or minor party candidate files a declaration of candidacy,  
29 the names shall appear on the general election ballot in the order  
30 determined by lot.

31 **Sec. 46.** RCW 29A.36.150 and 2003 c 111 s 915 are each amended to  
32 read as follows:

33 Except in each county with a population of one million or more, on  
34 or before the fifteenth day before a primary or election, the county  
35 auditor shall prepare a sample ballot which shall be made readily  
36 available to members of the public. For a partisan primary, the county

1 auditor shall prepare sample party ballots and a sample nonpartisan  
2 ballot. The secretary of state shall adopt rules governing the  
3 preparation of sample ballots in counties with a population of one  
4 million or more. The rules shall permit, among other alternatives, the  
5 preparation of more than one sample ballot by a county with a  
6 population of one million or more for a primary or election, each of  
7 which lists a portion of the offices and issues to be voted on in that  
8 county. The position of precinct committee officer shall be shown on  
9 the sample ballot for the (~~general election~~) primary, but the names  
10 of candidates for the individual positions need not be shown.

11 **Sec. 47.** RCW 29A.36.160 and 2003 c 111 s 916 are each amended to  
12 read as follows:

13 (1) On the top of each ballot (~~there will~~) must be printed clear  
14 and concise instructions directing the voter(~~s~~) how to mark the  
15 ballot, including write-in votes. (~~After the instructions and before~~  
16 ~~the offices,~~) Instructions on each nonpartisan ballot must explain  
17 that every registered voter eligible to vote in the precinct,  
18 regardless of party affiliation, may vote a nonpartisan ballot.

19 (2) The questions of adopting constitutional amendments or any  
20 other state measure authorized by law to be submitted to the voters at  
21 that election (~~will be placed~~) must appear after the instructions and  
22 before any offices.

23 (3) In a year that president and vice president appear on the  
24 general election ballot, the names of the candidates for president and  
25 vice president for each political party must be grouped together with  
26 a single response position for a voter to indicate his or her choice.

27 (~~+2~~) (4) On a general election ballot, the candidate or  
28 candidates of the major political party that received the highest  
29 number of votes from the electors of this state for the office of  
30 president of the United States at the last presidential election  
31 (~~will~~) must appear first following the appropriate office  
32 heading(~~r~~). The candidate or candidates of the other major political  
33 parties will follow according to the votes cast for their nominees for  
34 president at the last presidential election, and independent candidates  
35 and the candidate or candidates of all other parties will follow in the  
36 order of their qualification with the secretary of state.

1       ~~((3) The names of candidates for president and vice president for~~  
2 ~~each political party must be grouped together with a single response~~  
3 ~~position for a voter to indicate his or her choice.~~

4       ~~(4))~~ (5) All paper ballots and ballot cards used at a polling  
5 place must be sequentially numbered in such a way to permit removal of  
6 such numbers without leaving any identifying marks on the ballot.

7       **Sec. 48.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to  
8 read as follows:

9       The name of a candidate for a partisan office for which a primary  
10 was conducted shall not be printed on the ballot for that office at the  
11 subsequent general election unless, at the preceding primary, the  
12 candidate receives a number of votes equal to at least one percent of  
13 the total number of votes cast for all candidates for that ~~((position~~  
14 ~~sought))~~ office and a plurality of the votes cast for the candidates of  
15 his or her party for that office ~~((at the preceding primary))~~.

16       **Sec. 49.** RCW 29A.40.060 and 2003 c 111 s 1006 are each amended to  
17 read as follows:

18       (1) The county auditor shall issue an absentee ballot for the  
19 primary or election for which it was requested, or for the next  
20 occurring primary or election when ongoing absentee status has been  
21 requested if the information contained in a request for an absentee  
22 ballot or ongoing absentee status received by the county auditor is  
23 complete and correct and the applicant is qualified to vote under  
24 federal or state law. Otherwise, the county auditor shall notify the  
25 applicant of the reason or reasons why the request cannot be accepted.  
26 Whenever two or more candidates have filed for the position of precinct  
27 committee officer for the same party in the same precinct ~~((at a~~  
28 ~~general election held in an even-numbered year))~~, the contest for that  
29 position must be presented to absentee voters from that precinct by  
30 either including the contest on the regular absentee ballot or a  
31 separate absentee ballot. The ballot must provide space designated for  
32 writing in the name of additional candidates.

33       (2) A registered voter may obtain a replacement ballot if the  
34 ballot is destroyed, spoiled, lost, or not received by the voter. The  
35 voter may obtain the ballot by telephone request, by mail,

1 electronically, or in person. The county auditor shall keep a record  
2 of each replacement ballot provided under this subsection.

3 (3) A copy of the state voters' pamphlet must be sent to registered  
4 voters temporarily outside the state, out-of-state voters, overseas  
5 voters, and service voters along with the absentee ballot if such a  
6 pamphlet has been prepared for the primary or election and is available  
7 to the county auditor at the time of mailing. The county auditor shall  
8 mail all absentee ballots and related material to voters outside the  
9 territorial limits of the United States and the District of Columbia  
10 under 39 U.S.C. 3406.

