

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5221

Chapter 111, Laws of 2003

58th Legislature
2003 Regular Session

ELECTIONS--TITLE REORGANIZATION

EFFECTIVE DATE: 7/1/04

Passed by the Senate April 22, 2003
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 16, 2003
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 7, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5221 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 7, 2003 - 2:25 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5221

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Fairley, Stevens, Horn and Benton; by request of Secretary of State)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to reorganization of statutes on elections;
2 amending RCW 29.01.006, 29.01.008, 29.01.043, 29.01.045, 29.01.055,
3 29.01.090, 29.01.110, 29.01.120, 29.01.137, 29.01.140, 29.01.170,
4 29.01.180, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.070,
5 29.04.060, 29.04.085, 29.04.088, 29.04.230, 29.13.070, 29.13.010,
6 29.13.020, 29.13.045, 29.13.048, 29.60.010, 29.60.040, 29.60.050,
7 29.98.020, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095,
8 29.08.010, 29.07.010, 29.07.110, 29.07.220, 29.10.081, 29.07.092,
9 29.07.152, 29.07.030, 29.07.070, 29.07.080, 29.07.090, 29.08.080,
10 29.07.025, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.051,
11 29.10.090, 29.10.100, 29.10.185, 29.10.220, 29.10.230, 29.04.250,
12 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.160, 29.10.127,
13 29.10.150, 29.33.081, 29.33.330, 29.33.350, 29.04.200, 29.57.010,
14 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.48.005, 29.27.090,
15 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.040, 29.24.070,
16 29.15.010, 29.15.090, 29.15.030, 29.15.060, 29.15.220, 29.15.190,
17 29.04.180, 29.18.150, 29.18.160, 29.68.080, 29.68.100, 29.68.130,
18 29.04.035, 29.27.076, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.040,
19 29.30.005, 29.30.081, 29.36.220, 29.36.250, 29.36.260, 29.36.360,
20 29.51.125, 29.51.185, 29.48.035, 29.51.050, 29.51.060, 29.51.100,
21 29.51.200, 29.54.018, 29.54.010, 29.54.015, 29.45.010, 29.45.020,

1 29.45.030, 29.45.050, 29.45.070, 29.45.120, 29.38.040, 29.38.060,
2 29.21.410, 29.27.030, 29.27.080, 29.27.100, 29.27.110, 29.19.010,
3 29.82.010, 29.82.021, 29.82.025, 29.82.030, 29.82.040, 29.82.080,
4 29.82.110, 29.82.120, 29.82.140, 29.71.010, 29.71.030, 29.71.040,
5 29.71.050, 29.74.010, 29.74.030, 29.74.060, 29.74.070, 29.74.100,
6 29.74.110, 29.74.130, 29.13.040, 29.54.075, 29.54.085, 29.62.030,
7 29.62.020, 29.54.025, 29.62.040, 29.62.050, 29.62.080, 29.62.090,
8 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.090, 29.65.010,
9 29.65.020, 29.65.040, 29.65.060, 29.65.080, 29.65.090, 29.65.100,
10 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.080, 29.79.090,
11 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.150, 29.79.160,
12 29.79.170, 29.79.230, 29.79.300, 29.10.060, 29.04.140, 29.42.010,
13 29.42.020, 29.42.030, 29.42.050, 29.42.070, 29.85.245, 29.82.210,
14 29.38.070, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490,
15 29.15.110, 29.15.100, 29.51.030, 29.85.110, 29.85.260, 29.85.240,
16 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, and
17 43.07.310; reenacting RCW 29.01.005, 29.01.042, 29.01.047, 29.01.050,
18 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.100,
19 29.01.113, 29.01.117, 29.01.119, 29.01.130, 29.01.135, 29.01.136,
20 29.01.155, 29.01.160, 29.01.200, 29.04.025, 29.04.091, 29.13.047,
21 29.60.030, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010,
22 29.98.030, 29.10.011, 29.08.060, 29.08.030, 29.07.160, 29.07.230,
23 29.07.140, 29.08.040, 29.07.430, 29.07.440, 29.10.170, 29.10.097,
24 29.10.110, 29.10.180, 29.10.015, 29.10.071, 29.10.075, 29.10.200,
25 29.10.210, 29.04.150, 29.04.240, 29.10.125, 29.10.130, 29.10.140,
26 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.130, 29.33.145,
27 29.33.300, 29.33.310, 29.33.320, 29.33.340, 29.33.360, 29.04.055,
28 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150,
29 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.045, 29.24.055,
30 29.24.060, 29.15.130, 29.15.140, 29.15.044, 29.15.020, 29.15.040,
31 29.15.050, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210,
32 29.15.170, 29.15.180, 29.15.200, 29.15.230, 29.04.190, 29.68.070,
33 29.81.210, 29.81.220, 29.81.230, 29.81.240, 29.81.250, 29.81.260,
34 29.81.280, 29.81.290, 29.81.300, 29.81A.030, 29.81A.050, 29.81A.060,
35 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065,
36 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.010,
37 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.085, 29.30.086,
38 29.30.095, 29.30.101, 29.30.111, 29.30.130, 29.36.210, 29.36.230,

1 29.36.240, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310,
2 29.36.320, 29.36.340, 29.36.350, 29.51.010, 29.51.180, 29.51.190,
3 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.48.030, 29.07.170,
4 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150,
5 29.51.070, 29.51.250, 29.07.180, 29.48.080, 29.48.045, 29.54.093,
6 29.51.115, 29.51.155, 29.45.040, 29.45.060, 29.45.065, 29.45.080,
7 29.45.090, 29.45.100, 29.45.110, 29.38.010, 29.38.020, 29.38.030,
8 29.38.050, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010,
9 29.21.015, 29.21.070, 29.27.050, 29.27.072, 29.27.074, 29.19.020,
10 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.015, 29.82.023,
11 29.82.060, 29.82.090, 29.82.100, 29.82.105, 29.82.130, 29.82.160,
12 29.71.020, 29.27.140, 29.74.020, 29.74.040, 29.74.050, 29.74.080,
13 29.74.120, 29.74.140, 29.74.150, 29.62.180, 29.54.042, 29.54.050,
14 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175,
15 29.27.120, 29.36.330, 29.64.015, 29.64.020, 29.64.030, 29.64.035,
16 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.04.030, 29.65.050,
17 29.65.055, 29.65.070, 29.65.120, 29.79.035, 29.79.040, 29.79.050,
18 29.79.060, 29.79.070, 29.79.140, 29.79.180, 29.79.190, 29.79.200,
19 29.79.210, 29.79.270, 29.79.280, 29.79.290, 29.70.100, 29.15.026,
20 29.42.040, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249,
21 29.15.080, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221,
22 29.85.010, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210,
23 29.85.220, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.030,
24 29.91.040, 29.91.050, 29.13.023, and 29.13.024; adding new sections to
25 chapter 35.22 RCW; adding a new title to the Revised Code of Washington
26 to be codified as Title 29A RCW; creating new sections; recodifying RCW
27 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045,
28 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065, 29.01.068,
29 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113,
30 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135, 29.01.136,
31 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170, 29.01.180,
32 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.025,
33 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091, 29.04.230,
34 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047, 29.13.048,
35 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060, 29.60.070,
36 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030, 29.04.080,
37 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011, 29.08.010,
38 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220, 29.10.081,

1	29.07.092,	29.07.160,	29.07.152,	29.07.030,	29.07.230,	29.07.070,
2	29.07.140,	29.07.080,	29.07.090,	29.08.080,	29.08.040,	29.07.025,
3	29.07.430,	29.07.440,	29.07.260,	29.07.270,	29.10.020,	29.10.040,
4	29.10.170,	29.10.051,	29.10.090,	29.10.097,	29.10.100,	29.10.110,
5	29.10.180,	29.10.185,	29.10.015,	29.10.071,	29.10.220,	29.10.075,
6	29.10.200,	29.10.210,	29.10.230,	29.04.250,	29.07.130,	29.04.100,
7	29.04.110,	29.04.120,	29.04.150,	29.04.160,	29.04.240,	29.10.125,
8	29.10.127,	29.10.130,	29.10.140,	29.10.150,	29.33.020,	29.33.041,
9	29.33.051,	29.33.061,	29.33.081,	29.33.130,	29.33.145,	29.33.300,
10	29.33.310,	29.33.320,	29.33.330,	29.33.340,	29.33.350,	29.33.360,
11	29.04.200,	29.57.010,	29.57.090,	29.57.160,	29.04.040,	29.04.050,
12	29.04.055,	29.48.005,	29.48.007,	29.57.040,	29.57.070,	29.57.100,
13	29.57.050,	29.57.150,	29.27.090,	29.15.025,	29.13.050,	29.04.170,
14	29.24.010,	29.24.020,	29.24.025,	29.24.030,	29.24.035,	29.24.040,
15	29.24.045,	29.24.055,	29.24.060,	29.24.070,	29.15.130,	29.15.140,
16	29.15.010,	29.15.044,	29.15.020,	29.15.090,	29.15.030,	29.15.040,
17	29.15.050,	29.15.060,	29.15.070,	29.15.125,	29.15.120,	29.15.160,
18	29.15.210,	29.15.220,	29.15.170,	29.15.180,	29.15.190,	29.15.200,
19	29.15.230,	29.04.180,	29.04.190,	29.18.150,	29.18.160,	29.68.070,
20	29.68.080,	29.68.100,	29.68.130,	29.81.210,	29.04.035,	29.81.220,
21	29.81.230,	29.27.076,	29.81.240,	29.81.250,	29.81.260,	29.81.280,
22	29.81.290,	29.81.300,	29.81.310,	29.81A.010,	29.81A.020,	29.81A.030,
23	29.81A.040,	29.81A.050,	29.81A.060,	29.81A.070,	29.81A.080,	29.27.020,
24	29.27.057,	29.27.061,	29.27.065,	29.27.0653,	29.27.0655,	29.27.066,
25	29.27.0665,	29.27.067,	29.30.005,	29.30.010,	29.30.020,	29.30.025,
26	29.30.040,	29.30.060,	29.30.081,	29.30.085,	29.30.086,	29.30.095,
27	29.30.101,	29.30.111,	29.30.130,	29.36.210,	29.36.220,	29.36.230,
28	29.36.240,	29.36.250,	29.36.260,	29.36.270,	29.36.280,	29.36.290,
29	29.36.300,	29.36.310,	29.36.320,	29.36.340,	29.36.350,	29.36.360,
30	29.51.010,	29.51.125,	29.51.180,	29.51.190,	29.54.037,	29.48.010,
31	29.13.080,	29.51.240,	29.51.185,	29.48.030,	29.07.170,	29.48.035,
32	29.57.130,	29.48.020,	29.48.070,	29.48.090,	29.48.100,	29.51.150,
33	29.51.050,	29.51.060,	29.51.100,	29.51.070,	29.51.200,	29.54.018,
34	29.51.250,	29.54.010,	29.54.015,	29.07.180,	29.48.080,	29.48.045,
35	29.54.093,	29.51.115,	29.51.155,	29.45.010,	29.45.020,	29.45.030,
36	29.45.040,	29.45.050,	29.45.060,	29.45.065,	29.45.070,	29.45.080,
37	29.45.090,	29.45.100,	29.45.110,	29.45.120,	29.38.010,	29.38.020,
38	29.38.030,	29.38.040,	29.38.050,	29.38.060,	29.15.150,	29.18.010,

1 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.21.410,
2 29.27.030, 29.27.050, 29.27.072, 29.27.074, 29.27.080, 29.27.100,
3 29.27.110, 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055,
4 29.19.080, 29.82.010, 29.82.015, 29.82.021, 29.82.023, 29.82.025,
5 29.82.030, 29.82.040, 29.82.060, 29.82.080, 29.82.090, 29.82.100,
6 29.82.105, 29.82.110, 29.82.120, 29.82.130, 29.82.140, 29.82.160,
7 29.71.010, 29.71.020, 29.71.030, 29.71.040, 29.71.050, 29.27.140,
8 29.74.010, 29.74.020, 29.74.030, 29.74.040, 29.74.050, 29.74.060,
9 29.74.070, 29.74.080, 29.74.100, 29.74.110, 29.74.120, 29.74.130,
10 29.74.140, 29.74.150, 29.13.040, 29.62.180, 29.54.042, 29.54.050,
11 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175,
12 29.54.075, 29.54.085, 29.27.120, 29.62.030, 29.62.020, 29.54.025,
13 29.36.330, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100,
14 29.62.120, 29.62.130, 29.64.010, 29.64.015, 29.64.020, 29.64.030,
15 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.64.090,
16 29.04.030, 29.65.010, 29.65.020, 29.65.040, 29.65.050, 29.65.055,
17 29.65.060, 29.65.070, 29.65.080, 29.65.090, 29.65.100, 29.65.120,
18 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.035, 29.79.040,
19 29.79.050, 29.79.060, 29.79.070, 29.79.080, 29.79.090, 29.79.100,
20 29.79.110, 29.79.115, 29.79.120, 29.79.140, 29.79.150, 29.79.160,
21 29.79.170, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.230,
22 29.79.270, 29.79.280, 29.79.290, 29.79.300, 29.70.100, 29.15.026,
23 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.040,
24 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.85.275,
25 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480, 29.82.220,
26 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110, 29.79.500,
27 29.15.100, 29.85.040, 29.85.020, 29.51.020, 29.51.030, 29.51.221,
28 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060, 29.85.070,
29 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230, 29.51.215,
30 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230, 29.91.010,
31 29.91.020, 29.91.030, 29.91.040, 29.91.050, 29.91.060, 29.13.023, and
32 29.13.024; repealing RCW 9.81.100, 29.01.010, 29.01.020, 29.01.030,
33 29.01.040, 29.01.087, 29.01.150, 29.04.210, 29.04.235, 29.07.100,
34 29.07.115, 29.07.120, 29.07.240, 29.07.280, 29.07.290, 29.07.300,
35 29.07.310, 29.07.320, 29.07.420, 29.07.450, 29.08.020, 29.08.050,
36 29.08.070, 29.08.090, 29.08.900, 29.13.021, 29.13.060, 29.15.046,
37 29.15.240, 29.15.800, 29.19.900, 29.36.900, 29.51.173, 29.57.170,
38 29.62.010, 29.62.015, 29.64.070, 29.64.900, 29.68.015, 29.68.016,

1 29.68.120, 29.74.090, 29.79.250, 29.81.270, 29.81.320, 29.81A.900,
2 29.81A.901, 29.91.900, 29.91.901, 29.98.050, and 43.01.015; prescribing
3 penalties; providing an effective date; and providing an expiration
4 date.

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

6 **PART 1**
7 **GENERAL PROVISIONS**

8 **Subpart 1.1**
9 **Definitions**

10 **Sec. 101.** RCW 29.01.005 and 1965 c 9 s 29.01.005 are each
11 reenacted to read as follows:

12 SCOPE OF DEFINITIONS. Words and phrases as defined in this
13 chapter, wherever used in Title 29 RCW, shall have the meaning as in
14 this chapter ascribed to them, unless where used the context thereof
15 shall clearly indicate to the contrary or unless otherwise defined in
16 the chapter of which they are a part.

17 **Sec. 102.** RCW 29.01.006 and 1994 c 57 s 2 are each amended to read
18 as follows:

19 BALLOT AND RELATED TERMS. As used in this title:

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

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

24 (b) A facsimile of the contents of a particular ballot whether
25 printed on a paper ballot or ballot card or as part of a voting machine
26 or voting device;

27 (c) A physical or electronic record of the choices of an individual
28 voter in a particular primary, general election, or special election;
29 or

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

32 (2) "Paper ballot" means a piece of paper on which the ballot for

1 a particular election or primary has been printed, on which a voter may
2 record his or her choices for any candidate or for or against any
3 measure, and that is to be tabulated manually;

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

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

12 (5) "~~(Special)~~ Provisional ballot" means a ballot issued to a
13 voter at the polling place on election day by the precinct election
14 board, for one of the following reasons:

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

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

19 (c) There is a question on the part of the voter concerning the
20 issues or candidates on which the voter is qualified to vote.

21 **Sec. 103.** RCW 29.01.008 and 1990 c 59 s 3 are each amended to read
22 as follows:

23 CANVASSING. "Canvassing" means the process of examining ballots or
24 groups of ballots, subtotals, and cumulative totals in order to
25 determine the official returns of ~~((and prepare the certification for))~~
26 a primary or general election and includes the tabulation of any votes
27 ~~((for that primary or election))~~ that were not tabulated at the
28 precinct or in a counting center on the day of the primary or election.

29 **Sec. 104.** RCW 29.01.042 and 1999 c 158 s 1 are each reenacted to
30 read as follows:

31 COUNTING CENTER. "Counting center" means the facility or
32 facilities designated by the county auditor to count and canvass mail
33 ballots, absentee ballots, and polling place ballots that are
34 transferred to a central site to be counted, rather than being counted
35 by a poll-site ballot counting device, on the day of a primary or
36 election.

1 **Sec. 105.** RCW 29.01.043 and 1984 c 106 s 1 are each amended to
2 read as follows:

3 COUNTY AUDITOR. "County auditor" (~~((includes))~~) means the county
4 auditor in a noncharter county or the officer, irrespective of title,
5 having the overall responsibility to maintain voter registration and to
6 conduct state and local elections in a charter county.

7 **Sec. 106.** RCW 29.01.045 and 1987 c 346 s 3 are each amended to
8 read as follows:

9 DATE OF MAILING. For registered voters voting by absentee or
10 (~~((voting by))~~) mail ballot, "date of mailing" means the date of the
11 postal cancellation on the envelope in which the ballot is returned to
12 the election official by whom it was issued. For all (~~((other))~~)
13 nonregistered absentee voters, "date of mailing" means the date stated
14 by the voter on the envelope in which the ballot is returned to the
15 election official by whom it was issued.

16 **Sec. 107.** RCW 29.01.047 and 1987 c 346 s 4 are each reenacted to
17 read as follows:

18 DISABLED VOTER. "Disabled voter" means any registered voter who
19 qualifies for special parking privileges under RCW 46.16.381, or who is
20 defined as blind under RCW 74.18.020, or who qualifies to require
21 assistance with voting under RCW 29.51.200.

22 **Sec. 108.** RCW 29.01.050 and 1990 c 59 s 5 are each reenacted to
23 read as follows:

24 ELECTION. "Election" when used alone means a general election
25 except where the context indicates that a special election is included.
26 "Election" when used without qualification does not include a primary.

27 **Sec. 109.** RCW 29.01.055 and 1986 c 167 s 1 are each amended to
28 read as follows:

29 ELECTION BOARD. "Election board" means a group of election
30 officers serving one precinct or (~~((groups))~~) a group of precincts in a
31 polling place.

32 **Sec. 110.** RCW 29.01.060 and 1965 c 9 s 29.01.060 are each
33 reenacted to read as follows:

1 ELECTION OFFICER. "Election officer" includes any officer who has
2 a duty to perform relating to elections under the provisions of any
3 statute, charter, or ordinance.

4 **Sec. 111.** RCW 29.01.065 and 1987 c 346 s 2 are each reenacted to
5 read as follows:

6 ELECTOR. "Elector" means any person who possesses all of the
7 qualifications to vote under Article VI of the state Constitution.

8 **Sec. 112.** RCW 29.01.068 and 1990 c 59 s 77 are each reenacted to
9 read as follows:

10 FILING OFFICER. "Filing officer" means the county or state officer
11 with whom declarations of candidacy for an office are required to be
12 filed under this title.

13 **Sec. 113.** RCW 29.01.070 and 1965 c 9 s 29.01.070 are each
14 reenacted to read as follows:

15 GENERAL ELECTION. "General election" means an election required to
16 be held on a fixed date recurring at regular intervals.

17 **Sec. 114.** RCW 29.01.080 and 1992 c 7 s 31 are each reenacted to
18 read as follows:

19 INFAMOUS CRIME. An "infamous crime" is a crime punishable by death
20 in the state penitentiary or imprisonment in a state correctional
21 facility.