11 **Sec. 50.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to  
12 read as follows:

13 The county auditor shall send each absentee voter a ballot, a  
14 security envelope in which to seal the ballot after voting, a larger  
15 envelope in which to return the security envelope, and instructions on  
16 how to mark the ballot and how to return it to the county auditor. If  
17 more than one major political party is allowing unaffiliated voters to  
18 participate in its partisan primary, the instructions that accompany an  
19 absentee partisan primary ballot to an unaffiliated voter must include  
20 an explanation that only one party ballot may be voted, and that if  
21 more than one party ballot is voted, none of the party ballots will be  
22 counted. The larger return envelope must contain a declaration by the  
23 absentee voter reciting his or her qualifications and stating that he  
24 or she has not voted in any other jurisdiction at this election,  
25 together with a summary of the penalties for any violation of any of  
26 the provisions of this chapter. The return envelope must provide space  
27 for the voter to indicate the date on which the ballot was voted and  
28 for the voter to sign the oath. A summary of the applicable penalty  
29 provisions of this chapter must be printed on the return envelope  
30 immediately adjacent to the space for the voter's signature. The  
31 signature of the voter on the return envelope must affirm and attest to  
32 the statements regarding the qualifications of that voter and to the  
33 validity of the ballot. For out-of-state voters, overseas voters, and  
34 service voters, the signed declaration on the return envelope  
35 constitutes the equivalent of a voter registration for the election or  
36 primary for which the ballot has been issued. The voter must be  
37 instructed to either return the ballot to the county auditor by whom it

1 was issued or attach sufficient first class postage, if applicable, and  
2 mail the ballot to the appropriate county auditor no later than the day  
3 of the election or primary for which the ballot was issued.

4 If the county auditor chooses to forward absentee ballots, he or  
5 she must include with the ballot a clear explanation of the  
6 qualifications necessary to vote in that election and must also advise  
7 a voter with questions about his or her eligibility to contact the  
8 county auditor. This explanation may be provided on the ballot  
9 envelope, on an enclosed insert, or printed directly on the ballot  
10 itself. If the information is not included, the envelope must clearly  
11 indicate that the ballot is not to be forwarded and that return postage  
12 is guaranteed.

13 **Sec. 51.** RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to  
14 read as follows:

15 A voter desiring to vote shall give his or her name to the precinct  
16 election officer who has the precinct list of registered voters. This  
17 officer shall announce the name to the precinct election officer who  
18 has the copy of the inspector's poll book for that precinct. If the  
19 right of this voter to participate in the primary or election is not  
20 challenged, the voter must be issued a ballot or permitted to enter a  
21 voting booth or to operate a voting device. At a partisan primary,  
22 every eligible registered voter must be issued a nonpartisan ballot,  
23 every voter who is a registered party member must be issued the party  
24 ballot specific to his or her political party, and every unaffiliated  
25 voter must be issued a party ballot for each major political party that  
26 has consented to the participation of unaffiliated voters in its  
27 partisan primary. An unaffiliated voter who receives multiple party  
28 ballots must be orally reminded that only one party ballot may be  
29 voted. The number of the ballot or the voter must be recorded by the  
30 precinct election officers. If the right of the voter to participate  
31 is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

32 **Sec. 52.** RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to  
33 read as follows:

34 On signing the precinct list of registered voters or being issued  
35 a ballot, the voter shall, without leaving the polling place, proceed  
36 to one of the voting booths or voting devices to cast his or her vote.

1 When the voter has finished, he or she shall either (1) remove the  
2 numbered stub from the ballot, place the ballot in the ballot box, and  
3 return the number to the precinct election officers, or (2) deliver the  
4 entire ballot to the precinct election officers, who shall remove the  
5 numbered stub from the ballot and place the ballot in the ballot box.  
6 An unaffiliated voter in a partisan primary shall also return any  
7 unvoted party ballots to the precinct election officers, who shall void  
8 the unvoted party ballots and return them to the county auditor.

9 **Sec. 53.** RCW 29A.44.230 and 2003 c 111 s 1122 are each amended to  
10 read as follows:

11 As each voter casts his or her vote, the precinct election officers  
12 shall insert in the poll books or precinct list of registered voters  
13 opposite that voter's name, a notation to credit the voter with having  
14 participated in that primary or election. In a partisan primary, no  
15 record may be made of which party ballot an unaffiliated voter voted,  
16 or which party ballot or ballots an unaffiliated voter returned as  
17 unvoted. The precinct election officers shall record the voter's name  
18 so that a separate record is kept.

19 NEW SECTION. **Sec. 54.** A new section is added to chapter 29A.52  
20 RCW to read as follows:

21 Major political party candidates for all partisan elected offices,  
22 except for president and vice president, precinct committee officer,  
23 and offices exempted from the primary under RCW 29A.52.010, must be  
24 nominated at primaries held under sections 55 through 58 of this act.