22 **Sec. 115.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended
23 to read as follows:

24 MAJOR POLITICAL PARTY. "Major political party" means a political
25 party of which at least one nominee for president, vice president,
26 United States senator, or a statewide office received at least five
27 percent of the total vote cast at the last preceding state general
28 election in an even-numbered year(~~(:—PROVIDED, That any))~~). A
29 political party qualifying as a major political party under ((the
30 previous subsection (2) or subsection (3) of this section prior to its
31 1977 amendment shall)) this section retains such status until ((after
32 the next state general election following June 30, 1977)) the next
33 even-year election at which a candidate of that party does not achieve

1 at least five percent of the vote for one of the previously specified
2 offices. If none of these offices appear on the ballot in an even-year
3 general election, the major party retains its status as a major party
4 through that election.

5 **Sec. 116.** RCW 29.01.100 and 1965 c 9 s 29.01.100 are each
6 reenacted to read as follows:

7 MINOR POLITICAL PARTY. "Minor political party" means a political
8 organization other than a major political party.

9 **Sec. 117.** RCW 29.01.110 and 1965 c 9 s 29.01.110 are each amended
10 to read as follows:

11 MEASURES. "Measure" includes any proposition or question submitted
12 to the voters (~~(of any specific constituency)~~).

13 **Sec. 118.** RCW 29.01.113 and 1987 c 346 s 5 are each reenacted to
14 read as follows:

15 OUT-OF-STATE VOTER. "Out-of-state voter" means any elector of the
16 state of Washington outside the state but not outside the territorial
17 limits of the United States or the District of Columbia.

18 **Sec. 119.** RCW 29.01.117 and 1987 c 346 s 6 are each reenacted to
19 read as follows:

20 OVERSEAS VOTER. "Overseas voter" means any elector of the state of
21 Washington outside the territorial limits of the United States or the
22 District of Columbia.

23 **Sec. 120.** RCW 29.01.119 and 1999 c 158 s 2 are each reenacted to
24 read as follows:

25 POLL-SITE BALLOT COUNTING DEVICES. "Poll-site ballot counting
26 device" means a device programmed to accept voted ballots at a polling
27 place for the purpose of tallying and storing the ballots on election
28 day.

29 **Sec. 121.** RCW 29.01.120 and 1965 c 9 s 29.01.120 are each amended
30 to read as follows:

31 PRECINCT. "Precinct" means a geographical subdivision for voting
32 purposes (~~(within or without the limits of a city or town, whether)~~)

1 that is established by (~~a board of county commissioners, by a city~~
2 ~~council, or by the board of supervisors of a township~~) a county
3 legislative authority.

4 **Sec. 122.** RCW 29.01.130 and 1965 c 9 s 29.01.130 are each
5 reenacted to read as follows:

6 PRIMARY. "Primary" or "primary election" means a statutory
7 procedure for nominating candidates to public office at the polls.

8 **Sec. 123.** RCW 29.01.135 and 1979 ex.s. c 126 s 2 are each
9 reenacted to read as follows:

10 QUALIFIED. "Qualified" when pertaining to a winner of an election
11 means that for such election:

- 12 (1) The results have been certified;
- 13 (2) A certificate has been issued;
- 14 (3) Any required bond has been posted; and
- 15 (4) The winner has taken and subscribed an oath or affirmation in
16 compliance with the appropriate statute, or if none is specified, that
17 he or she will faithfully and impartially discharge the duties of the
18 office to the best of his or her ability. This oath or affirmation
19 shall be administered and certified by any officer or notary public
20 authorized to administer oaths, without charge therefor.

21 **Sec. 124.** RCW 29.01.136 and 2001 c 225 s 1 are each reenacted to
22 read as follows:

23 RECOUNT. "Recount" means the process of retabulating ballots and
24 producing amended election returns based on that retabulation, even if
25 the vote totals have not changed.

26 **Sec. 125.** RCW 29.01.137 and 1987 c 346 s 7 are each amended to
27 read as follows:

28 REGISTERED VOTER. "Registered voter" means any elector who
29 (~~possesses all of the statutory qualifications to vote under chapters~~
30 ~~29.07 and 29.10 RCW~~) has completed the statutory registration
31 procedures established by this title. The terms "registered voter" and
32 "qualified elector" are synonymous.

1 **Sec. 126.** RCW 29.01.140 and 1971 ex.s. c 178 s 1 are each amended
2 to read as follows:

3 RESIDENCE. "Residence" for the purpose of registering and voting
4 means a person's permanent address where he or she physically resides
5 and maintains his or her abode(~~(;—PROVIDED, That))~~. However, no
6 person gains residence by reason of his or her presence or loses his or
7 her residence by reason of his or her absence:

8 (1) While employed in the civil or military service of the state or
9 of the United States;

10 (2) While engaged in the navigation of the waters of this state or
11 the United States or the high seas;

12 (3) While a student at any institution of learning;

13 (4) While confined in any public prison.

14 Absence from the state on business shall not affect the question of
15 residence of any person unless the right to vote has been claimed or
16 exercised elsewhere.

17 **Sec. 127.** RCW 29.01.155 and 1991 c 23 s 13 are each reenacted to
18 read as follows:

19 SERVICE VOTER. "Service voter" means any elector of the state of
20 Washington who is a member of the armed forces under 42 U.S.C. Sec.
21 1973 ff-6 while in active service, is a student or member of the
22 faculty at a United States military academy, is a member of the
23 merchant marine of the United States, is a program participant as
24 defined in RCW 40.24.020, or is a member of a religious group or
25 welfare agency officially attached to and serving with the armed forces
26 of the United States.

27 **Sec. 128.** RCW 29.01.160 and 1965 c 9 s 29.01.160 are each
28 reenacted to read as follows:

29 SEPTEMBER PRIMARY. "September primary" means the primary election
30 held in September to nominate candidates to be voted for at the ensuing
31 election.

32 **Sec. 129.** RCW 29.01.170 and 1965 c 9 s 29.01.170 are each amended
33 to read as follows:

34 SPECIAL ELECTION. "Special election" means any election that is

1 not a general election and may be held in conjunction with a general
2 election or primary.

3 **Sec. 130.** RCW 29.01.180 and 1975-'76 2nd ex.s. c 120 s 14 are each
4 amended to read as follows:

5 SHORT TERM. "Short term" means the brief period of time starting
6 upon the completion of the certification of election returns and ending
7 with the start of the full term (~~(on the second Tuesday of the next~~
8 ~~January immediately following the election))~~ and is applicable only
9 when the office concerned is being held by an appointee to fill a
10 vacancy (~~(which)~~). The vacancy must have occurred after the last
11 election(~~(,)~~) at which such office could have been voted upon for an
12 unexpired term(~~(, prior to the election for such office for the~~
13 ~~subsequent full term))~~. Short term elections are always held in
14 conjunction with elections for the full term for the office.

15 **Sec. 131.** RCW 29.01.200 and 1990 c 59 s 6 are each reenacted to
16 read as follows:

17 VOTING SYSTEM, DEVICE, TALLYING SYSTEM. (1) "Voting system" means
18 a voting device, vote tallying system, or combination of these together
19 with ballots and other supplies or equipment used to conduct a primary
20 or election or to canvass the votes cast in a primary or election;

21 (2) "Voting device" means a piece of equipment used for the purpose
22 of or to facilitate the marking of a ballot to be tabulated by a vote
23 tallying system or a piece of mechanical or electronic equipment used
24 to directly record votes and to accumulate results for a number of
25 issues or offices from a series of voters; and

26 (3) "Vote tallying system" means a piece of mechanical or
27 electronic equipment and associated data processing software used to
28 tabulate votes cast on ballot cards or otherwise recorded on a voting
29 device or to prepare that system to tabulate ballot cards or count
30 votes.

31 **Subpart 1.2**

32 **General Provisions**

33 **Sec. 132.** RCW 29.04.001 and 2001 c 41 s 1 are each amended to read
34 as follows:

1 STATE POLICY. It is the policy of the state of Washington to
2 encourage every eligible person to register to vote and to participate
3 fully in all elections, and to protect the integrity of the electoral
4 process by providing equal access to the process while guarding against
5 discrimination and fraud. The election registration laws and the
6 voting laws of the state of Washington(~~(, and the requirements of~~
7 ~~chapter 41, Laws of 2001,~~) must be administered without discrimination
8 based upon race, creed, color, national origin, sex, or political
9 affiliation.

10 **Sec. 133.** RCW 29.04.010 and 1965 c 9 s 29.04.010 are each amended
11 to read as follows:

12 REGISTRATION REQUIRED FOR VOTING--EXCEPTION. Only a registered
13 voter shall be permitted to vote:

14 (1) At any election held for the purpose of electing persons to
15 public office;

16 (2) At any recall election of a public officer;

17 (3) At any election held for the submission of a measure to any
18 voting constituency;

19 (4) At any primary election.

20 (~~The provisions of~~) This section (~~shall~~) does not apply to
21 (~~township~~) elections where being registered to vote is not a
22 prerequisite to voting.

23 **Sec. 134.** RCW 29.04.020 and 1987 c 295 s 1 are each amended to
24 read as follows:

25 COUNTY AUDITOR AS SUPERVISOR OF CERTAIN PRIMARIES AND ELECTIONS.

26 The county auditor of each county shall be ex officio the supervisor of
27 all primaries and elections, general or special, and it shall be the
28 county auditor's duty to provide places for holding such primaries and
29 elections; to appoint the precinct election officers(~~(+)~~) and to
30 provide for their compensation; to provide (~~ballot boxes and ballots~~
31 ~~or voting machines, poll books, or precinct lists of registered voters,~~
32 ~~and tally sheets, and deliver them~~) the supplies and materials
33 necessary for the conduct of elections to the precinct election
34 officers (~~at the polling places~~); and to publish and post notices of
35 calling such primaries and elections in the manner provided by law(~~(+~~
36 ~~PROVIDED, That~~)). The notice of a general election held in an even-

1 numbered year (~~shall~~) must indicate that the office of precinct
2 committee officer will be on the ballot(~~and to~~). The auditor shall
3 also apportion to each city, town, or district, and to the state of
4 Washington in the odd-numbered year, its share of the expense of such
5 primaries and elections(~~PROVIDED, That~~). This section (~~shall~~)
6 does not apply to general or special elections for any city, town, or
7 district (~~which~~) that is not subject to RCW 29.13.010 and 29.13.020,
8 but all such elections (~~shall~~) must be held and conducted at the
9 time, in the manner, and by the officials (with such notice,
10 requirements for filing for office, and certifications by local
11 officers) as provided and required by the laws governing such
12 elections.

13 **Sec. 135.** RCW 29.57.140 and 1999 c 298 s 18 are each amended to
14 read as follows:

15 COUNTY AUDITOR--PUBLIC NOTICE OF AVAILABILITY OF SERVICES. The
16 county auditor shall provide public notice of the availability of
17 registration and voting aids, assistance to elderly and (~~handicapped~~)
18 disabled persons, and procedures for voting by absentee ballot
19 calculated to reach elderly and (~~handicapped~~) disabled persons not
20 later than public notice of the closing of registration for a primary
21 or election.

22 **Sec. 136.** RCW 29.04.025 and 1983 c 294 s 2 are each reenacted to
23 read as follows:

24 HANDLING OF REPORTS FILED UNDER PUBLIC DISCLOSURE LAW. Each county
25 auditor or county elections official shall ensure that reports filed
26 pursuant to chapter 42.17 RCW are arranged, handled, indexed, and
27 disclosed in a manner consistent with the rules of the public
28 disclosure commission adopted under RCW 42.17.375.

29 **Sec. 137.** RCW 29.04.070 and 1994 c 57 s 4 are each amended to read
30 as follows:

31 SECRETARY OF STATE AS CHIEF ELECTION OFFICER. The secretary of
32 state through the election division shall be the chief election officer
33 for all federal, state, county, city, town, and district elections
34 (~~and it shall be his or her duty to~~) that are subject to this title.
35 The secretary of state shall keep records of (~~such~~) elections held

1 ~~((in the state and to))~~ for which he or she is required by law to
2 canvass the results, make such records available to the public upon
3 request, and ~~((to))~~ coordinate those state election activities required
4 by federal law.

5 **Sec. 138.** RCW 29.04.060 and 1965 c 9 s 29.04.060 are each amended
6 to read as follows:

7 PUBLICATION OF ELECTION LAWS BY SECRETARY OF STATE. ~~((In every~~
8 ~~year in which state and county officers are to be elected, the~~
9 ~~secretary of state shall cause the election laws of the state then in~~
10 ~~force to be published in pamphlet form and distributed through the~~
11 ~~county auditors at least twenty days prior to the primary next~~
12 ~~preceding the election in sufficient number to place a copy thereof in~~
13 ~~the hands of all officers of elections.))~~ The secretary of state shall
14 ensure that each county auditor is provided with the most recent
15 version of the election laws of the state, as contained in this title.
16 Where amendments have been enacted after the last compilation of the
17 election laws, he or she shall ensure that each county auditor receives
18 a copy of those amendments before the next primary or election. The
19 county auditor shall ensure that any statutory information necessary
20 for the precinct election officers to perform their duties is supplied
21 to them in a timely manner.

22 **Sec. 139.** RCW 29.04.085 and 2001 c 41 s 3 are each amended to read
23 as follows:

24 INFORMATION IN FOREIGN LANGUAGES. In order to encourage the
25 broadest possible voting participation by all eligible citizens, the
26 secretary of state shall produce voter registration information in the
27 foreign languages required of state agencies. ~~((This information must~~
28 ~~be available no later than January 1, 2002.))~~

29 **Sec. 140.** RCW 29.04.088 and 2001 c 41 s 4 are each amended to read
30 as follows:

31 VOTER GUIDE. The secretary of state shall cause to be produced a
32 "voter guide" detailing what constitutes voter fraud and discrimination
33 under state election laws. This voter guide must be provided to every
34 county election officer and auditor, and any other person upon
35 request(~~(, no later than January 1, 2002))~~).

1 **Sec. 141.** RCW 29.04.091 and 2001 c 41 s 5 are each reenacted to
2 read as follows:

3 TOLL-FREE MEDIA AND WEB PAGE. The secretary of state shall provide
4 a toll-free media and web page designed to allow voter communication
5 with the office of the secretary of state.

6 **Sec. 142.** RCW 29.04.230 and 1991 c 186 s 1 are each amended to
7 read as follows:

8 ELECTRONIC FACSIMILE DOCUMENTS--ACCEPTANCE OF. The secretary of
9 state or a county auditor shall accept and file in his or her office
10 electronic facsimile transmissions of the following documents:

- 11 (1) Declarations (~~((and affidavits))~~) of candidacy;
- 12 (2) County canvass reports;
- 13 (3) (~~((Candidates'))~~) Voters' pamphlet statements;
- 14 (4) Arguments for and against ballot measures that will appear in
15 a voters' pamphlet;
- 16 (5) Requests for recounts;
- 17 (6) Certification of candidates and measures by the secretary of
18 state;
- 19 (7) Direction by the secretary of state for the conduct of a
20 mandatory recount;
- 21 (8) Requests for absentee ballots;
- 22 (9) Any other election related document authorized by rule adopted
23 by the secretary of state under RCW 29.04.235.

24 The acceptance by the secretary of state or the county auditor is
25 conditional upon the document being filed in a timely manner, being
26 legible, and otherwise satisfying the requirements of state law or
27 rules with respect to form and content.

28 If the original copy of a document must be signed and a copy of the
29 document is filed by facsimile transmission under this section, the
30 original copy (~~((shall))~~) must be subsequently filed with the official
31 with whom the facsimile was filed. The original copy (~~((shall))~~) must be
32 filed by a deadline established by the secretary by rule. The
33 secretary may by rule require that the original of any document, a copy
34 of which is filed by facsimile transmission under this section, also be
35 filed by a deadline established by the secretary by rule.

1 bills, and any other matter provided by the legislature for submission
2 to the electorate.

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

- 9 (a) The first Tuesday after the first Monday in February;
- 10 (b) The second Tuesday in March;
- 11 (c) The fourth Tuesday in April;
- 12 (d) The third Tuesday in May;
- 13 (e) The day of the primary as specified by RCW 29.13.070; or
- 14 (f) The first Tuesday after the first Monday in November.

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

20 (4) In a presidential election year, if a presidential preference
21 primary is conducted in February, March, April, or May under chapter
22 29.19 RCW, the date on which a special election may be called by the
23 county legislative authority under subsection (2) of this section
24 during the month of that primary is the date of the presidential
25 primary.

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

34 **Sec. 145.** RCW 29.13.020 and 2002 c 43 s 2 are each amended to read
35 as follows:

36 CITY, TOWN, AND DISTRICT GENERAL AND SPECIAL ELECTIONS--

1 EXCEPTIONS. (1) All city, town, and district general elections shall
2 be held throughout the state of Washington on the first Tuesday
3 following the first Monday in November in the odd-numbered years.

4 This section shall not apply to:

5 (a) Elections for the recall of any elective public officer;

6 (b) Public utility districts, conservation districts, or district
7 elections at which the ownership of property within those districts is
8 a prerequisite to voting, all of which elections shall be held at the
9 times prescribed in the laws specifically applicable thereto;

10 (c) Consolidation proposals as provided for in RCW (~~28A.315.280~~)
11 28A.315.265 and nonhigh capital fund aid proposals as provided for in
12 chapter 28A.540 RCW.

13 (2) The county auditor, as ex officio supervisor of elections, upon
14 request in the form of a resolution of the governing body of a city,
15 town, or district, presented to the auditor at least forty-five days
16 prior to the proposed election date, may, if the county auditor deems
17 an emergency to exist, call a special election in such city, town, or
18 district, and for the purpose of such special election he or she may
19 combine, unite, or divide precincts. Except as provided in subsection
20 (3) of this section, such a special election shall be held on one of
21 the following dates as decided by the governing body:

22 (a) The first Tuesday after the first Monday in February;

23 (b) The second Tuesday in March;

24 (c) The fourth Tuesday in April;

25 (d) The third Tuesday in May;

26 (e) The day of the primary election as specified by RCW 29.13.070;

27 or

28 (f) The first Tuesday after the first Monday in November.

29 (3) In a presidential election year, if a presidential preference
30 primary is conducted in February, March, April, or May under chapter
31 29.19 RCW, the date on which a special election may be called under
32 subsection (2) of this section during the month of that primary is the
33 date of the presidential primary.

34 (4) In addition to subsection (2)(a) through (f) of this section,
35 a special election to validate an excess levy or bond issue may be
36 called at any time to meet the needs resulting from fire, flood,
37 earthquake, or other act of God, except that no special election may be
38 held between the first day for candidates to file for public office and

1 the last day to certify the returns of the general election other than
2 as provided in subsection (2)(e) and (f) of this section. Such special
3 election shall be conducted and notice thereof given in the manner
4 provided by law.

5 (5) This section shall supersede the provisions of any and all
6 other statutes, whether general or special in nature, having different
7 dates for such city, town, and district elections, the purpose of this
8 section being to establish mandatory dates for holding elections.

9 **Subpart 1.4**

10 **Election Costs**

11 **Sec. 146.** RCW 29.13.045 and 1965 c 123 s 5 are each amended to
12 read as follows:

13 ELECTION COSTS BORNE BY CONSTITUENCIES. Every city, town, and
14 district (~~shall be~~) is liable for its proportionate share of the
15 costs when such elections are held in conjunction with other elections
16 held under RCW 29.13.010 and 29.13.020.

17 Whenever any city, town, or district (~~shall~~) holds any primary or
18 election, general or special, on an isolated date, all costs of such
19 elections (~~shall~~) must be borne by the city, town, or district
20 concerned.

21 The purpose of this section is to clearly establish that the county
22 is not responsible for any costs involved in the holding of any city,
23 town, or district election.

24 In recovering such election expenses, including a reasonable pro-
25 ration of administrative costs, the county auditor shall certify the
26 cost to the county treasurer with a copy to the clerk or auditor of the
27 city, town, or district concerned. Upon receipt of such certification,
28 the county treasurer shall make the transfer from any available and
29 appropriate city, town, or district funds to the county current expense
30 fund or to the county election reserve fund if such a fund is
31 established. Each city, town, or district (~~shall~~) must be promptly
32 notified by the county treasurer whenever such transfer has been
33 completed(~~:- PROVIDED, HOWEVER, That~~). However, in those districts
34 wherein a treasurer, other than the county treasurer, has been
35 appointed such transfer procedure (~~shall~~) does not apply, but the

1 district shall promptly issue its warrant for payment of election
2 costs.

3 **Sec. 147.** RCW 29.13.047 and 1985 c 45 s 2 are each reenacted to
4 read as follows:

5 STATE SHARE OF ELECTION COSTS. (1) Whenever state officers or
6 measures are voted upon at a state primary or general election held in
7 an odd-numbered year under RCW 29.13.010, the state of Washington shall
8 assume a prorated share of the costs of that state primary or general
9 election.

10 (2) Whenever a primary or vacancy election is held to fill a
11 vacancy in the position of United States senator or United States
12 representative under chapter 29.68 RCW, the state of Washington shall
13 assume a prorated share of the costs of that primary or vacancy
14 election.

15 (3) The county auditor shall apportion the state's share of these
16 expenses when prorating election costs under RCW 29.13.045 and shall
17 file such expense claims with the secretary of state.

18 (4) The secretary of state shall include in his or her biennial
19 budget requests sufficient funds to carry out this section.
20 Reimbursements for election costs shall be from appropriations
21 specifically provided by law for that purpose.

22 **Sec. 148.** RCW 29.13.048 and 1986 c 167 s 7 are each amended to
23 read as follows:

24 INTEREST ON REIMBURSEMENT OF COSTS. For any reimbursement of
25 election costs under RCW 29.13.047, the secretary of state shall pay
26 interest at an annual rate equal to two percentage points in excess of
27 the discount rate on ninety-day commercial paper in effect at the
28 federal reserve bank in San Francisco on the fifteenth day of the month
29 immediately preceding the payment for any period of time in excess of
30 thirty days after the receipt of a properly executed and documented
31 voucher for such expenses and the entry of an allotment from
32 specifically appropriated funds for this purpose (~~under RCW~~
33 ~~43.88.111~~). The secretary of state shall promptly notify any county
34 that submits an incomplete or inaccurate voucher for reimbursement
35 under RCW 29.13.047.

1 NEW SECTION. **Sec. 150.** APPEALS. The board created in RCW
2 29.60.010 shall review appeals filed under RCW 29.60.050 or 29.60.070.
3 A decision of the board regarding the appeal must be supported by not
4 less than a majority of the members appointed to the board. A decision
5 of the board regarding an appeal filed under RCW 29.60.070 concerning
6 an election review conducted under that section is final. If a
7 decision of the board regarding an appeal filed under RCW 29.60.050
8 includes a recommendation that a certificate be issued, the secretary
9 of state, upon the recommendation of the board, shall issue the
10 certificate.

11 **Sec. 151.** RCW 29.60.030 and 2001 c 41 s 11 are each reenacted to
12 read as follows:

13 DUTIES OF SECRETARY OF STATE. The secretary of state shall:

14 (1) Establish and operate, or provide by contract, training and
15 certification programs for state and county elections administration
16 officials and personnel, including training on the various types of
17 election law violations and discrimination, and training programs for
18 political party observers which conform to the rules for such programs
19 established under RCW 29.60.020;

20 (2) Administer tests for state and county officials and personnel
21 who have received such training and issue certificates to those who
22 have successfully completed the training and passed such tests;

23 (3) Maintain a record of those individuals who have received such
24 training and certificates; and

25 (4) Provide the staffing and support services required by the board
26 created under RCW 29.60.010.

27 **Sec. 152.** RCW 29.60.040 and 1992 c 163 s 6 are each amended to
28 read as follows:

29 TRAINING OF ELECTION ADMINISTRATORS. A person having
30 responsibility for the administration or conduct of elections, other
31 than precinct election officers, shall, within eighteen months of
32 undertaking those responsibilities (~~(or within eighteen months of July~~
33 ~~1, 1993, whichever is later)~~), receive general training regarding the
34 conduct of elections and specific training regarding their
35 responsibilities and duties as prescribed by this title or by rules

1 adopted by the secretary of state under this title. Included among
2 those persons for whom such training is mandatory are the following:

3 (1) Secretary of state elections division personnel;

4 (2) County elections administrators under RCW 36.22.220;

5 (3) County canvassing board members;

6 (4) Persons officially designated by each major political party as
7 elections observers; and

8 (5) Any other person or group charged with election administration
9 responsibilities if the person or group is designated by rule adopted
10 by the secretary of state as requiring the training.

11 The secretary of state shall reimburse election observers in
12 accordance with RCW 43.03.050 and 43.03.060 for travel expenses
13 incurred to receive training required under subsection (4) of this
14 section.

15 Neither this section nor RCW 29.60.030 may be construed as
16 requiring an elected official to receive training or a certificate of
17 training as a condition for seeking or holding elective office or as a
18 condition for carrying out constitutional duties.

19 **Sec. 153.** RCW 29.60.050 and 1992 c 163 s 7 are each amended to
20 read as follows:

21 DENIAL OF CERTIFICATION--REVIEW AND APPEAL. (1) A decision of the
22 secretary of state to deny certification under RCW 29.60.030 (~~shall~~)
23 must be entered in the manner specified for orders under the
24 Administrative Procedure Act, chapter 34.05 RCW. Such a decision
25 (~~shall~~) is not (~~be~~) effective for a period of twenty days following
26 the date of the decision, during which time the person denied
27 certification may file a petition with the secretary of state
28 requesting the secretary to reconsider the decision and to grant
29 certification. The petitioner shall include(~~(r)~~) in the petition, an
30 explanation of the reasons why the initial decision is incorrect and
31 certification should be granted, and may include a request for a
32 hearing on the matter. The secretary of state shall reconsider the
33 matter if the petition is filed in a proper and timely manner. If a
34 hearing is requested, the secretary of state shall conduct the hearing
35 within sixty days after the date on which the petition is filed. The
36 secretary of state shall render a final decision on the matter within
37 ninety days after the date on which the petition is filed.

1 (2) Within twenty days after the date on which the secretary of
2 state makes a final decision denying a petition under this section, the
3 petitioner may appeal the denial to the board created in RCW 29.60.010.
4 In deciding appeals, the board shall restrict its review to the record
5 established when the matter was before the secretary of state. The
6 board shall affirm the decision if it finds that the record supports
7 the decision and that the decision is not inconsistent with other
8 decisions of the secretary of state in which the same standards were
9 applied and certification was granted. Similarly, the board shall
10 reverse the decision and recommend to the secretary of state that
11 certification be granted if the board finds that such support is
12 lacking or that such inconsistency exists.

13 (3) Judicial review of certification decisions (~~shall~~) will be as
14 prescribed under RCW 34.05.510 through 34.05.598, but (~~shall be~~) is
15 limited to the review of board decisions denying certification.

16 **Sec. 154.** RCW 29.60.060 and 1992 c 163 s 8 are each reenacted to
17 read as follows:

18 ELECTION REVIEW SECTION. An election review section is established
19 in the elections division of the office of the secretary of state.
20 Permanent staff of the elections division, trained and certified as
21 required by RCW 29.60.040, shall perform the election review functions
22 prescribed by RCW 29.60.070. The staff may also be required to assist
23 in training, certification, and other duties as may be assigned by the
24 secretary of state to ensure the uniform and orderly conduct of
25 elections in this state.

26 **Sec. 155.** RCW 29.60.070 and 1997 c 284 s 1 are each reenacted to
27 read as follows:

28 REVIEW OF COUNTY ELECTION PROCEDURES. (1)(a) The election review
29 staff of the office of the secretary of state shall conduct a review of
30 election-related policies, procedures, and practices in an affected
31 county or counties:

32 (i) If the unofficial returns of a primary or general election for
33 a position in the state legislature indicate that a mandatory recount
34 is likely for that position; or

35 (ii) If unofficial returns indicate a mandatory recount is likely
36 in a statewide election or an election for federal office.

1 Reviews conducted under (ii) of this subsection shall be performed
2 in as many selected counties as time and staffing permit. Reviews
3 conducted as a result of mandatory recounts shall be performed between
4 the time the unofficial returns are complete and the time the recount
5 is to take place, if possible.

6 (b) In addition to conducting reviews under (a) of this subsection,
7 the election review staff shall also conduct such a review in a county
8 periodically, in conjunction with a county primary or special or
9 general election, at the direction of the secretary of state or at the
10 request of the county auditor. If any resident of this state believes
11 that an aspect of a primary or election has been conducted
12 inappropriately in a county, the resident may file a complaint with the
13 secretary of state. The secretary shall consider such complaints in
14 scheduling periodic reviews under this section.

15 (c) Before an election review is conducted in a county, the
16 secretary of state shall provide the county auditor of the affected
17 county and the chair of the state central committee of each major
18 political party with notice that the review is to be conducted. When
19 a periodic review is to be conducted in a county at the direction of
20 the secretary of state under (b) of this subsection, the secretary
21 shall provide the affected county auditor not less than thirty days'
22 notice.

23 (2) Reviews shall be conducted in conformance with rules adopted
24 under RCW 29.60.020. In performing a review in a county under this
25 chapter, the election review staff shall evaluate the policies and
26 procedures established for conducting the primary or election in the
27 county and the practices of those conducting it. As part of the
28 review, the election review staff shall issue to the county auditor and
29 the members of the county canvassing board a report of its findings and
30 recommendations regarding such policies, procedures, and practices. A
31 review conducted under this chapter shall not include any evaluation,
32 finding, or recommendation regarding the validity of the outcome of a
33 primary or election or the validity of any canvass of returns nor does
34 the election review staff have any jurisdiction to make such an
35 evaluation, finding, or recommendation under this title.

36 (3) The county auditor of the county in which a review is conducted
37 under this section or a member of the canvassing board of the county

1 may appeal the findings or recommendations of the election review staff
2 regarding the review by filing an appeal with the board created under
3 RCW 29.60.010.

4 **Sec. 156.** RCW 29.60.080 and 1992 c 163 s 10 are each reenacted to
5 read as follows:

6 POWERS AND DUTIES OF COUNTY AUDITOR AND REVIEW STAFF. The county
7 auditor may designate any person who has been certified under this
8 chapter, other than the auditor, to participate in a review conducted
9 in the county under this chapter. Each county auditor and canvassing
10 board shall cooperate fully during an election review by making
11 available to the reviewing staff any material requested by the staff.
12 The reviewing staff shall have full access to ballot pages, absentee
13 voting materials, any other election material normally kept in a secure
14 environment after the election, and other requested material. If
15 ballots are reviewed by the staff, they shall be reviewed in the
16 presence of the canvassing board or its designees. Ballots shall not
17 leave the custody of the canvassing board. During the review and after
18 its completion, the review staff may make appropriate recommendations
19 to the county auditor or canvassing board, or both, to bring the county
20 into compliance with the training required under this chapter, and the
21 laws or rules of the state of Washington, to safeguard election
22 material or to preserve the integrity of the elections process.

23 **Sec. 157.** RCW 29.60.090 and 1992 c 163 s 11 are each reenacted to
24 read as follows:

25 ELECTION ASSISTANCE AND CLEARINGHOUSE PROGRAM. The secretary of
26 state shall establish within the elections division an election
27 assistance and clearinghouse program, which shall provide regular
28 communication between the secretary of state, local election officials,
29 and major and minor political parties regarding newly enacted elections
30 legislation, relevant judicial decisions affecting the administration
31 of elections, and applicable attorney general opinions, and which shall
32 respond to inquiries from elections administrators, political parties,
33 and others regarding election information. This section does not
34 empower the secretary of state to offer legal advice or opinions, but
35 the secretary may discuss the construction or interpretation of

1 election law, case law, or legal opinions from the attorney general or
2 other competent legal authority.

3 **Subpart 1.6**
4 **Construction**

5 **Sec. 158.** RCW 29.98.010 and 1965 c 9 s 29.98.010 are each
6 reenacted to read as follows:

7 CONTINUATION OF EXISTING LAW. The provisions of this title insofar
8 as they are substantially the same as statutory provisions repealed by
9 this chapter, and relating to the same subject matter, shall be
10 construed as restatements and continuations, and not as new enactments.

11 **Sec. 159.** RCW 29.98.020 and 1965 c 9 s 29.98.020 are each amended
12 to read as follows:

13 CAPTIONS NOT PART OF LAW. (~~Title headings,~~) Chapter headings,
14 part, subpart, and section or subsection (~~headings~~) captions, as used
15 in this title do not constitute any part of the law.

16 **Sec. 160.** RCW 29.98.030 and 1965 c 9 s 29.98.030 are each
17 reenacted to read as follows:

18 INVALIDITY OF PART OF TITLE NOT TO AFFECT REMAINDER. If any
19 provision of this title, or its application to any person or
20 circumstance is held invalid, the remainder of the title, or the
21 application of the provision to other persons or circumstances is not
22 affected.

23 **Subpart 1.7**
24 **Rule-making Authority**

25 **Sec. 161.** RCW 29.04.080 and 1971 ex.s. c 202 s 2 are each amended
26 to read as follows:

27 RULES BY SECRETARY OF STATE. The secretary of state as chief
28 election officer shall make reasonable rules (~~and regulations~~) in
29 accordance with chapter 34.05 RCW not inconsistent with the
30 federal(~~(,)~~) and state(~~(, county, city, town, and district)~~) election
31 laws to effectuate any provision of this title and to facilitate the
32 execution of (~~their~~) its provisions in an orderly, timely, and

1 uniform manner ((and)) relating to any federal, state, county, city,
2 town, and district elections. To that end the secretary shall assist
3 local election officers by devising uniform forms and procedures. ((He
4 shall provide uniform regulations governing the maintenance of voter
5 registration records on electronic or automatic data processing systems
6 so that the records of counties using such systems shall be compatible.
7 He shall supervise the development and use of such systems to insure
8 that they conform to all the provisions of Title 29 RCW and the
9 regulations provided for in this section.))

10 In addition to the rule-making authority granted otherwise by this
11 section, the secretary of state shall make rules governing the
12 following provisions:

13 (1) The maintenance of voter registration records;

14 (2) The preparation, maintenance, distribution, review, and filing
15 of precinct maps;

16 (3) Standards for the design, layout, and production of ballots;

17 (4) The examination and testing of voting systems for
18 certification;

19 (5) The source and scope of independent evaluations of voting
20 systems that may be relied upon in certifying voting systems for use in
21 this state;

22 (6) Standards and procedures for the acceptance testing of voting
23 systems by counties;

24 (7) Standards and procedures for testing the programming of vote
25 tallying software for specific primaries and elections;

26 (8) Standards and procedures for the preparation and use of each
27 type of certified voting system including procedures for the operation
28 of counting centers where vote tallying systems are used;

29 (9) Standards and procedures to ensure the accurate tabulation and
30 canvassing of ballots;

31 (10) Consistency among the counties of the state in the preparation
32 of ballots, the operation of vote tallying systems, and the canvassing
33 of primaries and elections;

34 (11) Procedures to ensure the secrecy of a voter's ballot when a
35 small number of ballots are counted at the polls or at a counting
36 center;

37 (12) The use of substitute devices or means of voting when a voting
38 device at the polling place is found to be defective, the counting of

1 votes cast on the defective device, the counting of votes cast on the
2 substitute device, and the documentation that must be submitted to the
3 county auditor regarding such circumstances;

4 (13) Procedures for the transportation of sealed containers of
5 voted ballots or sealed voting devices;

6 (14) The acceptance and filing of documents via electronic
7 facsimile;

8 (15) Voter registration applications and records;

9 (16) The use of voter registration information in the conduct of
10 elections;

11 (17) The coordination, delivery, and processing of voter
12 registration records accepted by driver licensing agents or the
13 department of licensing;

14 (18) The coordination, delivery, and processing of voter
15 registration records accepted by agencies designated by the governor to
16 provide voter registration services;

17 (19) Procedures to receive and distribute voter registration
18 applications by mail;

19 (20) Procedures for a voter to change his or her voter registration
20 address within a county by telephone;

21 (21) Procedures for a voter to change the name under which he or
22 she is registered to vote;

23 (22) Procedures for canceling dual voter registration records and
24 for maintaining records of persons whose voter registrations have been
25 canceled;

26 (23) Procedures for the electronic transfer of voter registration
27 records between county auditors and the office of the secretary of
28 state;

29 (24) Procedures and forms for declarations of candidacy;

30 (25) Procedures and requirements for the acceptance and filing of
31 declarations of candidacy by electronic means;

32 (26) Procedures for the circumstance in which two or more
33 candidates have a name similar in sound or spelling so as to cause
34 confusion for the voter;

35 (27) Filing for office;

36 (28) The order of positions and offices on a ballot;

37 (29) Sample ballots;

38 (30) Independent evaluations of voting systems;

- 1 (31) The testing, approval, and certification of voting systems;
2 (32) The testing of vote tallying software programming;
3 (33) Standards and procedures to prevent fraud and to facilitate
4 the accurate processing and canvassing of absentee ballots and mail
5 ballots;
6 (34) Standards and procedures to guarantee the secrecy of absentee
7 ballots and mail ballots;
8 (35) Uniformity among the counties of the state in the conduct of
9 absentee voting and mail ballot elections;
10 (36) Standards and procedures to accommodate out-of-state voters,
11 overseas voters, and service voters;
12 (37) The tabulation of paper ballots before the close of the polls;
13 (38) The accessibility of polling places and registration
14 facilities that are accessible to elderly and disabled persons;
15 (39) The aggregation of precinct results if reporting the results
16 of a single precinct could jeopardize the secrecy of a person's ballot;
17 (40) Procedures for conducting a statutory recount;
18 (41) Procedures for filling vacancies in congressional offices if
19 the general statutory time requirements for availability of absentee
20 ballots, certification, canvassing, and related procedures cannot be
21 met;
22 (42) Procedures for the statistical sampling of signatures for
23 purposes of verifying and canvassing signatures on initiative,
24 referendum, and recall election petitions;
25 (43) Standards and deadlines for submitting material to the office
26 of the secretary of state for the voters' pamphlet;
27 (44) Deadlines for the filing of ballot titles for referendum bills
28 and constitutional amendments if none have been provided by the
29 legislature;
30 (45) Procedures for the publication of a state voters' pamphlet;
31 and
32 (46) Procedures for conducting special elections regarding nuclear
33 waste sites if the general statutory time requirements for availability
34 of absentee ballots, certification, canvassing, and related procedures
35 cannot be met.

36 **Sec. 162.** RCW 29.19.070 and 1995 1st sp.s. c 20 s 4 are each
37 amended to read as follows:

1 PRESIDENTIAL PRIMARY RULES. The secretary of state as chief
2 election officer may make rules in accordance with chapter 34.05 RCW to
3 facilitate the operation, accomplishment, and purpose of ((this
4 chapter)) the presidential primary authorized in RCW 29.19.010 through
5 29.19.080 (as recodified by this act). The secretary of state shall
6 adopt rules consistent with this chapter to comply with national or
7 state political party rules.

8 **Sec. 163.** RCW 29.60.020 and 1992 c 163 s 4 are each amended to
9 read as follows:

10 POWERS AND DUTIES OF BOARD. (1) The secretary of state and the
11 board created in RCW 29.60.010 shall jointly adopt rules, in the manner
12 specified for the adoption of rules under the Administrative Procedure
13 Act, chapter 34.05 RCW, governing:

14 (a) The training of persons officially designated by major
15 political parties as elections observers under this title, and the
16 training and certification of election administration officials and
17 personnel;

18 (b) The policies and procedures for conducting election reviews
19 under RCW 29.60.070; and

20 (c) The policies and standards to be used by the board in reviewing
21 and rendering decisions regarding appeals filed under RCW 29.60.070.