25 NEW SECTION. **Sec. 55.** A new section is added to chapter 29A.52  
26 RCW to read as follows:

27 (1) A major political party may choose, by rule, to allow  
28 unaffiliated voters to participate in its primary. The rule may be  
29 applied only on a statewide basis and with respect to all votes cast by  
30 unaffiliated voters, rather than with respect to votes cast in specific  
31 districts or races or for specific candidates. If a major political  
32 party allows unaffiliated voters to participate in its primary, no  
33 distinction may be made by the party or by a county canvassing board  
34 between votes cast by registered party members and votes cast by  
35 unaffiliated voters.

1 (2) By May 31st of each year, the state chair of a major political  
2 party must provide the secretary of state with a signed statement  
3 consenting to the participation of unaffiliated voters in that party's  
4 primary in order to be in effect for any partisan primary conducted  
5 between September 1st of the same year and August 30th of the following  
6 year. Once adopted, such a rule is in effect until August 30th of the  
7 following year.

8 (3) Unless the chair of a major political party provides the  
9 secretary of state a signed statement by May 31st, under subsection (2)  
10 of this section, only registered party members may vote the party  
11 ballot specific to that political party.

12 (4) The decision by one major political party to allow unaffiliated  
13 voters to participate in its primary does not affect the rights of any  
14 other major political party.

15 NEW SECTION. **Sec. 56.** A new section is added to chapter 29A.52  
16 RCW to read as follows:

17 In a partisan primary:

18 (1) Every eligible voter, regardless of party affiliation, may vote  
19 a nonpartisan ballot. A nonpartisan ballot must include all ballot  
20 measures and nonpartisan offices to be voted on.

21 (2) A voter who is a registered party member of a political party  
22 may vote the party ballot for his or her political party, and may not  
23 vote the party ballot for any other political party. A party ballot  
24 must include all partisan offices to be voted on.

25 (3) An unaffiliated voter may vote the party ballot for a  
26 particular political party if, by May 31st of that year, the state  
27 chair of that political party has provided to the secretary of state a  
28 signed statement consenting to the participation of unaffiliated voters  
29 in that party's partisan primary. Only one party ballot may be voted.

30 NEW SECTION. **Sec. 57.** A new section is added to chapter 29A.52  
31 RCW to read as follows:

32 So far as applicable, the provisions of this title relating to  
33 conducting general elections govern the conduct of primaries.

34 NEW SECTION. **Sec. 58.** A new section is added to chapter 29A.52  
35 RCW to read as follows:

1 An explanation of whether each major political party is allowing  
2 unaffiliated voters to participate in that party's partisan primary,  
3 and instructions for voting a party ballot, must appear, at the very  
4 least, in:

5 (1) Any primary voters' pamphlet prepared by the secretary of state  
6 or a local government if a partisan office will appear on the ballot;

7 (2) Instructions that accompany a primary absentee party ballot;

8 (3) Any notice of a partisan primary published in compliance with  
9 RCW 29A.52.310; and

10 (4) The web site of the office of the secretary of state and any  
11 existing web site of a county auditor's office.

12 **Sec. 59.** RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to  
13 read as follows:

14 (1) The offices of superintendent of public instruction, justice of  
15 the supreme court, judge of the court of appeals, judge of the superior  
16 court, and judge of the district court shall be nonpartisan and the  
17 candidates therefor shall be nominated and elected as such.

18 (2) All city, town, and special purpose district elective offices  
19 shall be nonpartisan and the candidates therefor shall be nominated and  
20 elected as such.

21 (3) Nonpartisan offices may appear in a primary only on a  
22 nonpartisan ballot.

23 **Sec. 60.** RCW 29A.52.310 and 2003 c 111 s 1309 are each amended to  
24 read as follows:

25 Not more than ten nor less than three days before the primary the  
26 county auditor shall publish notice of such primary in one or more  
27 newspapers of general circulation within the county. The notice must  
28 contain the proper party designations, the names and addresses of all  
29 persons who have filed a declaration of candidacy to be voted upon at  
30 that primary, whether each major political party is allowing  
31 unaffiliated voters to participate in its primary, an explanation that  
32 minor political party and independent candidates will appear only in  
33 the general election, the hours during which the polls will be open,  
34 and the polling places for each precinct, giving the address of each  
35 polling place. The names of all candidates for nonpartisan offices

1 must be published separately with designation of the offices for which  
2 they are candidates but without party designation. This is the only  
3 notice required for the holding of any primary.

4 **Sec. 61.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to  
5 read as follows:

6 No later than the day following the certification of the returns of  
7 any primary, the secretary of state shall certify to the appropriate  
8 county auditors(~~(τ)~~) the names of all persons nominated for offices(~~(τ~~  
9 ~~the returns of which have been canvassed by the secretary of state))~~ at  
10 a primary, or at an independent candidate or minor party convention.