22 ~~((The initial policies and standards adopted under (c) of this~~
23 ~~subsection shall be adopted concurrently with adoption of the initial~~
24 ~~policies and procedures adopted under (b) of this subsection.~~

25 ~~(2) The board created in RCW 29.60.010 shall review appeals filed~~
26 ~~under RCW 29.60.050 or 29.60.070. A decision of the board regarding~~
27 ~~such an appeal shall be supported by not less than a majority of the~~
28 ~~members appointed to the board. A decision of the board regarding an~~
29 ~~appeal filed under RCW 29.60.070 concerning an election review~~
30 ~~conducted under that section is final. If a decision of the board~~
31 ~~regarding an appeal filed under RCW 29.60.050 includes a recommendation~~
32 ~~that a certificate be issued, the certificate shall be issued by the~~
33 ~~secretary of state as recommended by the board.~~

34 ~~(3))~~ (2) The board created in RCW 29.60.010 may adopt rules
35 governing its procedures.

1 **Sec. 203.** RCW 29.10.011 and 1994 c 57 s 33 are each reenacted to
2 read as follows:

3 DEFINITIONS. The definitions set forth in this section apply
4 throughout this chapter, unless the context clearly requires otherwise.

5 (1) "Verification notice" means a notice sent by the county auditor
6 to a voter registration applicant and is used to verify or collect
7 information about the applicant in order to complete the registration.

8 (2) "Acknowledgement notice" means a notice sent by nonforwardable
9 mail by the county auditor to a registered voter to acknowledge a voter
10 registration transaction, which can include initial registration,
11 transfer, or reactivation of an inactive registration. An
12 acknowledgement notice may be a voter registration card.

13 (3) "Confirmation notice" means a notice sent to a registered voter
14 by first class forwardable mail at the address indicated on the voter's
15 permanent registration record and to any other address at which the
16 county auditor could reasonably expect mail to be received by the voter
17 in order to confirm the voter's residence address. The confirmation
18 notice must be designed so that the voter may update his or her current
19 residence address.

20 **Sec. 204.** RCW 29.08.010 and 1994 c 57 s 30 are each amended to
21 read as follows:

22 DEFINITIONS. The definitions set forth in this section apply
23 throughout this chapter, unless the context clearly requires otherwise.

24 (1) "By mail" means delivery of a completed original voter
25 registration application by mail or by personal delivery. ~~((The
26 secretary of state, in consultation with the county auditors, may adopt
27 rules to develop a process to receive and distribute these
28 applications.))~~

29 (2) For voter registration applicants, "date of mailing" means the
30 date of the postal cancellation on the voter registration application.
31 This date will also be used as the date of application for the purpose
32 of meeting the registration cutoff deadline. If the postal
33 cancellation date is illegible then the date of receipt by the
34 elections official is considered the date of application. If an
35 application is received by the elections official by the close of
36 business on the fifth day after the cutoff date for voter registration

1 and the postal cancellation date is illegible, the application will be
2 considered to have arrived by the cutoff date for voter registration.

3 **Subpart 2.2**
4 **General Provisions**

5 **Sec. 205.** RCW 29.07.010 and 1999 c 298 s 4 are each amended to
6 read as follows:

7 COUNTY AUDITOR AS CHIEF REGISTRAR OF VOTERS, CUSTODIAN OF RECORDS--
8 REGISTRATION ASSISTANTS. (1) In all counties, the county auditor shall
9 be the chief registrar of voters for every precinct within the county.
10 The auditor may appoint (~~a registration assistant for each precinct or~~
11 ~~group of precincts and shall appoint city or town clerks as~~)
12 registration assistants to assist in registering persons residing in
13 (~~cities, towns, and rural precincts within~~) the county.

14 (~~(2) In addition, the auditor may appoint a registration assistant~~
15 ~~for each common school. The auditor may appoint a registration~~
16 ~~assistant for each fire station.~~

17 (~~(3) A registration assistant must be a registered voter. Except~~
18 ~~for city and town clerks,~~) Each registration assistant holds office at
19 the pleasure of the county auditor and must be a registered voter.

20 (~~(4)~~) (2) The county auditor shall be the custodian of the
21 official registration records of (~~that~~) the county. The county
22 auditor shall ensure that mail-in voter registration application forms
23 are readily available to the public at locations to include but not
24 limited to the elections office, and all common schools, fire stations,
25 and public libraries.

26 **Sec. 206.** RCW 29.08.060 and 1994 c 57 s 32 are each reenacted to
27 read as follows:

28 AUDITOR'S PROCEDURE. (1) On receipt of an application for voter
29 registration under this chapter, the county auditor shall review the
30 application to determine whether the information supplied is complete.
31 An application that contains the applicant's name, complete valid
32 residence address, date of birth, and signature attesting to the truth
33 of the information provided on the application is complete. If it is
34 not complete, the auditor shall promptly mail a verification notice of
35 the deficiency to the applicant. This verification notice shall

1 require the applicant to provide the missing information. If the
2 verification notice is not returned by the applicant or is returned as
3 undeliverable the auditor shall not place the name of the applicant on
4 the county voter list. If the applicant provides the required
5 information, the applicant shall be registered to vote as of the date
6 of mailing of the original voter registration application.

7 (2) If the information is complete, the applicant is considered to
8 be registered to vote as of the date of mailing. The auditor shall
9 record the appropriate precinct identification, taxing district
10 identification, and date of registration on the voter's record. Within
11 forty-five days after the receipt of an application but no later than
12 seven days before the next primary, special election, or general
13 election, the auditor shall send to the applicant, by first class mail,
14 an acknowledgement notice identifying the registrant's precinct and
15 containing such other information as may be required by the secretary
16 of state. The postal service shall be instructed not to forward a
17 voter registration card to any other address and to return to the
18 auditor any card which is not deliverable. If the applicant has
19 indicated that he or she is registered to vote in another county in
20 Washington but has also provided an address within the auditor's county
21 that is for voter registration purposes, the auditor shall send, on
22 behalf of the registrant, a registration cancellation notice to the
23 auditor of that other county and the auditor receiving the notice shall
24 cancel the registrant's voter registration in that other county. If
25 the registrant has indicated on the form that he or she is registered
26 to vote within the county but has provided a new address within the
27 county that is for voter registration purposes, the auditor shall
28 transfer the voter's registration.

29 (3) If an acknowledgement notice card is properly mailed as
30 required by this section to the address listed by the voter as being
31 the voter's mailing address and the notice is subsequently returned to
32 the auditor by the postal service as being undeliverable to the voter
33 at that address, the auditor shall promptly send the voter a
34 confirmation notice. The auditor shall place the voter's registration
35 on inactive status pending a response from the voter to the
36 confirmation notice.

1 **Sec. 207.** RCW 29.07.110 and 1971 ex.s. c 202 s 15 are each amended
2 to read as follows:

3 TRANSMITTAL OF REGISTRATION FORMS. Every ~~((deputy registrar~~
4 ~~located outside the county courthouse))~~ registration assistant shall
5 keep registration supplies at his or her usual place of residence or
6 usual place of business ~~((at reasonable hours and at the end of each~~
7 ~~week mail to the county auditor the cards of those who have registered~~
8 ~~during the week: PROVIDED, That with the written consent of the county~~
9 ~~auditor a deputy registrar may designate some centrally located place~~
10 ~~for registration in lieu of the usual place where registration supplies~~
11 ~~are kept by giving notice thereof in such manner as he may deem~~
12 ~~expedient stating therein the days and hours when the place will be~~
13 ~~open for registration: PROVIDED FURTHER, That such consent of the~~
14 ~~county auditor may include authorization for door to door registration~~
15 ~~including registration from a portable office as in a trailer and the~~
16 ~~person or persons so deputized may register all eligible electors~~
17 ~~residing in any precinct within the county concerned)).~~ A person or
18 organization collecting voter registration application forms must
19 transmit the forms to the secretary of state or a designee at least
20 once weekly.

21 **Sec. 208.** RCW 29.08.030 and 1993 c 434 s 3 are each reenacted to
22 read as follows:

23 REGISTRATION BY MAIL. Any elector of this state may register to
24 vote by mail under this chapter.

25 **Sec. 209.** RCW 29.07.220 and 1993 c 408 s 11 are each amended to
26 read as follows:

27 COMPUTER FILE OF VOTER REGISTRATION RECORDS--ESTABLISHMENT--DUTIES
28 OF COUNTY AUDITOR. Each county auditor shall maintain a computer file
29 ~~((on magnetic tape or disk, punched cards, or other form of data~~
30 ~~storage))~~ containing the records of all registered voters within the
31 county. ~~((Where it is necessary or advisable,))~~ The auditor may
32 provide for the establishment and maintenance of such files by private
33 contract or through interlocal agreement as provided by chapter 39.34
34 RCW((, as it now exists or is hereafter amended)). The computer file
35 ~~((shall))~~ must include, but not be limited to, each voter's last name,
36 first name, middle initial, date of birth, residence address, ~~((sex))~~

1 gender, date of registration, applicable taxing district and precinct
2 codes, and the last date on which the individual voted. The county
3 auditor shall subsequently record each consecutive date upon which the
4 individual has voted and retain at least the last five such consecutive
5 dates(~~(:—PROVIDED, That)~~). If the voter has not voted at least five
6 times since establishing his or her current registration record, only
7 the available dates (~~(shall)~~) will be included.

8 **Sec. 210.** RCW 29.10.081 and 1994 c 57 s 40 are each amended to
9 read as follows:

10 COUNT OF REGISTERED VOTERS. (1) Except as otherwise specified by
11 this title, registered voters include those assigned to active and
12 inactive status by the county auditor.

13 (2) Election officials shall not include inactive voters in the
14 count of registered voters for the purpose of dividing precincts,
15 creating vote-by-mail precincts, determining voter turnout, or other
16 purposes in law for which the determining factor is the number of
17 registered voters. Election officials shall not include persons who
18 are ongoing absentee voters under RCW (~~(29.36.013)~~) 29.36.240 (as
19 recodified by this act) in determining the maximum permissible size of
20 vote-by-mail precincts or in determining the maximum permissible size
21 of precincts. Nothing in this subsection may be construed as altering
22 the vote tallying requirements of RCW 29.62.090.

23 **Sec. 211.** RCW 29.07.092 and 2001 c 41 s 6 are each amended to read
24 as follows:

25 NEW REGISTRATION OR TRANSFER--ACKNOWLEDGMENT--CANCELLATION OF
26 PREVIOUS REGISTRATION. The county auditor shall acknowledge each new
27 voter registration or transfer by providing or sending the voter a card
28 identifying his or her current precinct and containing such other
29 information as may be prescribed by the secretary of state. When a
30 person who has previously registered to vote in a jurisdiction applies
31 for voter registration in a new jurisdiction, the person shall provide
32 on the registration form, all information needed to cancel any previous
33 registration. The county auditor shall forward any information
34 pertaining to the voter's prior voter registration to the county where
35 the voter was previously registered, so that registration may be
36 canceled. If the prior voter registration is in another state, the

1 notification must be made to the state elections office of that state.
2 A county auditor receiving official information that a voter has
3 registered to vote in another jurisdiction shall immediately cancel
4 that voter's registration.

5 **Sec. 212.** RCW 29.07.160 and 1993 c 383 s 2 are each reenacted to
6 read as follows:

7 CLOSING REGISTRATION FILES--NOTICE. The registration files of all
8 precincts shall be closed against original registration or transfers
9 for thirty days immediately preceding every primary, special election,
10 and general election to be held in such precincts.

11 The county auditor shall give notice of the closing of the precinct
12 files for original registration and transfer and notice of the special
13 registration and voting procedure provided by RCW 29.07.152 by one
14 publication in a newspaper of general circulation in the county at
15 least five days before the closing of the precinct files.

16 No person may vote at any primary, special election, or general
17 election in a precinct polling place unless he or she has registered to
18 vote at least thirty days before that primary or election. If a
19 person, otherwise qualified to vote in the state, county, and precinct
20 in which he or she applies for registration, does not register at least
21 thirty days before any primary, special election, or general election,
22 he or she may register and vote by absentee ballot for that primary or
23 election under RCW 29.07.152.

24 **Sec. 213.** RCW 29.07.152 and 1993 c 383 s 1 are each amended to
25 read as follows:

26 LATE REGISTRATION--SPECIAL PROCEDURE. This section establishes a
27 special procedure which an elector may use to register to vote during
28 the period beginning after the closing of registration for voting at
29 the polls under RCW 29.07.160 and ending on the fifteenth day before a
30 primary, special election, or general election. (~~During this period,~~
31 ~~the unregistered~~) A qualified elector in the county may register to
32 vote in person in the office of the county auditor or at a voter
33 registration location specifically designated for this purpose by the
34 county auditor of the county in which the applicant resides, and apply
35 for an absentee ballot for that primary or election. The auditor or
36 (~~voter registrar~~) registration assistant shall register that

1 individual in the manner provided in this chapter. The application for
2 an absentee ballot executed by the newly registered voter for the
3 primary or election that follows the execution of the registration
4 shall be promptly transmitted to the auditor with the completed voter
5 registration form.

6 **Sec. 214.** RCW 29.07.030 and 1965 c 9 s 29.07.030 are each amended
7 to read as follows:

8 EXPENSE OF REGISTRATION. The expense of registration in all rural
9 precincts (~~(shall)~~) must be paid by the county(~~(+)~~). The expense of
10 registration in all precincts lying wholly within a city or town must
11 be paid by the city or town. (~~(In precincts lying partly within and~~
12 ~~partly outside of a city or town, the expense of registration shall be~~
13 ~~apportioned between the county and city or town according to the number~~
14 ~~of voters registered in the precinct living within the city or town and~~
15 ~~the number living outside of it.)) Registration expenses for this
16 section include both active and inactive voters.~~

17 **Sec. 215.** RCW 29.07.230 and 1980 c 32 s 6 are each reenacted to
18 read as follows:

19 PAYMENT TO COUNTIES FOR MAINTENANCE OF VOTER REGISTRATION RECORDS
20 ON ELECTRONIC DATA PROCESSING SYSTEMS. To compensate counties with
21 fewer than ten thousand registered voters at the time of the most
22 recent state general election for unrecoverable costs incident to the
23 maintenance of voter registration records on electronic data processing
24 systems, the secretary of state shall, in June of each year, pay such
25 counties an amount equal to thirty cents for each registered voter in
26 the county at the time of the most recent state general election.

27 **Subpart 2.3**
28 **Forms**

29 **Sec. 216.** RCW 29.07.070 and 1994 c 57 s 11 are each amended to
30 read as follows:

31 VOTER QUALIFICATION INFORMATION--VERIFICATION NOTICE. (~~(Except as~~
32 ~~provided under RCW 29.07.260,)~~) An applicant for voter registration
33 shall complete an application providing the following information
34 concerning his or her qualifications as a voter in this state:

- 1 (1) The address of the last former registration of the applicant as
2 a voter in the state;
- 3 (2) The applicant's full name;
- 4 (3) The applicant's date of birth;
- 5 (4) The address of the applicant's residence for voting purposes;
- 6 (5) The mailing address of the applicant if that address is not the
7 same as the address in subsection (4) of this section;
- 8 (6) The sex of the applicant;
- 9 (7) A declaration that the applicant is a citizen of the United
10 States; (~~and~~)
- 11 (8) The applicant's signature; and
- 12 (9) Any other information that the secretary of state determines is
13 necessary to establish the identity of the applicant and prevent
14 duplicate or fraudulent voter registrations.

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

17 If the applicant fails to provide the information required for
18 voter registration, the auditor shall send the applicant a verification
19 notice. The auditor shall not register the applicant until the
20 required information is provided. If a verification notice is returned
21 as undeliverable or the applicant fails to respond to the notice within
22 forty-five days, the auditor shall not register the applicant to vote.

23 The following warning shall appear in a conspicuous place on the
24 voter registration form:

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

30 **Sec. 217.** RCW 29.07.140 and 1994 c 57 s 18 are each reenacted to
31 read as follows:

32 APPLICATION FORM--SINGLE COMPLETION--FURNISHED BY SECRETARY OF
33 STATE. (1) The secretary of state shall specify by rule the format of
34 all voter registration applications. These applications shall be
35 compatible with existing voter registration records. An applicant for
36 voter registration shall be required to complete only one application

1 and to provide the required information other than his or her signature
2 no more than one time. These applications shall also contain
3 information for the voter to transfer his or her registration.

4 Any application format specified by the secretary for use in
5 registering to vote in state and local elections shall satisfy the
6 requirements of the National Voter Registration Act of 1993 (P.L. 103-
7 31) for registering to vote in federal elections.

8 (2) The secretary of state shall adopt by rule a uniform data
9 format for transferring voter registration records on machine-readable
10 media.

11 (3) All registration applications required under RCW 29.07.070 and
12 29.07.260 shall be produced and furnished by the secretary of state to
13 the county auditors and the department of licensing.

14 (4) The secretary of state shall produce and distribute any
15 instructional material and other supplies needed to implement RCW
16 29.07.260 through 29.07.300 and 46.20.155.

17 (5) Any notice or statement that must be provided under the
18 National Voter Registration Act of 1993 (P.L. 103-31) to prospective
19 registrants concerning registering to vote in federal elections shall
20 also be provided to prospective registrants concerning registering to
21 vote under this title in state and local elections as well as federal
22 elections.

23 **Sec. 218.** RCW 29.07.080 and 1994 c 57 s 12 are each amended to
24 read as follows:

25 OATH OF APPLICANT. For all voter registrations (~~executed under~~
26 ~~RCW 29.07.070~~)), the registrant shall sign the following oath:

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

33 **Sec. 219.** RCW 29.07.090 and 1994 c 57 s 13 are each amended to
34 read as follows:

35 SIGNATURE CARD. At the time of registering, a voter shall sign his
36 or her name upon a signature card to be transmitted to the secretary of

1 state. The voter shall also provide his or her first name followed by
2 the last name or names and the name of the county in which he or she is
3 registered. Once each week the county auditor shall transmit all such
4 cards to the secretary of state. The secretary of state may exempt a
5 county auditor who is providing electronic voter registration and
6 electronic voter signature information to the secretary of state from
7 the requirements of this section.

8 **Sec. 220.** RCW 29.08.080 and 2001 c 41 s 8 are each amended to read
9 as follows:

10 FORMS--SUPPLIED WITHOUT COST--CITIZENSHIP. The secretary of state
11 shall furnish registration forms necessary to carry out the
12 registration of voters as provided by this chapter without cost to the
13 respective counties. All voter registration forms (~~printed after~~
14 ~~January 1, 2002,~~) must include clear and conspicuous language,
15 designed to draw an applicant's attention, stating that the applicant
16 must be a United States citizen in order to register to vote.

17 **Sec. 221.** RCW 29.08.040 and 1993 c 434 s 4 are each reenacted to
18 read as follows:

19 FORMS. The county auditor shall distribute forms by which a person
20 may register to vote by mail and cancel any previous registration in
21 this state. The county auditor shall keep a supply of voter
22 registration forms in his or her office at all times for political
23 parties and others interested in assisting in voter registration, and
24 shall make every effort to make these forms generally available to the
25 public. The county auditor shall provide voter registration forms to
26 city and town clerks, state offices, schools, fire stations, and any
27 other locations considered appropriate by the auditor for extending
28 registration opportunities to all areas of the county. After the
29 initial distribution of voter registration forms to a given location,
30 a representative designated by the official in charge of that location
31 shall notify the county auditor of the need for additional voter
32 registration supplies.

33 **Subpart 2.4**
34 **Motor Voter and Registration at State Agencies**

1 **Sec. 222.** RCW 29.07.025 and 2002 c 185 s 3 are each amended to
2 read as follows:

3 VOTER REGISTRATION IN STATE OFFICES, COLLEGES. (1) The governor,
4 in consultation with the secretary of state, shall designate agencies
5 to provide voter registration services in compliance with federal
6 statutes.

7 (2) Each state agency designated (~~under RCW 29.07.420~~) shall
8 provide voter registration services for employees and the public within
9 each office of that agency.

10 (~~(+2)~~) (3) The secretary of state shall design and provide a
11 standard notice informing the public of the availability of voter
12 registration, which notice shall be posted in each state agency where
13 such services are available.

14 (~~(+3)~~) (4) The secretary of state shall design and provide
15 standard voter registration forms for use by these state agencies.

16 (~~(+4)~~) (5) Each institution of higher education shall put in place
17 an active prompt on its course registration web site, or similar web
18 site that students actively and regularly use, that, if selected, will
19 link the student to the secretary of state's voter registration web
20 site. The prompt must ask the student if he or she wishes to register
21 to vote.

22 **Sec. 223.** RCW 29.07.430 and 1994 c 57 s 27 are each reenacted to
23 read as follows:

24 REGISTRATION OR TRANSFER AT DESIGNATED AGENCIES--FORM AND
25 APPLICATION. (1) A person may register to vote or transfer a voter
26 registration when he or she applies for service or assistance and with
27 each renewal, recertification, or change of address at agencies
28 designated under RCW 29.07.420.

29 (2) A prospective applicant shall initially be offered a form
30 adopted by the secretary of state that is designed to determine whether
31 the person wishes to register to vote. The form must comply with all
32 applicable state and federal statutes regarding content.

33 The form shall also contain a box that may be checked by the
34 applicant to indicate that he or she declines to register.

35 If the person indicates an interest in registering or has made no
36 indication as to a desire to register or not register to vote, the

1 person shall be given a mail-in voter registration application or a
2 prescribed agency application as provided by RCW 29.07.440.

3 **Sec. 224.** RCW 29.07.440 and 2001 c 41 s 7 are each reenacted to
4 read as follows:

5 REGISTRATION AT DESIGNATED AGENCIES--PROCEDURES. (1) The secretary
6 of state shall prescribe the method of voter registration for each
7 designated agency. The agency shall use either the state voter
8 registration by mail form with a separate declination form for the
9 applicant to indicate that he or she declines to register at this time,
10 or the agency may use a separate form approved for use by the secretary
11 of state.

12 (2) The person providing service at the agency shall offer voter
13 registration services to every client whenever he or she applies for
14 service or assistance and with each renewal, recertification, or change
15 of address. The person providing service shall give the applicant the
16 same level of assistance with the voter registration application as is
17 offered to fill out the agency's forms and documents, including
18 information about age and citizenship requirements for voter
19 registration.

20 (3) If an agency uses a computerized application process, it may,
21 in consultation with the secretary of state, develop methods to capture
22 simultaneously the information required for voter registration during
23 a person's computerized application process.

24 (4) Each designated agency shall provide for the voter registration
25 application forms to be collected from each agency office at least once
26 each week. The agency shall then forward the application forms to the
27 secretary of state each week. The secretary of state shall forward the
28 forms to the county in which the applicant has registered to vote no
29 later than ten days after the date on which the forms were received by
30 the secretary of state.

31 **Sec. 225.** RCW 29.07.260 and 2001 c 41 s 16 are each amended to
32 read as follows:

33 REGISTRATION WITH DRIVER'S LICENSE APPLICATION OR RENEWAL. (1) A
34 person may register to vote, transfer a voter registration, or change
35 his or her name for voter registration purposes when he or she applies

1 for or renews a driver's license or identification card under chapter
2 46.20 RCW.

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

6 ~~(a) His or her full name;~~

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

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

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

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

15 ~~(f) The last address at which he or she was registered to vote in~~
16 ~~this state;~~

17 ~~(g) A declaration that he or she is a citizen of the United States;~~
18 ~~and~~

19 ~~(h) Any other information, other than an applicant's social~~
20 ~~security number, that the secretary of state determines is necessary to~~
21 ~~establish the identity of the applicant and to prevent duplicate or~~
22 ~~fraudulent voter registrations)) information required by RCW 29.07.070~~
23 ~~(as recodified by this act).~~

24 (3) (~~The following warning shall appear in a conspicuous place on~~
25 ~~the voter registration form:~~

26
27 ~~"If you knowingly provide false information on this voter~~
28 ~~registration form or knowingly make a false declaration about your~~
29 ~~qualifications for voter registration you will have committed a class~~
30 ~~C felony that is punishable by imprisonment for up to five years, or by~~
31 ~~a fine of up to ten thousand dollars, or both imprisonment and fine."~~
32

33 ~~(4) The applicant shall sign a portion of the form that can be used~~
34 ~~as an initiative signature card for the verification of petition~~
35 ~~signatures by the secretary of state and shall sign and attest to the~~
36 ~~following oath:~~

37
38 ~~"I declare that the facts on this voter registration form are true.~~
39 ~~I am a citizen of the United States, I am not presently denied my civil~~

1 ~~rights as a result of being convicted of a felony, I will have lived in~~
2 ~~Washington at this address for thirty days before the next election at~~
3 ~~which I vote, and I will be at least eighteen years old when I vote."~~
4

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

7 **Sec. 226.** RCW 29.07.270 and 1994 c 57 s 22 are each amended to
8 read as follows:

9 DUTIES OF SECRETARY OF STATE, DEPARTMENT OF LICENSING, COUNTY
10 AUDITORS--ADDRESS CHANGES. (1) The secretary of state shall provide
11 for the voter registration forms submitted under RCW 29.07.260 to be
12 collected from each driver's licensing facility within five days of
13 their completion.

14 (2) The department of licensing shall produce and transmit to the
15 secretary of state a machine-readable file containing the following
16 information from the records of each individual who requested a voter
17 registration or transfer at a driver's license facility during each
18 period for which forms are transmitted under subsection (1) of this
19 section: The name, address, date of birth, ~~((and sex))~~ gender of the
20 applicant ~~((and))~~, the driver's license number, the date on which the
21 application for voter registration or transfer was submitted, and the
22 location of the office at which the application was submitted.

23 ~~((The department of licensing shall provide information on all~~
24 ~~persons changing their address on change of address forms submitted to~~
25 ~~the department unless the voter has indicated that the address change~~
26 ~~is not for voting purposes. This information will be transmitted to~~
27 ~~the secretary of state each week in a machine readable file containing~~
28 ~~the following information on persons changing their address: The name,~~
29 ~~address, date of birth, and sex of the applicant, the applicant's~~
30 ~~driver's license number, the applicant's former address, the county~~
31 ~~code for the applicant's former address, and the date that the request~~
32 ~~for address change was received.~~

33 ~~(4) The secretary of state shall forward this information to the~~
34 ~~appropriate county each week. When the information indicates that the~~
35 ~~voter has moved within the county, the county auditor shall use the~~
36 ~~change of address information to transfer the voter's registration and~~
37 ~~send the voter an acknowledgement notice of the transfer. If the~~
38 ~~information indicates that the new address is outside the voter's~~

1 ~~original county, the county auditor shall send the voter a registration~~
2 ~~by mail form at the voter's new address and advise the voter of the~~
3 ~~need to reregister in the new county. The auditor shall then place the~~
4 ~~voter on inactive status))~~ The voter registration forms from the
5 driver's licensing facilities must be forwarded to the county in which
6 the applicant has registered to vote no later than ten days after the
7 date on which the forms were to be collected.

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

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

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

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

36 NEW SECTION. Sec. 227. ADDRESS CHANGES AT THE DEPARTMENT OF
37 LICENSING. (1) The department of licensing shall provide information

1 on all persons changing their address on change of address forms
2 submitted to the department unless the voter has indicated that the
3 address change is not for voting purposes. This information will be
4 transmitted to the secretary of state each week in a machine-readable
5 file containing the following information on persons changing their
6 address: The name, address, date of birth, gender of the applicant,
7 the applicant's driver's license number, the applicant's former
8 address, the county code for the applicant's former address, and the
9 date that the request for address change was received.

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

20 **Subpart 2.5**

21 **Transfers and Name Changes**

22 **Sec. 228.** RCW 29.10.020 and 1994 c 57 s 35 are each amended to
23 read as follows:

24 ADDRESS CHANGE WITHIN COUNTY--TRANSFER BY TELEPHONE. To maintain
25 a valid voter registration, a registered voter who changes his or her
26 residence from one address to another within the same county shall
27 transfer his or her registration to the new address in one of the
28 following ways: (1) Sending to the county auditor a signed request
29 stating the voter's present address and the address from which the
30 voter was last registered; (2) appearing in person before the auditor
31 and signing such a request; (3) transferring the registration in the
32 manner provided by RCW 29.10.170; or (4) telephoning the county auditor
33 to transfer the registration. The telephone call transferring a
34 registration by telephone must be received by the auditor before the
35 precinct registration files are closed to new registrations for the

1 next primary or special or general election in which the voter
2 participates.

3 ~~((The secretary of state may adopt rules facilitating the transfer
4 of a registration by telephone authorized by this section.))~~

5 **Sec. 229.** RCW 29.10.040 and 1999 c 100 s 3 are each amended to
6 read as follows:

7 REREGISTRATION ON TRANSFER TO ANOTHER COUNTY. A registered voter
8 who changes his or her residence from one county to another county,
9 shall be required to register anew. The voter shall sign an
10 authorization to cancel his or her (~~present~~) current registration.
11 An authorization to cancel a voter's registration must be forwarded
12 promptly to the county auditor of the county in which the voter was
13 previously registered. The county auditor of the county where the
14 previous registration was made shall cancel the registration of the
15 voter if it appears that the signatures in the registration record and
16 on the cancellation authorization form were made by the same person.

17 **Sec. 230.** RCW 29.10.170 and 1991 c 81 s 28 are each reenacted to
18 read as follows:

19 TRANSFER ON ELECTION DAY. (1) A person who is registered to vote
20 in this state may transfer his or her voter registration on the day of
21 a special or general election or primary under the following
22 procedures:

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

26 (b) The voter may write in his or her new residential address in
27 the precinct list of registered voters.

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

31 (2) A voter who transfers his or her registration in the manner
32 authorized by this section shall vote in the precinct in which he or
33 she was previously registered.

34 (3) The auditor shall, within ninety days, mail to each voter who
35 has transferred a registration under this section a notice of his or
36 her current precinct and polling place.

1 records and cancel the registrations of deceased voters within at least
2 forty-five days before the next primary or election held in the county
3 after the auditor receives the list.

4 (2) In addition, the county auditor may also use newspaper obituary
5 articles as a source of information in order to cancel a voter's
6 registration. The auditor must verify the identity of the voter by
7 matching the voter's date of birth or an address. The auditor shall
8 record the date and source of the obituary in the cancellation records.

9 (3) In addition, any registered voter may sign a statement, subject
10 to the penalties of perjury, to the effect that to his or her personal
11 knowledge or belief another registered voter is deceased. This
12 statement may be filed with the county auditor. Upon the receipt of
13 such signed statement, the county auditor shall cancel the registration
14 records concerned and so notify the secretary of state. ~~((Upon receipt
15 of such notice, the secretary of state shall in turn cancel his or her
16 copy of said registration record.~~

17 ~~The secretary of state as chief elections officer shall cause such
18 form to be designed to carry out the provisions of this section. The
19 county auditors shall have such forms available for public use.
20 Further, each such public officer having jurisdiction of an election
21 shall make available a reasonable supply of such forms for the use of
22 the precinct election officers at each polling place on the day of an
23 election.))~~

24 **Sec. 233.** RCW 29.10.097 and 1994 c 57 s 42 are each reenacted to
25 read as follows:

26 CANCELLATION FOR CONVICTION OF FELONY. Upon receiving official
27 notice of a person's conviction of a felony in either state or federal
28 court, if the convicted person is a registered voter in the county, the
29 county auditor shall cancel the defendant's voter registration.

30 **Sec. 234.** RCW 29.10.100 and 1999 c 298 s 8 are each amended to
31 read as follows:

32 WEEKLY REPORT OF CANCELLATIONS AND NAME CHANGES. Once each week
33 after the cancellation of the registration of any voter or the change
34 of name of a voter, each county auditor shall certify all cancellations
35 or name changes to the secretary of state. The certificate shall set
36 forth the name of each voter whose registration has been canceled or

1 whose name was changed, and the county, city or town, and precinct in
2 which the voter was registered. A county may be exempted from this
3 requirement by entering into an interlocal agreement with the secretary
4 of state.

5 **Sec. 235.** RCW 29.10.110 and 1991 c 81 s 26 are each reenacted to
6 read as follows:

7 RECORD OF CANCELLATIONS. Every county auditor shall carefully
8 preserve in a separate file or list the registration records of persons
9 whose voter registrations have been canceled as authorized under this
10 title. The files or lists shall be kept in the manner prescribed by
11 rule by the secretary of state. Information from such canceled
12 registration records is available for public inspection and copying to
13 the same extent established by RCW 29.07.130 for other voter
14 registration information.

15 The county auditor may destroy the voter registration information
16 and records of any person whose voter registration has been canceled
17 for a period of two years or more.

18 **Subpart 2.7**
19 **List Maintenance**

20 **Sec. 236.** RCW 29.10.180 and 1999 c 100 s 2 are each reenacted to
21 read as follows:

22 GENERAL PROGRAM. In addition to the case-by-case maintenance
23 required under RCW 29.10.071 and 29.10.075 and the canceling of
24 registrations under RCW 29.10.090, the county auditor shall establish
25 a general program of voter registration list maintenance. This program
26 must be a thorough review that is applied uniformly throughout the
27 county and must be nondiscriminatory in its application. Any program
28 established must be completed at least once every two years and not
29 later than ninety days before the date of a primary or general election
30 for federal office. The county may fulfill its obligations under this
31 section in one of the following ways:

- 32 (1) The county auditor may enter into one or more contracts with
33 the United States postal service, or its licensee, which permit the
34 auditor to use postal service change-of-address information. If the
35 auditor receives change of address information from the United States

1 postal service that indicates that a voter has changed his or her
2 residence address within the county, the auditor shall transfer the
3 registration of that voter and send a confirmation notice informing the
4 voter of the transfer to the new address. If the auditor receives
5 postal change of address information indicating that the voter has
6 moved out of the county, the auditor shall send a confirmation notice
7 to the voter and advise the voter of the need to reregister in the new
8 county. The auditor shall place the voter's registration on inactive
9 status;

10 (2) A direct, nonforwardable, nonprofit or first-class mailing to
11 every registered voter within the county bearing the postal endorsement
12 "Return Service Requested." If address correction information for a
13 voter is received by the county auditor after this mailing, the auditor
14 shall place that voter on inactive status and shall send to the voter
15 a confirmation notice;

16 (3) Any other method approved by the secretary of state.

17 **Sec. 237.** RCW 29.10.185 and 2001 c 41 s 10 are each amended to
18 read as follows:

19 DUAL REGISTRATION OR VOTING DETECTION. In addition to the case-by-
20 case cancellation procedure required in RCW 29.10.040, the county
21 auditor, in conjunction with the office of the secretary of state,
22 shall participate in an annual list maintenance program designed to
23 detect persons registered in more than one county or voting in more
24 than one county in an election. This program must be applied uniformly
25 throughout the county and must be nondiscriminatory in its application.
26 The program must be completed not later than thirty days before the
27 date of a primary or general election.

28 The office of the secretary of state shall cause to be created a
29 list of registered voters with the same date of birth and similar names
30 who appear on two or more county lists of registered voters. The
31 office of the secretary of state shall forward this list to each county
32 auditor so that they may properly cancel the previous registration of
33 voters who have subsequently registered in a different county. The
34 county auditor of the county where the previous registration was made
35 shall cancel the registration of the voter if it appears that the
36 signatures in the registration and the signature provided to the new

1 county on the voter's new registration were made by the same person.
2 (~~The office of the secretary of state shall adopt rules to facilitate~~
3 ~~this process.~~)

4 If a voter is suspected of voting in two or more counties in an
5 election, the county auditors in each county shall cooperate without
6 delay to determine the voter's county of residence. The county auditor
7 of the county of residence of the voter suspected of voting in two or
8 more counties shall take action under RCW 29.85.245 without delay.

9 **Sec. 238.** RCW 29.10.015 and 1994 c 57 s 34 are each reenacted to
10 read as follows:

11 "ACTIVE," "INACTIVE" REGISTERED VOTERS. Registered voters are
12 divided into two categories, "active" and "inactive." All registered
13 voters are classified as active, unless assigned to inactive status by
14 the county auditor.

15 **Sec. 239.** RCW 29.10.071 and 1994 c 57 s 38 are each reenacted to
16 read as follows:

17 ASSIGNMENT OF VOTER TO INACTIVE STATUS--CONFIRMATION NOTICE. (1)
18 A county auditor shall assign a registered voter to inactive status and
19 shall send the voter a confirmation notice if any of the following
20 documents are returned by the postal service as undeliverable:

- 21 (a) An acknowledgement of registration;
- 22 (b) An acknowledgement of transfer to a new address;
- 23 (c) A vote-by-mail ballot, absentee ballot, or application for a
24 ballot;
- 25 (d) Notification to a voter after precinct reassignment;
- 26 (e) Notification to serve on jury duty; or
- 27 (f) Any other document other than a confirmation notice, required
28 by statute, to be mailed by the county auditor to the voter.

29 (2) A county auditor shall also assign a registered voter to
30 inactive status and shall send the voter a confirmation notice:

- 31 (a) Whenever change of address information received from the
32 department of licensing under RCW 29.07.270, or by any other agency
33 designated to provide voter registration services under RCW 29.07.420,
34 indicates that the voter has moved to an address outside the county; or
35 (b) If the auditor receives postal change of address information

1 under RCW 29.10.180, indicating that the voter has moved out of the
2 county.

3 **Sec. 240.** RCW 29.10.220 and 1994 c 57 s 47 are each amended to
4 read as follows:

5 VOTING BY INACTIVE OR CANCELED VOTERS. (1) A voter whose
6 registration has been made inactive under this chapter and who offers
7 to vote at an ensuing election before two federal elections have been
8 held (~~shall~~) must be allowed to vote a regular ballot and the voter's
9 registration restored to active status.

10 (2) A voter whose registration has been properly canceled under
11 this chapter shall vote a (~~special~~) provisional ballot. The voter
12 shall mark the (~~special~~) provisional ballot in secrecy, the ballot
13 (~~shall be~~) placed in a security envelope, the security envelope
14 placed in a (~~special~~) provisional ballot envelope, and the reasons
15 for the use of the (~~special~~) provisional ballot noted.

16 (3) Upon receipt of such a voted (~~special~~) provisional ballot the
17 auditor shall investigate the circumstances surrounding the original
18 cancellation. If he or she determines that the cancellation was in
19 error, the voter's registration (~~shall~~) must be immediately
20 reinstated, and the voter's (~~special~~) provisional ballot (~~shall~~)
21 must be counted. If the original cancellation was not in error, the
22 voter (~~shall~~) must be afforded the opportunity to reregister at his
23 or her correct address, and the voter's (~~special~~) provisional ballot
24 (~~shall~~) must not be counted.

25 **Sec. 241.** RCW 29.10.075 and 1994 c 57 s 39 are each reenacted to
26 read as follows:

27 RETURN OF INACTIVE VOTER TO ACTIVE STATUS--CANCELLATION OF
28 REGISTRATION. The county auditor shall return an inactive voter to
29 active voter status if, during the period beginning on the date the
30 voter was assigned to inactive status and ending on the day of the
31 second general election for federal office that occurs after the date
32 that the voter was sent a confirmation notice, the voter: Notifies the
33 auditor of a change of address within the county; responds to a
34 confirmation notice with information that the voter continues to reside
35 at the registration address; votes or attempts to vote in a primary or
36 a special or general election and resides within the county; or signs

1 any petition authorized by statute for which the signatures are
2 required by law to be verified by the county auditor. If the inactive
3 voter fails to provide such a notice or take such an action within that
4 period, the auditor shall cancel the person's voter registration.

5 **Sec. 242.** RCW 29.10.200 and 1994 c 57 s 45 are each reenacted to
6 read as follows:

7 CONFIRMATION NOTICES--FORM, CONTENTS. Confirmation notices must be
8 on a form prescribed by, or approved by, the secretary of state and
9 must request that the voter confirm that he or she continues to reside
10 at the address of record and desires to continue to use that address
11 for voting purposes. The notice must inform the voter that if the
12 voter does not respond to the notice and does not vote in either of the
13 next two federal elections, his or her voter registration will be
14 canceled.

15 **Sec. 243.** RCW 29.10.210 and 1994 c 57 s 46 are each reenacted to
16 read as follows:

17 CONFIRMATION NOTICE--RESPONSE, AUDITOR'S ACTION. If the response
18 to the confirmation notice provides the county auditor with the
19 information indicating that the voter has moved within the county, the
20 auditor shall transfer the voter's registration. If the response
21 indicates that the voter has left the county, the auditor shall cancel
22 the voter's registration.