11 **Sec. 62.** RCW 29A.56.020 and 2003 3rd sp.s. c 1 s 2 are each  
12 amended to read as follows:

13 (1) On the fourth Tuesday in May of each year in which a president  
14 of the United States is to be nominated and elected, a presidential  
15 primary shall be held at which (~~(voters)~~) registered party members may  
16 vote for the nominee of ((a)) their respective major political party  
17 for the office of president. The secretary of state may propose an  
18 alternative date for the primary no later than the first day of August  
19 of the year before the year in which a president is to be nominated and  
20 elected.

21 (2) No later than the first day of September of the year before the  
22 year in which a presidential nominee is selected, the state committee  
23 of any major political party (~~(that will use the primary results for~~  
24 ~~candidates of that party))~~ may propose an alternative date for that  
25 primary.

26 (3) If an alternative date is proposed under subsection (1) or (2)  
27 of this section, a committee consisting of the chair and the vice-chair  
28 of the state committee of each major political party, the secretary of  
29 state, the majority leader and minority leader of the senate, and the  
30 speaker and the minority leader of the house of representatives shall  
31 meet and, if affirmed by a two-thirds vote of the members of the  
32 committee, the date of the primary shall be changed. The committee  
33 shall meet and decide on the proposed alternate date not later than the  
34 first day of October of the year before the year in which a  
35 presidential nominee is selected. The secretary of state shall convene  
36 and preside over the meeting of the committee. A committee member

1 other than a legislator may appoint, in writing, a designee to serve on  
2 his or her behalf. A legislator who is a member of the committee may  
3 appoint, in writing, another legislator to serve on his or her behalf.

4 (4) If an alternate date is approved under this section, the  
5 secretary of state shall adopt rules under RCW 29A.04.620 to adjust the  
6 deadlines in RCW 29A.56.030 and related provisions of this chapter to  
7 correspond with the date that has been approved.

8 (5) No presidential primary may be held in 2004.

9 **Sec. 63.** RCW 29A.56.020 and 2003 c 111 s 1402 are each amended to  
10 read as follows:

11 (1) On the fourth Tuesday in May of each year in which a president  
12 of the United States is to be nominated and elected, a presidential  
13 primary shall be held at which (~~voters~~) registered party members may  
14 vote for the nominee of ((a)) their respective major political party  
15 for the office of president. The secretary of state may propose an  
16 alternative date for the primary no later than the first day of August  
17 of the year before the year in which a president is to be nominated and  
18 elected.

19 (2) No later than the first day of September of the year before the  
20 year in which a presidential nominee is selected, the state committee  
21 of any major political party (~~that will use the primary results for~~  
22 ~~candidates of that party~~) may propose an alternative date for that  
23 primary.

24 (3) If an alternative date is proposed under subsection (1) or (2)  
25 of this section, a committee consisting of the chair and the vice-chair  
26 of the state committee of each major political party, the secretary of  
27 state, the majority leader and minority leader of the senate, and the  
28 speaker and the minority leader of the house of representatives shall  
29 meet and, if affirmed by a two-thirds vote of the members of the  
30 committee, the date of the primary shall be changed. The committee  
31 shall meet and decide on the proposed alternate date not later than the  
32 first day of October of the year before the year in which a  
33 presidential nominee is selected. The secretary of state shall convene  
34 and preside over the meeting of the committee. A committee member  
35 other than a legislator may appoint, in writing, a designee to serve on  
36 his or her behalf. A legislator who is a member of the committee may  
37 appoint, in writing, another legislator to serve on his or her behalf.

1 (4) If an alternate date is approved under this section, the  
2 secretary of state shall adopt rules under RCW 29A.04.620 to adjust the  
3 deadlines in RCW 29A.56.030 and related provisions of this chapter to  
4 correspond with the date that has been approved.

5 **Sec. 64.** RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to  
6 read as follows:

7 The name of any candidate for a major political party nomination  
8 for president of the United States shall be printed on the presidential  
9 preference primary ballot of a major political party only:

10 (1) By direction of the secretary of state, who in the secretary's  
11 sole discretion has determined that the candidate's candidacy is  
12 generally advocated or is recognized in national news media; or

13 (2) If registered party members of the political party of the  
14 candidate have presented a petition for nomination of the candidate  
15 that has attached to the petition a sheet or sheets containing the  
16 signatures of at least one thousand registered (~~voters who declare~~  
17 ~~themselves in the petition as being~~) party members affiliated with the  
18 same political party as the presidential candidate. The petition shall  
19 be filed with the secretary of state not later than the thirty-ninth  
20 day before the presidential (~~preference~~) primary. The signature  
21 sheets shall also contain the residence address and name or number of  
22 the precinct of each registered (~~voter~~) party member whose signature  
23 appears thereon and shall be certified in the manner prescribed in RCW  
24 29A.72.230 and 29A.72.240.