23 **Sec. 244.** RCW 29.10.230 and 1999 c 100 s 5 are each amended to
24 read as follows:

25 ELECTRONIC FILE FORMAT. The secretary of state shall create a
26 standard electronic file format (state transfer form) to be used for
27 the transfer of voter registration information between county auditors
28 and the office of the secretary of state. The format must be
29 prescribed by rule and contain at least the following information:
30 Voter name, address, date of birth, date of registration, mailing
31 address, legislative and congressional district, and digitized
32 signature image. Each county shall program its voter registration
33 system to convert this data from the county's storage format into the
34 state transfer format. (~~Every county shall complete this work by~~

1 ~~January 1, 2000. Each county may bill reasonable programming costs~~
2 ~~incurred by it to the office of the secretary of state by June 1,~~
3 ~~2000.))~~

4 **Sec. 245.** RCW 29.04.250 and 2002 c 21 s 2 are each amended to read
5 as follows:

6 VOTER REGISTRATION DATA BASE. (1) The office of the secretary of
7 state shall work in conjunction with the county auditors of the state
8 of Washington to initiate the creation of a statewide voter
9 registration data base. The secretary of state shall identify a group
10 of voter registration experts whose responsibility will be to work on
11 a design for the voter registration data base system. (~~The secretary~~
12 ~~of state shall report back the findings of this group to the~~
13 ~~legislature no later than February 1, 2003.))~~

14 (2) Among the intended goals the voter registration data base must
15 be designed to accomplish at a minimum, are the following:

- 16 (a) Identify duplicate voter registrations;
- 17 (b) Identify suspected duplicate voters;
- 18 (c) Screen against the department of corrections data base to aid
19 in the cancellation of voter registration of felons;
- 20 (d) Provide up-to-date signatures of voters for the purposes of
21 initiative signature checking;
- 22 (e) Provide for a comparison between the voter registration data
23 base and the department of licensing change of address data base;
- 24 (f) Provide online access for county auditors with the goal of real
25 time duplicate checking and update capabilities, if sufficient funds
26 are available;
- 27 (g) Provide for the cancellation of voter registration for persons
28 who have moved to other states and surrendered their Washington state
29 drivers' licenses;
- 30 (h) Ensure that each county shall maintain legal control of the
31 registration records for that county.

32 **Subpart 2.8**

33 **Public Access to Registration Records**

34 **Sec. 246.** RCW 29.07.130 and 1994 c 57 s 17 are each amended to
35 read as follows:

REGISTRATION RECORDS--ORIGINALS AND AUTOMATED FILES--PUBLIC

ACCESS. (1) (~~The cards required by RCW 29.07.090 shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. The secretary may maintain an automated file of voter registration information for any county or counties in lieu of filing or maintaining these voter registration cards if the automated file includes all of the information from the cards including, but not limited to, a retrievable facsimile of the signature of each voter of that county or counties. Such an automated file may be used only for the purpose authorized for the use of the cards.~~

(2)) The county auditor shall have custody of the voter registration records for each county. The original voter registration form(~~, as established by RCW 29.07.070, shall~~) must be filed (~~(alphabetically)~~) without regard to precinct and (~~shall be~~) is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters (~~shall~~) must be maintained pursuant to RCW 29.07.220. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(~~(3)~~) (2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying: The voter's name, gender, voting record, date of registration, and registration number. The address and political jurisdiction of a registered voter (~~(or addresses of a group of voters)~~) are available for public inspection and copying except (~~to the extent that the address of a particular voter is not so available under RCW 42.17.310(1)(bb). The political jurisdictions within which a voter or group of voters reside are also available for public inspection and copying except that the political jurisdictions within which a particular voter resides are not available for such inspection and copying if the address of the voter is not so available under RCW 42.17.310(1)(bb))~~) as provided by chapter 40.24 RCW. No other information from voter registration records or files is available for public inspection or copying.

1 **Sec. 247.** RCW 29.04.100 and 1994 c 57 s 5 are each amended to read
2 as follows:

3 REGISTRATION, VOTING RECORDS--AS PUBLIC RECORDS--INFORMATION
4 FURNISHED--RESTRICTIONS, CONFIDENTIALITY. (1) In the case of voter
5 registration records received through the department of licensing, the
6 identity of the office at which any particular individual registered to
7 vote is not available for public inspection and shall not be disclosed
8 to the public. In the case of voter registration records received
9 through an agency designated under RCW 29.07.420, the identity of the
10 agency at which any particular individual registered to vote is not
11 available for public inspection and shall not be disclosed to the
12 public. Any record of a particular individual's choice not to register
13 to vote at an office of the department of licensing or a state agency
14 designated under RCW 29.07.420 is not available for public inspection
15 and any information regarding such a choice by a particular individual
16 shall not be disclosed to the public.

17 (2) All poll books or current lists of registered voters, except
18 original voter registration forms or their images, shall be public
19 records and be made available for inspection under such reasonable
20 rules and regulations as the county auditor may prescribe. The county
21 auditor shall promptly furnish current lists or mailing labels of
22 registered voters in his or her possession, at actual reproduction
23 cost, to any person requesting such information(~~(:—PROVIDED, That~~
24 ~~such)).~~ The lists and labels shall not be used for the purpose of
25 mailing or delivering any advertisement or offer for any property,
26 establishment, organization, product, or service or for the purpose of
27 mailing or delivering any solicitation for money, services, or anything
28 of value(~~(:—PROVIDED, HOWEVER, That such)).~~ However, the lists and
29 labels may be used for any political purpose.

30 **Sec. 248.** RCW 29.04.110 and 1994 c 57 s 6 are each amended to read
31 as follows:

32 REGISTRATION, VOTING--FURNISHING DATA UPON REQUEST--COST--USE
33 RESTRICTED. Except original voter registration forms or their images,
34 a reproduction of any form of data storage, in the custody of the
35 county auditor, including poll books and precinct lists of registered
36 voters, magnetic tapes or discs, punched cards, and any other form of
37 storage of such books and lists, shall at the written request of any

1 person be furnished to him or her by the county auditor pursuant to
2 such reasonable rules and regulations as the county auditor may
3 prescribe, and at a cost equal to the county's actual cost in
4 reproducing such form of data storage. Any data contained in a form of
5 storage furnished under this section shall not be used for the purpose
6 of mailing or delivering any advertisement or offer for any property,
7 establishment, organization, product or service or for the purpose of
8 mailing or delivering any solicitation for money, services or anything
9 of value(~~(: PROVIDED, HOWEVER, That such)~~). However, the data may be
10 used for any political purpose. Whenever the county auditor furnishes
11 any form of data storage under this section, he or she shall also
12 furnish the person receiving the same with a copy of RCW 29.04.120.

13 **Sec. 249.** RCW 29.04.120 and 1999 c 298 s 2 are each amended to
14 read as follows:

15 VIOLATIONS OF RESTRICTED USE OF REGISTERED VOTER DATA--PENALTIES--
16 LIABILITIES. (1) Any person who uses registered voter data furnished
17 under RCW 29.04.100 or 29.04.110 for the purpose of mailing or
18 delivering any advertisement or offer for any property, establishment,
19 organization, product, or service or for the purpose of mailing or
20 delivering any solicitation for money, services, or anything of value
21 (~~(shall be)~~) is guilty of a felony punishable by imprisonment in a
22 state correctional facility for a period of not more than five years or
23 a fine of not more than ten thousand dollars or both such fine and
24 imprisonment, and (~~(shall be)~~) is liable to each person provided such
25 advertisement or solicitation, without the person's consent, for the
26 nuisance value of such person having to dispose of it, which value is
27 herein established at five dollars for each item mailed or delivered to
28 the person's residence(~~(: PROVIDED, That any)~~). However, a person who
29 mails or delivers any advertisement, offer, or solicitation for a
30 political purpose (~~(shall)~~) is not (~~(be)~~) liable under this
31 section(~~(7)~~) unless the person is liable under subsection (2) of this
32 section. For purposes of this subsection, two or more attached papers
33 or sheets or two or more papers (~~(which)~~) that are enclosed in the same
34 envelope or container or are folded together (~~(shall be deemed to~~
35 ~~constitute)~~) are one item. Merely having a mailbox or other receptacle
36 for mail on or near the person's residence (~~(shall)~~) is not (~~(be any)~~)
37 an indication that (~~(such)~~) the person consented to receive the

1 advertisement or solicitation. A class action may be brought to
2 recover damages under this section, and the court may award a
3 reasonable attorney's fee to any party recovering damages under this
4 section.

5 (2) (~~It shall be the responsibility of~~) Each person furnished
6 data under RCW 29.04.100 or 29.04.110 (~~to~~) shall take reasonable
7 precautions designed to assure that the data is not used for the
8 purpose of mailing or delivering any advertisement or offer for any
9 property, establishment, organization, product, or service or for the
10 purpose of mailing or delivering any solicitation for money, services,
11 or anything of value(~~PROVIDED, That such~~). However, the data may
12 be used for any political purpose. Where failure to exercise due care
13 in carrying out this responsibility results in the data being used for
14 such purposes, then such person (~~shall be~~) is jointly and severally
15 liable for damages under (~~the provisions of~~) subsection (1) of this
16 section along with any other person liable under subsection (1) of this
17 section for the misuse of such data.

18 **Sec. 250.** RCW 29.04.150 and 1993 c 441 s 1 are each reenacted to
19 read as follows:

20 COMPUTER FILE OF REGISTERED VOTERS--COUNTY RECORDS TO SECRETARY OF
21 STATE--REIMBURSEMENT. (1) No later than June 15th or November 15th,
22 any political party organization or any other individual may request in
23 writing from the secretary of state to receive a copy of the subsequent
24 statewide computer file of registered voters compiled under subsection
25 (2) of this section. At the time it makes this request, the political
26 party or individual shall deposit sufficient funds with the secretary
27 of state to pay for the cost of assembling, compiling, and distributing
28 the computer file of registered voters and shall agree to the statutory
29 restrictions regarding the commercial use of this data.

30 (2) Not earlier than January 1st or July 1st subsequent to the
31 receipt of a request and deposit under subsection (1) of this section,
32 each county auditor shall provide to the secretary of state, or a data
33 processing agency designated by the secretary of state, a duplicate
34 computer tape or data file of the records of the registered voters in
35 that county, containing the information specified in RCW 29.07.220.
36 The secretary of state shall reimburse each county for the actual cost

1 of reproduction and mailing of the duplicate computer tape or data
2 file.

3 **Sec. 251.** RCW 29.04.160 and 1995 c 135 s 2 are each amended to
4 read as follows:

5 COMPUTER FILE--DUPLICATE COPY--RESTRICTIONS AND PENALTIES. As soon
6 as any or all of the voter registration data from the counties has been
7 received under RCW 29.04.150 and processed, the secretary of state
8 shall provide a duplicate copy of this data to the political party
9 organization or other individual making the request, at cost, shall
10 provide a duplicate copy of the master statewide computer tape or data
11 file of registered voters to the statute law committee without cost,
12 and shall provide a duplicate copy of the master statewide computer
13 tape or electronic data file of registered voters to the department of
14 information services for purposes of creating the jury source list
15 without cost. Restrictions as to the commercial use of the information
16 on the statewide computer tape or data file of registered voters, and
17 penalties for its misuse, shall be the same as provided in RCW
18 29.04.110 and 29.04.120 (~~as now existing or hereafter amended~~)).

19 **Sec. 252.** RCW 29.04.240 and 1994 c 57 s 7 are each reenacted to
20 read as follows:

21 RECORDS CONCERNING ACCURACY AND CURRENCY OF VOTERS LISTS. Each
22 county auditor shall maintain for at least two years and shall make
23 available for public inspection and copying all records concerning the
24 implementation of programs and activities conducted for the purpose of
25 insuring the accuracy and currency of official lists of eligible
26 voters. These records must include lists of the names and addresses of
27 all persons to whom notices are sent and information concerning whether
28 or not each person has responded to the notices. These records must
29 contain lists of all persons removed from the list of eligible voters
30 and the reasons why the voters were removed.

31 **Subpart 2.9**
32 **Challenges**

33 **Sec. 253.** RCW 29.10.125 and 2001 c 41 s 9 are each reenacted to
34 read as follows:

1 CHALLENGE OF REGISTRATION--INITIATION. Registration of a person as
2 a voter is presumptive evidence of his or her right to vote at any
3 primary or election, general or special. A person's right to vote may
4 be challenged at the polls only by a precinct judge or inspector. A
5 challenge may be made only upon the belief or knowledge of the
6 challenging officer that the voter is unqualified. The challenge must
7 be supported by evidence or testimony given to the county canvassing
8 board under RCW 29.10.127 and may not be based on unsupported
9 allegations or allegations by anonymous third parties. The identity of
10 the challenger, and any third person involved in the challenge, shall
11 be public record and shall be announced at the time the challenge is
12 made.

13 Challenges initiated by a registered voter must be filed not later
14 than the day before any primary or election, general or special, at the
15 office of the appropriate county auditor. A challenged voter may
16 properly transfer or reregister until three days before the primary or
17 election, general or special, by applying personally to the county
18 auditor. Challenges may also be initiated by the office of the county
19 prosecuting attorney and must be filed in the same manner as challenges
20 initiated by a registered voter.

21 **Sec. 254.** RCW 29.10.127 and 1987 c 288 s 2 are each amended to
22 read as follows:

23 CHALLENGE--VOTING BY PERSON CHALLENGED--BURDEN OF PROOF,
24 PROCEDURES. When the right of a person has been challenged under RCW
25 29.10.125 or 29.10.130(2), the challenged person shall be permitted to
26 vote a ballot which shall be placed in a sealed envelope separate from
27 other voted ballots. In precincts where voting machines are used, any
28 person whose right to vote is challenged under RCW 29.10.125 or
29 29.10.130(2) shall be furnished a paper ballot, which shall be placed
30 in a sealed envelope after being marked. Included with the challenged
31 ballot shall be (1) an affidavit filed under RCW 29.10.130 challenging
32 the person's right to vote or (2) an affidavit signed by the precinct
33 election officer and any third party involved in the officer's
34 challenge and stating the reasons the voter is being challenged. The
35 sealed ballots of challenged voters shall be transmitted at the close
36 of the election to the canvassing board or other authority charged by
37 law with canvassing the returns of the particular primary or election.

1 The county auditor shall notify the challenger and the challenged
2 voter, by certified mail, of the time and place at which the county
3 canvassing board will meet to rule on challenged ballots. If the
4 challenge is made by a precinct election officer under RCW 29.10.125,
5 the officer must appear in person before the board unless he or she has
6 received written authorization from the canvassing board to submit an
7 affidavit supporting the challenge. If the challenging officer has
8 based his or her challenge upon evidence provided by a third party,
9 that third party must appear with the challenging officer before the
10 canvassing board, unless he or she has received written authorization
11 from the canvassing board to submit an affidavit supporting the
12 challenge. If the challenge is filed under RCW 29.10.130, the
13 challenger must either appear in person before the board or submit an
14 affidavit supporting the challenge. The challenging party must prove
15 to the canvassing board by clear and convincing evidence that the
16 challenged voter's registration is improper. If the challenging party
17 fails to meet this burden, the challenged ballot shall be accepted as
18 valid and counted. The canvassing board shall give the challenged
19 voter the opportunity to present testimony, either in person or by
20 affidavit, and evidence to the canvassing board before making their
21 determination. All challenged ballots must be determined no later than
22 the time of canvassing for the particular primary or election. The
23 decision of the canvassing board or other authority charged by law with
24 canvassing the returns shall be final. Challenges of absentee ballots
25 shall be determined according to RCW (~~29.36.100~~) 29.36.350 (as
26 recodified by this act).

27 **Sec. 255.** RCW 29.10.130 and 1987 c 288 s 3 are each reenacted to
28 read as follows:

29 CHALLENGE--AFFIDAVIT--ADMINISTRATION, NOTICE OF CHALLENGE. (1) Any
30 registered voter may request that the registration of another voter be
31 canceled if he or she believes that the voter does not meet the
32 requirements of Article VI, section 1 of the state Constitution or that
33 voter no longer maintains a legal voting residence at the address shown
34 on his or her registration record. The challenger shall file with the
35 county auditor a signed affidavit subject to the penalties of perjury,
36 to the effect that to his or her personal knowledge and belief another
37 registered voter does not actually reside at the address as given on

1 his or her registration record or is otherwise not a qualified voter
2 and that the voter in question is not protected by the provisions of
3 Article VI, section 4, of the Constitution of the state of Washington.
4 The person filing the challenge must furnish the address at which the
5 challenged voter actually resides.

6 (2) Any such challenge of a voter's registration and right to vote
7 made less than thirty days before a primary or election, special or
8 general, shall be administered under RCW 29.10.127. The county auditor
9 shall notify the challenged voter and the precinct election officers in
10 the voter's precinct that a challenge has been filed, provide the name
11 of the challenger, and instruct both the precinct election officers and
12 the voter that, in the event the challenged voter desires to vote at
13 the ensuing primary or election, a challenged ballot will be provided.
14 The voter shall also be informed that the status of his or her
15 registration and the disposition of any challenged ballot will be
16 determined by the county canvassing board in the manner provided by RCW
17 29.10.127. If the challenged voter does not vote at the ensuing
18 primary or election, the challenge shall be processed in the same
19 manner as challenges made more than thirty days prior to the primary or
20 election under RCW 29.10.140.

21 **Sec. 256.** RCW 29.10.140 and 1987 c 288 s 4 are each reenacted to
22 read as follows:

23 CHALLENGE--PROCEDURE BEFORE CANCELLATION. All challenges of voter
24 registration under RCW 29.10.130 made thirty days or more before a
25 primary or election, general or special, shall be delivered to the
26 appropriate county auditor who shall notify the challenged voter, by
27 certified mail, that his or her voter registration has been challenged.

28 The notification shall be mailed to the address at which the
29 challenged voter is registered, any address provided by the challenger
30 under RCW 29.10.130, and to any other address at which the individual
31 whose registration is being challenged is alleged to reside or at which
32 the county auditor would reasonably expect that individual to receive
33 notice of the challenge of his or her voter registration. Included in
34 the notification shall be a request that the challenged voter appear at
35 a hearing to be held within ten days of the mailing of the request, at
36 the place, day, and hour stated, in order to determine the validity of
37 his or her registration. The challenger shall be provided with a copy

1 of this notification and request. If either the challenger or the
2 challenged voter is unable to appear in person, he or she may file a
3 reply by means of an affidavit stating under oath the reasons he or she
4 believes the registration to be invalid or valid.

5 If both the challenger and the challenged voter file affidavits
6 instead of appearing in person, an evaluation of the affidavits by the
7 county auditor constitutes a hearing for the purposes of this section.

8 The county auditor shall hold a hearing at which time both parties
9 may present their facts and arguments. After reviewing the facts and
10 arguments, including any evidence submitted by either side, the county
11 auditor shall rule as to the validity or invalidity of the challenged
12 registration. His or her ruling is final subject only to a petition
13 for judicial review by the superior court under chapter 34.05 RCW. If
14 either party, or both parties, fail to appear at the meeting or fail to
15 file an affidavit, the county auditor shall determine the status of the
16 registration based on his or her evaluation of the available facts.

17 **Sec. 257.** RCW 29.10.150 and 1991 c 81 s 27 are each amended to
18 read as follows:

19 CHALLENGE OF REGISTRATION--FORMS, AVAILABILITY. The secretary of
20 state as chief elections officer shall cause appropriate forms to be
21 designed to carry out the provisions of RCW 29.10.130 (~~through~~
22 ~~29.10.160~~) and 29.10.140 (as recodified by this act). The county
23 auditors and (~~registrars~~) registration assistants shall have such
24 forms available. Further, a reasonable supply of such forms shall be
25 at each polling place on the day of a primary or election, general or
26 special.