25 The secretary of state shall place the name of the candidate on the  
26 ballot unless the candidate, at least thirty-five days before the  
27 presidential (~~preference~~) primary, executes and files with the  
28 secretary of state an affidavit stating without qualification that he  
29 or she is not now and will not become a candidate for the office of  
30 president of the United States at the forthcoming presidential  
31 election. The secretary of state shall certify the names of all  
32 candidates who will appear on the presidential (~~preference~~) primary  
33 ballot to the respective county auditors on or before the fourth  
34 Tuesday in April of each presidential election year.

35 **Sec. 65.** RCW 29A.56.040 and 2003 c 111 s 1404 are each amended to  
36 read as follows:

1 (1) Except where necessary to accommodate the national or state  
2 rules of a major political party or where this chapter specifically  
3 provides otherwise, the presidential primary must be conducted in  
4 substantially the same manner as a state partisan primary under this  
5 title. Only registered party members of a major political party may  
6 participate in that party's presidential primary.

7 (2) Except as provided under this chapter or by rule of the  
8 secretary of state adopted under RCW 29A.04.620, the arrangement and  
9 form of presidential primary ballots must be substantially as provided  
10 for a partisan primary under this title. (~~Whenever requested by a~~  
11 ~~major political party, a separate ballot containing only the candidates~~  
12 ~~of that party who have qualified under RCW 29A.56.030 must be provided~~  
13 ~~for a voter who requests a ballot of that party. A primary ballot,~~  
14 ~~containing the names of all the candidates who have qualified for a~~  
15 ~~place on the ballot under RCW 29A.56.030, must be provided for~~  
16 ~~nonaffiliated voters.)) All ballots used in a presidential primary  
17 must be party ballots.~~

18 (3) The ballot must list alphabetically the names of all candidates  
19 for the office of president. The ballot must indicate the political  
20 party of each candidate adjacent to the name of that candidate. Each  
21 ballot must include a blank space to allow the voter to write in the  
22 name of any other candidate.

23 (4) A presidential primary ballot with votes for more than one  
24 candidate is void, and notice to this effect, stated in clear, simple  
25 language and printed in large type, must appear on the face of each  
26 presidential primary ballot or on or about each voting device.

27 **Sec. 66.** RCW 29A.56.050 and 2003 c 111 s 1405 are each amended to  
28 read as follows:

29 (~~(1)~~) A major political party (~~may, under national or state~~  
30 ~~party rules,~~) must base the allocation of delegates from this state to  
31 the national nominating convention of that party (~~in whole or in part~~  
32 ~~on the participation in precinct caucuses and conventions conducted~~  
33 ~~under the rules of that party)) on the results of the presidential  
34 primary.~~

35 (~~(2)~~) ~~If requested by a major political party, the secretary of~~  
36 ~~state shall adopt rules under RCW 29A.04.620 to provide for any~~  
37 ~~declaration required by that party.~~

1       ~~(3) Voters who subscribe to a specific political party declaration~~  
2 ~~under this section must be given ballots that are readily~~  
3 ~~distinguishable from those given to other voters. Votes cast by~~  
4 ~~persons making these declarations must be tabulated and reported~~  
5 ~~separately from other votes cast at the primary and may be used by a~~  
6 ~~major political party in its allocation of delegates under the rules of~~  
7 ~~that party.~~

8       ~~(4) For a political party that requires a specific voter~~  
9 ~~declaration under this section, the secretary of state shall prescribe~~  
10 ~~rules for providing, to the state and county committees of that~~  
11 ~~political party, a copy of the declarations or a list of the voters who~~  
12 ~~participated in the presidential nominating process of that party.))~~

13       **Sec. 67.** RCW 29A.56.060 and 2003 c 111 s 1406 are each amended to  
14 read as follows:

15       Subject to available funds specifically appropriated for this  
16 purpose, ~~((whenever a presidential primary is held as provided by this~~  
17 ~~chapter,))~~ the state of Washington shall assume all costs of holding  
18 the primary if it is held alone. If any other election or elections  
19 are held at the same time, the state is liable only for a prorated  
20 share of the costs. The county auditor shall determine the costs,  
21 including the state's prorated share, if applicable, in the same manner  
22 as provided under RCW 29A.04.410 and shall file a certified claim with  
23 the secretary of state. The secretary of state shall include in his or  
24 her biennial budget requests sufficient funds to carry out this  
25 section. Reimbursements for primary costs must be from appropriations  
26 specifically provided by law for that purpose.

27       **Sec. 68.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to  
28 read as follows:

29       (1) For any office at any election or primary, any voter may write  
30 in on the ballot the name of any person for an office who has filed as  
31 a write-in candidate for the office in the manner provided by RCW  
32 29A.24.310 and such vote shall be counted the same as if the name had  
33 been printed on the ballot and marked by the voter. In a partisan  
34 primary, a voter may write in only the name of a write-in candidate  
35 affiliated with the same major political party as designated on the  
36 party ballot. No write-in vote made for any person who has not filed

1 a declaration of candidacy pursuant to RCW 29A.24.310 is valid if that  
2 person filed for the same office, either as a regular candidate or a  
3 write-in candidate, at the preceding primary. Any abbreviation used to  
4 designate office, position, or political party shall be accepted if the  
5 canvassing board can determine, to their satisfaction, the voter's  
6 intent.

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

9 (3) Write-in votes cast for an individual candidate for an office  
10 need not be tallied if the total number of write-in votes cast for the  
11 office is not greater than the number of votes cast for the candidate  
12 apparently nominated or elected, and the write-in votes could not have  
13 altered the outcome of the primary or election. In the case of write-  
14 in votes for statewide office or for any office whose jurisdiction  
15 encompasses more than one county, write-in votes for an individual  
16 candidate must be tallied whenever the county auditor is notified by  
17 either the office of the secretary of state or another auditor in a  
18 multicounty jurisdiction that it appears that the write-in votes could  
19 alter the outcome of the primary or election.

20 (4) In the case of statewide offices or jurisdictions that  
21 encompass more than one county, if the total number of write-in votes  
22 cast for an office within a county is greater than the number of votes  
23 cast for a candidate apparently nominated or elected in a primary or  
24 election, the auditor shall tally all write-in votes for individual  
25 candidates for that office and notify the office of the secretary of  
26 state and the auditors of the other counties within the jurisdiction,  
27 that the write-in votes for individual candidates should be tallied.

28 **Sec. 69.** RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to  
29 read as follows:

30 Any registered party member of a major political party who is a  
31 registered voter in the precinct may upon payment of a fee of one  
32 dollar file his or her declaration of candidacy as prescribed under RCW  
33 29A.24.030 with the county auditor for the office of precinct committee  
34 officer of his or her party in that precinct. When elected at the  
35 primary, the precinct committee officer shall serve so long as the  
36 committee officer remains an eligible voter in that precinct and until

1 a successor has been elected at the next ensuing state (~~general~~)  
2 primary election in the even-numbered year.

3 **Sec. 70.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to  
4 read as follows:

5 The statutory requirements for filing as a candidate at the  
6 primaries apply to candidates for precinct committee officer, except  
7 that the filing period for this office alone is extended to and  
8 includes the Friday immediately following the last day for political  
9 parties to fill vacancies in the ticket as provided by RCW 29A.28.010.  
10 The office (~~shall not~~) must be voted upon at the primaries in even-  
11 numbered years, (~~but~~) and the names of all candidates must appear  
12 under the proper (~~party and~~) office designation(~~s~~) on the party  
13 ballots (~~for the general election for each even-numbered year, and~~).  
14 The one receiving the highest number of votes will be declared elected.  
15 (~~However, to be declared elected, a candidate must receive at least~~  
16 ~~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.~~) The term of office of precinct committee officer is two  
19 years, commencing upon completion of the official canvass of votes by  
20 the county canvassing board of election returns.

21 **Sec. 71.** RCW 29A.80.060 and 2003 c 111 s 2006 are each amended to  
22 read as follows:

23 Within forty-five days after the statewide general election in  
24 even-numbered years, the county chair of each major political party  
25 shall call separate meetings of all elected precinct committee officers  
26 in each legislative district(~~, a majority of the precincts of which~~  
27 ~~are within a county with a population of one million or more~~) for the  
28 purpose of electing a legislative district chair in such district. The  
29 district chair shall hold office until the next legislative district  
30 reorganizational meeting two years later, or until a successor is  
31 elected.

32 The legislative district chair may be removed only by the majority  
33 vote of the elected precinct committee officers in the chair's  
34 district.

1       **Sec. 72.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read  
2 as follows:

3       (1) "Agency" includes all state agencies and all local agencies.  
4 "State agency" includes every state office, department, division,  
5 bureau, board, commission, or other state agency. "Local agency"  
6 includes every county, city, town, municipal corporation, quasi-  
7 municipal corporation, or special purpose district, or any office,  
8 department, division, bureau, board, commission, or agency thereof, or  
9 other local public agency.

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

14       (3) "Ballot proposition" means any "measure" as defined by RCW  
15 ((~~29.01.110~~)) 29A.04.091, or any initiative, recall, or referendum  
16 proposition proposed to be submitted to the voters of the state or any  
17 municipal corporation, political subdivision, or other voting  
18 constituency from and after the time when the proposition has been  
19 initially filed with the appropriate election officer of that  
20 constituency prior to its circulation for signatures.

21       (4) "Benefit" means a commercial, proprietary, financial, economic,  
22 or monetary advantage, or the avoidance of a commercial, proprietary,  
23 financial, economic, or monetary disadvantage.