27 **PART 3**
28 **VOTING SYSTEMS**

29 **Sec. 301.** RCW 29.33.020 and 1990 c 59 s 17 are each reenacted to
30 read as follows:

31 AUTHORITY FOR USE. At any primary or election in any county, votes
32 may be cast, registered, recorded, or counted by means of voting
33 systems that have been approved under RCW 29.33.041.

1 **Sec. 302.** RCW 29.33.041 and 1990 c 59 s 18 are each reenacted to
2 read as follows:

3 INSPECTION AND TEST BY SECRETARY OF STATE--REPORT. The secretary
4 of state shall inspect, evaluate, and publicly test all voting systems
5 or components of voting systems that are submitted for review under RCW
6 29.33.051. The secretary of state shall determine whether the voting
7 systems conform with all of the requirements of this title, the
8 applicable rules adopted in accordance with this title, and with
9 generally accepted safety requirements. The secretary of state shall
10 transmit a copy of the report of any examination under this section,
11 within thirty days after completing the examination, to the county
12 auditor of each county.

13 **Sec. 303.** RCW 29.33.051 and 1990 c 59 s 19 are each reenacted to
14 read as follows:

15 SUBMITTING SYSTEM OR COMPONENT FOR EXAMINATION. The manufacturer
16 or distributor of a voting system or component of a voting system may
17 submit that system or component to the secretary of state for
18 examination under RCW 29.33.041.

19 **Sec. 304.** RCW 29.33.061 and 1990 c 59 s 20 are each reenacted to
20 read as follows:

21 INDEPENDENT EVALUATION. (1) The secretary of state may rely on the
22 results of independent design, engineering, and performance evaluations
23 in the examination under RCW 29.33.041 if the source and scope of these
24 independent evaluations are specified by rule.

25 (2) The secretary of state may contract with experts in mechanical
26 or electrical engineering or data processing to assist in examining a
27 voting system or component. The manufacturer or distributor who has
28 submitted a voting system for testing under RCW 29.33.051 shall pay the
29 secretary of state a deposit to reimburse the cost of any contract for
30 consultation under this section and for any other unrecoverable costs
31 associated with the examination of a voting system or component by the
32 manufacturer or distributor who submitted the voting system or
33 component for examination.

34 **Sec. 305.** RCW 29.33.081 and 1990 c 59 s 21 are each amended to
35 read as follows:

1 APPROVAL REQUIRED--MODIFICATION. If voting systems or devices or
2 vote tallying systems are to be used for conducting a primary or
3 election, only those that have the approval of the secretary of state
4 or had been approved under this chapter or the former chapter 29.34 RCW
5 before March 22, 1982, may be used. Any modification, change, or
6 improvement to any voting system or component of a system that does not
7 impair its accuracy, efficiency, or capacity or extend its function,
8 may be made without reexamination or reapproval by the secretary of
9 state under RCW 29.33.041.

10 **Sec. 306.** RCW 29.33.130 and 1990 c 59 s 22 are each reenacted to
11 read as follows:

12 RESPONSIBILITY FOR MAINTENANCE AND OPERATION. The county auditor
13 of a county in which voting systems are used is responsible for the
14 preparation, maintenance, and operation of those systems and may employ
15 and direct persons to perform some or all of these functions.

16 **Sec. 307.** RCW 29.33.145 and 1998 c 58 s 1 are each reenacted to
17 read as follows:

18 ACCEPTANCE TEST. An agreement to purchase or lease a voting system
19 or a component of a voting system is subject to that system or
20 component passing an acceptance test sufficient to demonstrate that the
21 equipment is the same as that certified by the secretary of state and
22 that the equipment is operating correctly as delivered to the county.

23 **Sec. 308.** RCW 29.33.300 and 1990 c 59 s 26 are each reenacted to
24 read as follows:

25 REQUIREMENTS OF VOTING DEVICES FOR APPROVAL. No voting device
26 shall be approved by the secretary of state unless it:

- 27 (1) Secures to the voter secrecy in the act of voting;
- 28 (2) Permits the voter to vote for any person for any office and
29 upon any measure that he or she has the right to vote for;
- 30 (3) Permits the voter to vote for all the candidates of one party
31 or in part for the candidates of one or more other parties;
- 32 (4) Correctly registers all votes cast for any and all persons and
33 for or against any and all measures;
- 34 (5) Provides that a vote for more than one candidate cannot be cast

1 by one single operation of the voting device or vote tally system
2 except when voting for president and vice president of the United
3 States; and

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

7 **Sec. 309.** RCW 29.33.310 and 1990 c 59 s 27 are each reenacted to
8 read as follows:

9 SINGLE DISTRICT AND PRECINCT ON VOTING DEVICES. The ballot on a
10 single voting device shall not contain the names of candidates for the
11 offices of United States representative, state senator, state
12 representative, county council, or county commissioner in more than one
13 district. In all general elections, primaries, and special elections,
14 in each polling place the voting devices containing ballots for
15 candidates from each congressional, legislative, or county council or
16 commissioner district shall be grouped together and physically
17 separated from those devices containing ballots for other districts.
18 Each voter shall be directed by the precinct election officers to the
19 correct group of voting devices.

20 **Sec. 310.** RCW 29.33.320 and 1990 c 59 s 28 are each reenacted to
21 read as follows:

22 REQUIREMENTS OF VOTE TALLYING SYSTEMS FOR APPROVAL. The secretary
23 of state shall not approve a vote tallying system unless it:

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

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

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

32 (4) Accommodates rotation of candidates' names on the ballot under
33 RCW 29.30.040;

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

35 (6) Except for functions or capabilities unique to this state, has

1 been tested, certified, and used in at least one other state or
2 election jurisdiction.

3 **Sec. 311.** RCW 29.33.330 and 1990 c 59 s 25 are each amended to
4 read as follows:

5 RECORD OF BALLOT FORMAT--DEVICES SEALED. In preparing a voting
6 device for a primary or election, a record shall be made of the ballot
7 format installed in each device and the precinct or portion of a
8 precinct for which that device has been prepared. Except where
9 provided by a rule adopted under RCW (~~(29.04.210)~~) 29.04.080 (as
10 recodified by this act), after being prepared for a primary or
11 election, each device shall be sealed with a uniquely numbered seal and
12 provided to the inspector of the appropriate polling place.

13 **Sec. 312.** RCW 29.33.340 and 1990 c 59 s 29 are each reenacted to
14 read as follows:

15 ELECTION OFFICIALS--INSTRUCTION, COMPENSATION, REQUIREMENTS. (1)
16 Before each state primary or general election at which voting systems
17 are to be used, the county auditor shall instruct all precinct election
18 officers appointed under RCW 29.45.010, counting center personnel, and
19 political party observers designated under RCW 29.54.025 in the proper
20 conduct of their duties.

21 (2) The county auditor may waive instructional requirements for
22 precinct election officers, counting center personnel, and political
23 party observers who have previously received instruction and who have
24 served for a sufficient length of time to be fully qualified to perform
25 their duties. The county auditor shall keep a record of each person
26 who has received instruction and is qualified to serve at the
27 subsequent primary or election.

28 (3) As compensation for the time spent in receiving instruction,
29 each precinct election officer who qualifies and serves at the
30 subsequent primary or election shall receive an additional two hours
31 compensation, to be paid at the same time and in the same manner as
32 compensation is paid for services on the day of the primary or
33 election.

34 (4) Except for the appointment of a precinct election officer to
35 fill a vacancy under RCW 29.45.040, no inspector or judge may serve at
36 any primary or election at which voting systems are used unless he or

1 she has received the required instruction and is qualified to perform
2 his or her duties in connection with the voting devices. No person may
3 work in a counting center at a primary or election at which a vote
4 tallying system is used unless that person has received the required
5 instruction and is qualified to perform his or her duties in connection
6 with the handling and tallying of ballots for that primary or election.
7 No person may serve as a political party observer unless that person
8 has received the required instruction and is familiar with the
9 operation of the counting center and the vote tallying system and the
10 procedures to be employed to verify the accuracy of the programming for
11 that vote tallying system.

12 **Sec. 313.** RCW 29.33.350 and 1998 c 58 s 2 are each amended to read
13 as follows:

14 VOTE TALLYING SYSTEMS--PROGRAMMING TESTS. At least three days
15 before each state primary or general election, the office of the
16 secretary of state shall provide for the conduct of tests of the
17 programming for each vote tallying system to be used at that primary or
18 general election. The test must verify that the system will correctly
19 count the vote cast for all candidates and on all measures appearing on
20 the ballot at that primary or general election. (~~The office of the~~
21 ~~secretary of state shall adopt rules specifying the manner of~~
22 ~~conducting these programming tests.)) The test shall verify the
23 capability of the vote tallying system to perform all of the functions
24 that can reasonably be expected to occur during conduct of that
25 particular primary or election. If any error is detected, the cause
26 shall be determined and corrected, and an errorless total shall be
27 produced before the primary or election.~~

28 Such tests shall be observed by at least one representative from
29 each major political party, if representatives have been appointed by
30 the respective major political parties and are present at the test, and
31 shall be open to candidates, the press, and the public. The county
32 auditor and any political party observers shall certify that the test
33 has been conducted in accordance with this section. Copies of this
34 certification shall be retained by the secretary of state and the
35 county auditor. All programming materials, test results, and test
36 ballots shall be securely sealed until the day of the primary or
37 general election.

1 **Sec. 314.** RCW 29.33.360 and 1998 c 58 s 3 are each reenacted to
2 read as follows:

3 OPERATING PROCEDURES. The secretary of state may publish
4 recommended procedures for the operation of the various vote tallying
5 systems that have been approved. These procedures allow the office of
6 the secretary of state to restrict or define the use of approved
7 systems in elections.

8 **Sec. 315.** RCW 29.04.200 and 1998 c 245 s 26 are each amended to
9 read as follows:

10 RECORDING REQUIREMENTS. (1) (~~Beginning January 1, 1993,~~) No
11 voting device or machine may be used in a county with a population of
12 seventy thousand or more to conduct a primary or general or special
13 election in this state unless it correctly records on a separate ballot
14 the votes cast by each elector for any person and for or against any
15 measure and such separate ballots are available for audit purposes
16 after such a primary or election.

17 (2) (~~Beginning January 1, 1993,~~) The secretary of state shall not
18 certify under this title any voting device or machine for use in
19 conducting a primary or general or special election in this state
20 unless the device or machine correctly records on a separate ballot the
21 votes cast by each elector for any person and for or against any
22 measure and such separate ballots are available for audit purposes
23 after such a primary or election.

24 (~~(3) Beginning January 1, 1993, a county with a population of less~~
25 ~~than seventy thousand may use a voting machine or device for conducting~~
26 ~~a primary or general or special election which does not record on a~~
27 ~~separate ballot, available for audit purposes after the primary or~~
28 ~~election, the votes cast by each elector for any person and for or~~
29 ~~against any measure if:~~

30 ~~(a) The device was certified under this title before January 1,~~
31 ~~1993, for use in this state;~~

32 ~~(b) The device otherwise satisfies the requirements of this title;~~
33 and

34 ~~(c) Not more than twenty percent of the votes cast during any~~
35 ~~primary or general or special election conducted after January 1, 1998,~~
36 ~~in the county are cast using such a machine or device.~~

1 **Sec. 403.** RCW 29.57.160 and 1999 c 298 s 20 are each amended to
2 read as follows:

3 COSTS FOR MODIFICATIONS--ALTERNATIVES--ELECTION COSTS. (1) County
4 auditors shall seek alternative polling places or other low-cost
5 alternatives including, but not limited to, procedural changes and
6 assistance from local disabled groups, service organizations, and other
7 private sources before incurring costs for modifications under this
8 chapter.

9 (2) The cost of those modifications to buildings or other
10 facilities, including signs designating (~~handicapped~~) disabled
11 accessible parking and entrances, that are necessary to permit the use
12 of those facilities for polling places under this chapter or any
13 procedures established under RCW 29.57.090 shall be treated as election
14 costs and prorated under RCW 29.13.045.

15 **Sec. 404.** RCW 29.04.040 and 1999 c 158 s 3 are each amended to
16 read as follows:

17 PRECINCTS--NUMBER OF VOTERS--DIVIDING, ALTERING, OR COMBINING--
18 CREATING NEW PRECINCTS. (1) (~~No paper ballot precinct may contain~~
19 ~~more than three hundred active registered voters. The county~~
20 ~~legislative authority may divide, alter, or combine precincts so that,~~
21 ~~whenever practicable, over populated precincts shall contain no more~~
22 ~~than two hundred fifty active registered voters in anticipation of~~
23 ~~future growth.~~

24 ~~(2)~~) Precinct boundaries may be altered at any time as long as
25 sufficient time exists prior to a given election for the necessary
26 procedural steps to be honored. Except as permitted under subsection
27 ~~((5))~~ (4) of this section, no precinct boundaries may be changed
28 during the period starting on the thirtieth day prior to the first day
29 for candidates to file for the primary election and ending with the day
30 of the general election.

31 ~~((3))~~ (2) Precincts in which voting machines or electronic voting
32 devices are used may contain as many as nine hundred active registered
33 voters. The number of poll-site ballot counting devices at each
34 polling place is at the discretion of the auditor. The number of
35 devices must be adequate to meet the expected voter turnout.

36 ~~((4))~~ (3) On petition of twenty-five or more voters resident more

1 than ten miles from any polling site, the county legislative authority
2 shall establish a separate voting precinct therefor.

3 ~~((+5))~~ (4) The county auditor shall temporarily adjust precinct
4 boundaries when a city or town annexes unincorporated territory to the
5 city or town, or whenever unincorporated territory is incorporated as
6 a city or town. The adjustment ~~((shall))~~ must be made as soon as
7 possible after the approval of the annexation or incorporation. The
8 temporary adjustment ~~((shall))~~ must be limited to the minimum changes
9 necessary to accommodate the addition of the territory to the city or
10 town, or to establish the eligible voters within the boundaries of the
11 new city or town, and ~~((shall))~~ remains in effect only until precinct
12 boundary modifications reflecting the annexation or incorporation are
13 adopted by the county legislative authority.

14 The county legislative authority may establish by ordinance a
15 limitation on the maximum number of active registered voters in each
16 precinct within its jurisdiction. The limitation may be different for
17 precincts based upon the method of voting used for such precincts and
18 the number may be less than the number established by law, but in no
19 case may the number exceed that authorized by law.

20 The county legislative authority of each county in the state
21 hereafter formed shall, at their first session, divide their respective
22 counties into election precincts ~~((with two hundred fifty active~~
23 ~~registered voters or less))~~ and establish the boundaries of the
24 precincts. The county auditor shall thereupon designate the voting
25 place for each such precinct or whether the precinct is a vote by mail
26 precinct.

27 ~~((+6))~~ (5) In determining the number of active registered voters
28 for the purposes of this section, persons who are ongoing absentee
29 voters under RCW ~~((29.36.013))~~ 29.36.240 (as recodified by this act)
30 shall not be counted. Nothing in this subsection may be construed as
31 altering the vote tallying requirements of RCW 29.62.090.

32 **Sec. 405.** RCW 29.04.050 and 1999 c 298 s 1 are each amended to
33 read as follows:

34 PRECINCTS--RESTRICTIONS ON PRECINCT BOUNDARIES--DESIGNATED BY
35 NUMBER. (1) Every voting precinct must be wholly within a single
36 congressional district, a single legislative district, ~~((and))~~ a single

1 district of a county legislative authority, and, if applicable, a
2 single city.

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

5 (3) Except as provided in this subsection, changes to the
6 boundaries of any precinct shall follow visible, physical features
7 delineated on the most current maps provided by the United States
8 census bureau. A change need not follow such visible, physical
9 features if (a) it is necessitated by an annexation or incorporation
10 and the proposed precinct boundary is identical to an exterior boundary
11 of the annexed or incorporated area which does not follow a visible,
12 physical feature; or (b) doing so would substantially impair election
13 administration in the involved area.

14 (4) After a change to precinct boundaries is adopted by the county
15 legislative authority, if the change does not follow visible physical
16 features, the county auditor shall send to the secretary of state ((a))
17 an electronic or paper copy of the ((~~legal~~)) description ((and)), a map
18 or maps of the changes, and((~~, if all or part of the changes do not~~
19 ~~follow visible, physical features,~~)) a statement of the applicable
20 exception under subsection (3) of this section. For boundary changes
21 made pursuant to subsection (3)(b) of this section, the auditor shall
22 include a statement of the reasons why following visible, physical
23 features would have substantially impaired election administration.

24 (5) Every voting precinct within each county shall be designated by
25 number for the purpose of preparation of maps and the tabulation of
26 population for apportionment purposes. These precincts may be
27 identified with names or other numbers for other election purposes.

28 (6) After a change to precinct boundaries in a city or town, the
29 county auditor shall send one copy of the map or maps delineating the
30 new precinct boundaries within that city or town to the city or town
31 clerk.

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

36 **Sec. 406.** RCW 29.04.055 and 2001 c 241 s 22 are each reenacted to
37 read as follows:

1 COMBINING OR DIVIDING PRECINCTS, ELECTION BOARDS. At any special
2 election or primary, the county auditor may combine, unite, or divide
3 precincts and may combine or unite election boards for the purpose of
4 holding such election. At any general election, the county auditor may
5 combine or unite election boards for the purpose of holding such
6 election, but shall report all election returns by individual precinct.

7 **Sec. 407.** RCW 29.48.005 and 1965 c 9 s 29.48.005 are each amended
8 to read as follows:

9 POLLING PLACE--MAY BE LOCATED OUTSIDE PRECINCT. Polling places for
10 the various voting precincts may be located outside the boundaries of
11 the respective precincts, when the officers conducting the primary or
12 election shall deem it feasible(~~(:—PROVIDED, That)~~). However, such
13 polling places (~~(shall)~~) must be located within a reasonable distance
14 of their respective precincts. The purpose of this section is to
15 furnish adequate voting facilities at readily accessible and
16 identifiable locations, and nothing (~~(herein shall be construed as~~
17 ~~affecting)~~) in this section affects the number, method of selection, or
18 duties of precinct election officers.

19 **Sec. 408.** RCW 29.48.007 and 1985 c 205 s 14 are each reenacted to
20 read as follows:

21 POLLING PLACE--USE OF COUNTY, MUNICIPALITY, OR SPECIAL DISTRICT
22 FACILITIES. The legislative authority of each county, municipality,
23 and special district shall, at the request of the county auditor, make
24 their facilities available for use as polling places for primaries,
25 special elections, and state general elections held within that county.
26 When, in the judgment of the county auditor, a facility of a county,
27 municipality, or special district would provide a location for a
28 polling place that would best satisfy the requirements of chapter 29.57
29 RCW, he or she shall notify the legislative authority of that county,
30 municipality, or district of the number of facilities needed for use as
31 polling places. Payment for polling places and any other conditions or
32 obligations regarding these polling places shall be provided for by
33 contract between the county auditor and the county, municipality, or
34 district.

1 **Sec. 409.** RCW 29.57.040 and 1979 ex.s. c 64 s 4 are each reenacted
2 to read as follows:

3 PUBLIC BUILDINGS USED AS POLLING PLACES--CONDITIONS. Each state
4 agency and entity of local government shall permit the use of any of
5 its buildings and the most suitable locations therein as polling places
6 when required by a county auditor to provide accessible places in each
7 precinct.

8 **Sec. 410.** RCW 29.57.070 and 1999 c 298 s 14 are each reenacted to
9 read as follows:

10 INACCESSIBLE POLLING PLACES--AUDITORS' LIST. No later than April
11 1st of each even-numbered year, each county auditor shall submit to the
12 secretary of state a list showing the number of polling places in the
13 county and specifying any that have been found inaccessible. The
14 auditor shall indicate the reasons for inaccessibility, and what
15 efforts have been made pursuant to this chapter to locate alternative
16 polling places or to make the existing facilities temporarily
17 accessible.

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

24 **Sec. 411.** RCW 29.57.100 and 1999 c 298 s 16 are each reenacted to
25 read as follows:

26 POLLING PLACES--ACCESSIBILITY REQUIRED, EXCEPTIONS. Each polling
27 place must be accessible unless:

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

33 (2) The secretary of state determines that a state of emergency
34 exists that would otherwise interfere with the efficient administration
35 of the primary or election.