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

25       (a) An organization that has filed a valid certificate of  
26 nomination with the secretary of state under chapter ((~~29.24~~)) 29A.20  
27 RCW;

28       (b) The governing body of the state organization of a major  
29 political party, as defined in RCW ((~~29.01.090~~)) 29A.04.085, that is  
30 the body authorized by the charter or bylaws of the party to exercise  
31 authority on behalf of the state party; or

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

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

37       (7) "Treasurer" and "deputy treasurer" mean the individuals

1 appointed by a candidate or political committee, pursuant to RCW  
2 42.17.050, to perform the duties specified in that section.

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

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

8 (b) Announces publicly or files for office;

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

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

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

16 (10) "Commercial advertiser" means any person who sells the service  
17 of communicating messages or producing printed material for broadcast  
18 or distribution to the general public or segments of the general public  
19 whether through the use of newspapers, magazines, television and radio  
20 stations, billboard companies, direct mail advertising companies,  
21 printing companies, or otherwise.

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

23 (12) "Compensation" unless the context requires a narrower meaning,  
24 includes payment in any form for real or personal property or services  
25 of any kind: PROVIDED, That for the purpose of compliance with RCW  
26 42.17.241, the term "compensation" shall not include per diem  
27 allowances or other payments made by a governmental entity to reimburse  
28 a public official for expenses incurred while the official is engaged  
29 in the official business of the governmental entity.

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

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

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

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

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

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

11 (b) "Contribution" does not include:

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

14 (ii) Ordinary home hospitality;

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

18 (iv) A news item, feature, commentary, or editorial in a regularly  
19 scheduled news medium that is of primary interest to the general  
20 public, that is in a news medium controlled by a person whose business  
21 is that news medium, and that is not controlled by a candidate or a  
22 political committee;

23 (v) An internal political communication primarily limited to the  
24 members of or contributors to a political party organization or  
25 political committee, or to the officers, management staff, or  
26 stockholders of a corporation or similar enterprise, or to the members  
27 of a labor organization or other membership organization;

28 (vi) The rendering of personal services of the sort commonly  
29 performed by volunteer campaign workers, or incidental expenses  
30 personally incurred by volunteer campaign workers not in excess of  
31 fifty dollars personally paid for by the worker. "Volunteer services,"  
32 for the purposes of this section, means services or labor for which the  
33 individual is not compensated by any person;

34 (vii) Messages in the form of reader boards, banners, or yard or  
35 window signs displayed on a person's own property or property occupied  
36 by a person. However, a facility used for such political advertising  
37 for which a rental charge is normally made must be reported as an in-

1 kind contribution and counts towards any applicable contribution limit  
2 of the person providing the facility;

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

4 (A) A political party or caucus political committee if the person  
5 paying for the services is the regular employer of the person rendering  
6 such services; or

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

11 (c) Contributions other than money or its equivalent are deemed to  
12 have a monetary value equivalent to the fair market value of the  
13 contribution. Services or property or rights furnished at less than  
14 their fair market value for the purpose of assisting any candidate or  
15 political committee are deemed a contribution. Such a contribution  
16 must be reported as an in-kind contribution at its fair market value  
17 and counts towards any applicable contribution limit of the provider.

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

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

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

31 (18) "Election cycle" means the period beginning on the first day  
32 of December after the date of the last previous general election for  
33 the office that the candidate seeks and ending on November 30th after  
34 the next election for the office. In the case of a special election to  
35 fill a vacancy in an office, "election cycle" means the period  
36 beginning on the day the vacancy occurs and ending on November 30th  
37 after the special election.

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

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

17 (21) "General election" for the purposes of RCW 42.17.640 means the  
18 election that results in the election of a person to a state office.  
19 It does not include a primary.

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

21 (23) "Immediate family" includes the spouse, dependent children,  
22 and other dependent relatives, if living in the household. For the  
23 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
24 an individual's spouse, and child, stepchild, grandchild, parent,  
25 stepparent, grandparent, brother, half brother, sister, or half sister  
26 of the individual and the spouse of any such person and a child,  
27 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
28 brother, sister, or half sister of the individual's spouse and the  
29 spouse of any such person.

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

32 (a) It is made in support of or in opposition to a candidate for  
33 office by a person who is not (i) a candidate for that office, (ii) an  
34 authorized committee of that candidate for that office, (iii) a person  
35 who has received the candidate's encouragement or approval to make the  
36 expenditure, if the expenditure pays in whole or in part for political  
37 advertising supporting that candidate or promoting the defeat of any  
38 other candidate or candidates for that office, or (iv) a person with

1 whom the candidate has collaborated for the purpose of making the  
2 expenditure, if the expenditure pays in whole or in part for political  
3 advertising supporting that candidate or promoting the defeat of any  
4 other candidate or candidates for that office;

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

9 (c) The expenditure, alone or in conjunction with another  
10 expenditure or other expenditures of the same person in support of or  
11 opposition to that candidate, has a value of five hundred dollars or  
12 more. A series of expenditures, each of which is under five hundred  
13 dollars, constitutes one independent expenditure if their cumulative  
14 value is five hundred dollars or more.

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

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

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

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

27 (26) "Legislation" means bills, resolutions, motions, amendments,  
28 nominations, and other matters pending or proposed in either house of  
29 the state legislature, and includes any other matter that may be the  
30 subject of action by either house or any committee of the legislature  
31 and all bills and resolutions that, having passed both houses, are  
32 pending approval by the governor.

33 (27) "Lobby" and "lobbying" each mean attempting to influence the  
34 passage or defeat of any legislation by the legislature of the state of  
35 Washington, or the adoption or rejection of any rule, standard, rate,  
36 or other legislative enactment of any state agency under the state  
37 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor

1 "lobbying" includes an association's or other organization's act of  
2 communicating with the members of that association or organization.

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

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

8 (30) "Person" includes an individual, partnership, joint venture,  
9 public or private corporation, association, federal, state, or local  
10 governmental entity or agency however constituted, candidate,  
11 committee, political committee, political party, executive committee  
12 thereof, or any other organization or group of persons, however  
13 organized.

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

18 (32) "Political advertising" includes any advertising displays,  
19 newspaper ads, billboards, signs, brochures, articles, tabloids,  
20 flyers, letters, radio or television presentations, or other means of  
21 mass communication, used for the purpose of appealing, directly or  
22 indirectly, for votes or for financial or other support in any election  
23 campaign.

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

28 (34) "Primary" for the purposes of RCW 42.17.640 means the  
29 (~~procedure for nominating~~) election that nominates a candidate to  
30 state office (~~under chapter 29.18 or 29.21 RCW or any other primary~~  
31 ~~for an election that uses, in large measure, the procedures established~~  
32 ~~in chapter 29.18 or 29.21 RCW~~)).

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

36 (36) "Public record" includes any writing containing information  
37 relating to the conduct of government or the performance of any  
38 governmental or proprietary function prepared, owned, used, or retained

1 by any state or local agency regardless of physical form or  
2 characteristics. For the office of the secretary of the senate and the  
3 office of the chief clerk of the house of representatives, public  
4 records means legislative records as defined in RCW 40.14.100 and also  
5 means the following: All budget and financial records; personnel  
6 leave, travel, and payroll records; records of legislative sessions;  
7 reports submitted to the legislature; and any other record designated  
8 a public record by any official action of the senate or the house of  
9 representatives.

10 (37) "Recall campaign" means the period of time beginning on the  
11 date of the filing of recall charges under RCW (~~(29.82.015)~~) 29A.56.120  
12 and ending thirty days after the recall election.

13 (38) "State legislative office" means the office of a member of the  
14 state house of representatives or the office of a member of the state  
15 senate.

16 (39) "State office" means state legislative office or the office of  
17 governor, lieutenant governor, secretary of state, attorney general,  
18 commissioner of public lands, insurance commissioner, superintendent of  
19 public instruction, state auditor, or state treasurer.

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

21 (41) "Surplus funds" mean, in the case of a political committee or  
22 candidate, the balance of contributions that remain in the possession  
23 or control of that committee or candidate subsequent to the election  
24 for which the contributions were received, and that are in excess of  
25 the amount necessary to pay remaining debts incurred by the committee  
26 or candidate prior to that election. In the case of a continuing  
27 political committee, "surplus funds" mean those contributions remaining  
28 in the possession or control of the committee that are in excess of the  
29 amount necessary to pay all remaining debts when it makes its final  
30 report under RCW 42.17.065.

31 (42) "Writing" means handwriting, typewriting, printing,  
32 photostating, photographing, and every other means of recording any  
33 form of communication or representation, including, but not limited to,  
34 letters, words, pictures, sounds, or symbols, or combination thereof,  
35 and all papers, maps, magnetic or paper tapes, photographic films and  
36 prints, motion picture, film and video recordings, magnetic or punched  
37 cards, discs, drums, diskettes, sound recordings, and other documents

1 including existing data compilations from which information may be  
2 obtained or translated.

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

5 NEW SECTION. **Sec. 73.** The following acts or parts of acts are  
6 each repealed:

7 (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s  
8 2405;

9 (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and  
10 2003 c 111 s 914;

11 (3) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;

12 (4) RCW 29A.52.120 (General election laws govern primaries) and  
13 2003 c 111 s 1303;

14 (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s  
15 1304; and

16 (6) RCW 29A.56.010 (Intent) and 2003 c 111 s 1401 & 1989 c 4 s 1.

17 NEW SECTION. **Sec. 74.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 75.** Sections 1 through 62 and 64 through 74 of  
22 this act are necessary for the immediate preservation of the public  
23 peace, health, or safety, or support of the state government and its  
24 existing public institutions, and take effect immediately. Section 63  
25 of this act takes effect January 1, 2005.

26 NEW SECTION. **Sec. 76.** Section 62 of this act expires January 1,  
27 2005.

--- END ---