1 temporary elected position such as a charter review board member or
2 freeholder, no person may file for more than one office.

3 (3) The name of a candidate for an office shall not appear on a
4 ballot for that office unless, except as provided in RCW 3.46.067 and
5 3.50.057, the candidate is, at the time the candidate's declaration
6 (~~and affidavit~~) of candidacy is filed, properly registered to vote in
7 the geographic area represented by the office. For the purposes of
8 this section, each geographic area in which registered voters may cast
9 ballots for an office is represented by that office. If a person
10 elected to an office must be nominated from a district or similar
11 division of the geographic area represented by the office, the name of
12 a candidate for the office shall not appear on a primary ballot for
13 that office unless the candidate is, at the time the candidate's
14 declaration (~~and affidavit~~) of candidacy is filed, properly
15 registered to vote in that district or division. The officer with whom
16 declarations (~~and affidavits~~) of candidacy must be filed under this
17 title shall review each such declaration filed regarding compliance
18 with this subsection.

19 (~~(3)~~) (4) This section does not apply to the office of a member
20 of the United States Congress.

21 **Sec. 503.** RCW 29.13.050 and 1979 ex.s. c 126 s 14 are each amended
22 to read as follows:

23 LOCAL OFFICERS, BEGINNING OF TERMS--ORGANIZATION OF DISTRICT BOARDS
24 OF DIRECTORS. The term of every city, town, and district officer
25 elected to office on the first Tuesday following the first Monday in
26 November of the odd-numbered years (~~shall~~) beginin accordance with
27 RCW 29.04.170(~~:- PROVIDED, That any~~). However, a person elected to
28 less than a full term shall assume office as soon as the election
29 returns have been certified and he or she is qualified in accordance
30 with RCW 29.01.135.

31 Each board of directors of every district shall be organized at the
32 first meeting held after one or more newly elected directors take
33 office.

34 **Sec. 504.** RCW 29.04.170 and 1999 c 298 s 3 are each amended to
35 read as follows:

36 LOCAL ELECTED OFFICIALS, COMMENCEMENT OF TERM OF OFFICE--PURPOSE,

1 1979 EX.S. C 126. (1) The legislature finds that certain laws are in
2 conflict governing the (~~(election)~~) assumption of office of various
3 local officials. The purpose of (~~(chapter 126, Laws of 1979 ex.~~
4 ~~sess.)~~) this section is to provide a common date for the assumption of
5 office for all the elected officials of counties, cities, towns, and
6 special purpose districts other than school districts where the
7 ownership of property is not a prerequisite of voting. A person
8 elected to the office of school director begins his or her term of
9 office at the first official meeting of the board of directors after
10 certification of the election results. It is also the purpose of
11 (~~(chapter 126, Laws of 1979 ex. sess.)~~) this section to remove these
12 conflicts and delete old statutory language concerning such elections
13 which is no longer necessary.

14 (2) For elective offices of counties, cities, towns, and special
15 purpose districts other than school districts where the ownership of
16 property is not a prerequisite of voting, the term of incumbents
17 (~~(shall)~~) ends and the term of successors (~~(shall)~~) begins after the
18 successor is elected and qualified, and the term (~~(shall)~~) commences
19 immediately after December 31st following the election, except as
20 follows:

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

23 (b) If the election results have not been certified prior to
24 January 1st after the election, in which event the time of commencement
25 for the new term (~~(shall)~~) occurs when the successor becomes qualified
26 in accordance with RCW 29.01.135.

27 (3) For elective offices governed by this section, the oath of
28 office (~~(shall)~~) must be taken as the last step of qualification as
29 defined in RCW 29.01.135 but may be taken either:

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

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

35 **Subpart 5.2**

36 **Minor Party and Independent Candidate Nominating**

1 **Sec. 505.** RCW 29.24.010 and 1977 ex.s. c 329 s 1 are each amended
2 to read as follows:

3 DEFINITIONS--"CONVENTION" AND "ELECTION JURISDICTION." A
4 "convention" for the purposes of this chapter, is an organized
5 assemblage of registered voters representing an independent candidate
6 or candidates or a new or minor political party, organization, or
7 principle. As used in this chapter, the term "election jurisdiction"
8 shall mean the state or any political subdivision or jurisdiction of
9 the state from which partisan officials are elected. This term shall
10 include county commissioner districts or council districts for members
11 of a county legislative authority, counties for county officials who
12 are nominated and elected on a county-wide basis, legislative districts
13 for members of the legislature, congressional districts for members of
14 Congress, and the state for president and vice president, members of
15 the United States senate, and state officials who are elected on a
16 statewide basis.

17 **Sec. 506.** RCW 29.24.020 and 2001 c 30 s 2 are each reenacted to
18 read as follows:

19 NOMINATION BY CONVENTION OR WRITE-IN--DATES--SPECIAL FILING
20 PERIOD. (1) Any nomination of a candidate for partisan public office
21 by other than a major political party may be made only: (a) In a
22 convention held not earlier than the last Saturday in June and not
23 later than the first Saturday in July or during any of the seven days
24 immediately preceding the first day for filing declarations of
25 candidacy as fixed in accordance with RCW 29.68.080; (b) as provided by
26 RCW 29.62.180; or (c) as otherwise provided in this section.

27 (2) Nominations of candidates for president and vice president of
28 the United States other than by a major political party may be made
29 either at a convention conducted under subsection (1) of this section,
30 or at a similar convention taking place not earlier than the first
31 Sunday in July and not later than seventy days before the general
32 election. Conventions held during this time period may not nominate
33 candidates for any public office other than president and vice
34 president of the United States, except as provided in subsection (3) of
35 this section.

36 (3) If a special filing period for a partisan office is opened
37 under RCW 29.15.230, candidates of minor political parties and

1 independent candidates may file for office during that special filing
2 period. The names of those candidates may not appear on the ballot
3 unless they are nominated by convention held no later than five days
4 after the close of the special filing period and a certificate of
5 nomination is filed with the filing officer no later than three days
6 after the convention. The requirements of RCW 29.24.025 do not apply
7 to such a convention. If primary ballots or a voters' pamphlet are
8 ordered to be printed before the deadline for submitting the
9 certificate of nomination and the certificate has not been filed, then
10 the candidate's name will be included but may not appear on the general
11 election ballot unless the certificate is timely filed and the
12 candidate otherwise qualifies to appear on that ballot.

13 (4) A minor political party may hold more than one convention but
14 in no case shall any such party nominate more than one candidate for
15 any one partisan public office or position. For the purpose of
16 nominating candidates for the offices of president and vice president,
17 United States senator, or a statewide office, a minor party or
18 independent candidate holding multiple conventions may add together the
19 number of signatures of different individuals from each convention
20 obtained in support of the candidate or candidates in order to obtain
21 the number required by RCW 29.24.030. For all other offices for which
22 nominations are made, signatures of the requisite number of registered
23 voters must be obtained at a single convention.

24 **Sec. 507.** RCW 29.24.025 and 1989 c 215 s 1 are each reenacted to
25 read as follows:

26 NOTICE OF CONVENTION. Each minor party or independent candidate
27 must publish a notice in a newspaper of general circulation within the
28 county in which the party or the candidate intends to hold a
29 convention. The notice must appear at least ten days before the
30 convention is to be held, and shall state the date, time, and place of
31 the convention. Additionally, it shall include the mailing address of
32 the person or organization sponsoring the convention.

33 **Sec. 508.** RCW 29.24.030 and 1989 c 215 s 3 are each reenacted to
34 read as follows:

35 REQUIREMENTS FOR VALIDITY OF CONVENTION. (1) To be valid, a
36 convention must be attended by at least twenty-five registered voters.

1 (2) In order to nominate candidates for the offices of president
2 and vice president of the United States, United States senator, or any
3 statewide office, a nominating convention shall obtain and submit to
4 the filing officer the signatures of at least two hundred registered
5 voters of the state of Washington. In order to nominate candidates for
6 any other office, a nominating convention shall obtain and submit to
7 the filing officer the signatures of twenty-five persons who are
8 registered to vote in the jurisdiction of the office for which the
9 nominations are made.

10 **Sec. 509.** RCW 29.24.035 and 2001 c 64 s 1 are each reenacted to
11 read as follows:

12 NOMINATING PETITION--REQUIREMENTS. A nominating petition submitted
13 under this chapter shall clearly identify the name of the minor party
14 or independent candidate convention as it appears on the certificate of
15 nomination as required by RCW 29.24.040(3). The petition shall also
16 contain a statement that the person signing the petition is a
17 registered voter of the state of Washington and shall have a space for
18 the voter to sign his or her name and to print his or her name and
19 address. No person may sign more than one nominating petition under
20 this chapter for an office for a primary or election.

21 **Sec. 510.** RCW 29.24.040 and 1989 c 215 s 4 are each amended to
22 read as follows:

23 CERTIFICATE OF NOMINATION--REQUISITES. A certificate evidencing
24 nominations made at a convention must:

- 25 (1) Be in writing;
- 26 (2) Contain the name of each person nominated, his or her
27 residence, and the office for which he or she is named, and if the
28 nomination is for the offices of president and vice president of the
29 United States, a sworn statement from both nominees giving their
30 consent to the nomination;
- 31 (3) Identify the minor political party or the independent candidate
32 on whose behalf the convention was held;
- 33 (4) Be verified by the oath of the presiding officer and secretary;
- 34 (5) Be accompanied by a nominating petition or petitions bearing
35 the signatures and addresses of registered voters equal in number to
36 that required by RCW 29.24.030;

1 (6) Contain proof of publication of the notice of calling the
2 convention; and

3 (7) Be submitted to the appropriate filing officer not later than
4 one week following the adjournment of the convention at which the
5 nominations were made. If the nominations are made only for offices
6 whose jurisdiction is entirely within one county, the certificate and
7 nominating petitions must be filed with the county auditor. If a minor
8 party or independent candidate convention nominates any candidates for
9 offices whose jurisdiction encompasses more than one county, all
10 nominating petitions and the convention certificates must be filed with
11 the secretary of state.

12 **Sec. 511.** RCW 29.24.045 and 2001 c 30 s 4 are each reenacted to
13 read as follows:

14 MULTIPLE CERTIFICATES OF NOMINATION. (1) If two or more valid
15 certificates of nomination are filed purporting to nominate different
16 candidates for the same position using the same party name, the filing
17 officer must give effect to both certificates. If conflicting claims
18 to the party name are not resolved either by mutual agreement or by a
19 judicial determination of the right to the name, the candidates must be
20 treated as independent candidates. Disputes over the right to the name
21 must not be permitted to delay the printing of either ballots or a
22 voters' pamphlet. Other candidates nominated by the same conventions
23 may continue to use the partisan affiliation unless a court of
24 competent jurisdiction directs otherwise.

25 (2) A person affected may petition the superior court of the county
26 in which the filing officer is located for a judicial determination of
27 the right to the name of a minor political party, either before or
28 after documents are filed with the filing officer. The court shall
29 resolve the conflict between competing claims to the use of the same
30 party name according to the following principles: (a) The prior
31 established public use of the name during previous elections by a party
32 composed of or led by the same individuals or individuals in documented
33 succession; (b) prior established public use of the name earlier in the
34 same election cycle; (c) the nomination of a more complete slate of
35 candidates for a number of offices or in a number of different regions
36 of the state; (d) documented affiliation with a national or statewide
37 party organization with an established use of the name; (e) the first

1 date of filing of a certificate of nomination; and (f) such other
2 indicia of an established right to use of the name as the court may
3 deem relevant. If more than one filing officer is involved, and one of
4 them is the secretary of state, the petition must be filed in the
5 superior court for Thurston county. Upon resolving the conflict
6 between competing claims, the court may also address any ballot
7 designation for the candidate who does not prevail.

8 **Sec. 512.** RCW 29.24.055 and 1989 c 215 s 6 are each reenacted to
9 read as follows:

10 PRESIDENTIAL ELECTORS--SELECTION AT CONVENTION. A minor political
11 party or independent candidate convention nominating candidates for the
12 offices of president and vice president of the United States shall, not
13 later than ten days after the adjournment of the convention, submit a
14 list of presidential electors to the office of the secretary of state.
15 The list shall contain the names and the mailing addresses of the
16 persons selected and shall be verified by the presiding officer of the
17 convention.

18 **Sec. 513.** RCW 29.24.060 and 1989 c 215 s 7 are each reenacted to
19 read as follows:

20 CERTIFICATE OF NOMINATION--CHECKING SIGNATURES--APPEAL OF
21 DETERMINATION. Upon the receipt of the certificate of nomination, the
22 officer with whom it is filed shall check the certificate and canvass
23 the signatures on the accompanying nominating petitions to determine if
24 the requirements of RCW 29.24.030 have been met. Once the
25 determination has been made, the filing officer shall notify the
26 presiding officer of the convention and any other persons requesting
27 the notification, of his or her decision regarding the sufficiency of
28 the certificate or the nominating petitions. Any appeal regarding the
29 filing officer's determination must be filed with the superior court of
30 the county in which the certificate or petitions were filed not later
31 than five days from the date the determination is made, and shall be
32 heard and finally disposed of by the court within five days of the
33 filing. Nominating petitions shall not be available for public
34 inspection or copying.

1 DESIGNATION OF SHORT TERMS, FULL TERMS, AND UNEXPIRED TERMS--FILING
2 DECLARATIONS--ELECTION TO BOTH SHORT AND FULL TERMS. If at the same
3 election there are short terms or full terms and unexpired terms of
4 office to be filled, the filing officer shall distinguish them and
5 designate the short term, the full term, and the unexpired term, as
6 such, or by use of the words "short term," "unexpired two year term,"
7 or "four year term," as the case may be.

8 In filing the declaration of candidacy in such cases the candidate
9 shall specify that the candidacy is for the short term, the full term,
10 or the unexpired term. When both a short term and a full term for the
11 same position are scheduled to be voted upon, or when a short term is
12 created after the close of the filing period, a single declaration of
13 candidacy accompanied by a single filing fee shall be construed as a
14 filing for both the short term and the full term and the name of such
15 candidate shall appear upon the ballot for the position sought with the
16 designation "short term and full term." The candidate elected to both
17 such terms shall be sworn into and assume office for the short term as
18 soon as the election returns have been certified and shall again be
19 sworn into office on the second Monday in January following the
20 election to assume office for the full term.

21 **Sec. 603.** RCW 29.15.010 and 2002 c 140 s 1 are each amended to
22 read as follows:

23 DECLARATION OF CANDIDACY. A candidate who desires to have his or
24 her name printed on the ballot for election to an office other than
25 president of the United States, vice president of the United States, or
26 an office for which ownership of property is a prerequisite to voting
27 shall complete and file a declaration (~~and affidavit~~) of candidacy.
28 The secretary of state shall adopt, by rule, a declaration of candidacy
29 form for the office of precinct committee officer and a separate
30 standard form for candidates for all other offices filing under this
31 chapter. Included on the standard form shall be:

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

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

1 (3) A place for the candidate to indicate a party designation, if
2 applicable;

3 (4) A place for the candidate to indicate the amount of the filing
4 fee accompanying the declaration of candidacy or for the candidate to
5 indicate that he or she is filing a nominating petition in lieu of the
6 filing fee under RCW 29.15.050;

7 (5) A place for the candidate to sign the declaration of candidacy,
8 stating that the information provided on the form is true and swearing
9 or affirming that he or she will support the Constitution and laws of
10 the United States and the Constitution and laws of the state of
11 Washington.

12 In the case of a declaration of candidacy filed electronically,
13 submission of the form constitutes agreement that the information
14 provided with the filing is true, that he or she will support the
15 Constitutions and laws of the United States and the state of
16 Washington, and that he or she agrees to electronic payment of the
17 filing fee established in RCW 29.15.050.

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

20 **Sec. 604.** RCW 29.15.044 and 2002 c 140 s 2 are each reenacted to
21 read as follows:

22 ELECTRONIC FILING--AUTHORIZED--PERIOD. A candidate may file his or
23 her declaration of candidacy for an office by electronic means on a
24 system specifically designed and authorized by a filing officer to
25 accept filings.

26 (1) Filings that are received electronically must capture all
27 information specified in RCW 29.15.010 (1) through (4).

28 (2) Electronic filing may begin at 9:00 a.m. the fourth Monday in
29 July and continue through 4:00 p.m. the following Friday.

30 (3) In case of special filing periods established in this chapter,
31 electronic filings may be accepted beginning at 9:00 a.m. on the first
32 day of the special filing period through 4:00 p.m. the last day of the
33 special filing period.

34 **Sec. 605.** RCW 29.15.020 and 1990 c 59 s 81 are each reenacted to
35 read as follows:

36 DECLARATION OF CANDIDACY--CERTAIN OFFICES, WHEN FILED. Except

1 where otherwise provided by this title, declarations of candidacy for
2 the following offices shall be filed during regular business hours with
3 the filing officer no earlier than the fourth Monday in July and no
4 later than the following Friday in the year in which the office is
5 scheduled to be voted upon:

6 (1) Offices that are scheduled to be voted upon for full terms or
7 both full terms and short terms at, or in conjunction with, a state
8 general election; and

9 (2) Offices where a vacancy, other than a short term, exists that
10 has not been filled by election and for which an election to fill the
11 vacancy is required in conjunction with the next state general
12 election.

13 This section supersedes all other statutes that provide for a
14 different filing period for these offices.

15 **Sec. 606.** RCW 29.15.090 and 1990 c 59 s 83 are each amended to
16 read as follows:

17 CANDIDATES' NAMES--NICKNAMES. When filing for office, a candidate
18 may indicate the manner in which he or she desires his or her name to
19 be printed on the ballot. For filing purposes, a candidate may use a
20 nickname by which he or she is commonly known as his or her first name,
21 but the last name shall be the name under which he or she is registered
22 to vote.

23 No candidate may:

24 (1) Use a nickname that denotes present or past occupation,
25 including military rank;

26 (2) Use a nickname that denotes the candidate's position on issues
27 or political affiliation;

28 (3) Use a nickname designed intentionally to mislead voters.

29 ~~((The secretary of state shall adopt rules to resolve those
30 instances when candidates have filed for the same office whose last
31 names are so similar in sound or spelling as to be confusing to the
32 voter.))~~

33 **Sec. 607.** RCW 29.15.030 and 2002 c 140 s 4 are each amended to
34 read as follows:

35 DECLARATION OF CANDIDACY--WHERE FILED--COPY TO PUBLIC DISCLOSURE

1 COMMISSION. Declarations of candidacy shall be filed with the
2 following filing officers:

3 (1) The secretary of state for declarations of candidacy for
4 statewide offices, United States senate, and United States house of
5 representatives;

6 (2) The secretary of state for declarations of candidacy for the
7 state legislature, the court of appeals, and the superior court when
8 voters from a district comprising more than one county vote upon the
9 candidates;

10 (3) The county auditor for all other offices. For any nonpartisan
11 office, other than judicial offices and school director in joint
12 districts, where voters from a district comprising more than one county
13 vote upon the candidates, a declaration of candidacy shall be filed
14 with the county auditor of the county in which a majority of the
15 registered voters of the district reside. For school directors in
16 joint school districts, the declaration of candidacy shall be filed
17 with the county auditor of the county designated by the state board of
18 education as the county to which the joint school district is
19 considered as belonging under RCW 28A.323.040.

20 Each official with whom declarations of candidacy are filed under
21 this section, within one business day following the closing of the
22 applicable filing period, shall transmit to the public disclosure
23 commission the information required in RCW 29.15.010 (1) through (4)
24 for each declaration of candidacy filed in his or her office during
25 such filing period or a list containing the name of each candidate who
26 files such a declaration in his or her office during such filing period
27 together with a precise identification of the position sought by each
28 such candidate and the date on which each such declaration was filed.
29 Such official, within three days following his or her receipt of any
30 letter withdrawing a person's name as a candidate, shall also forward
31 a copy of such withdrawal letter to the public disclosure commission.

32 **Sec. 608.** RCW 29.15.040 and 1987 c 110 s 2 are each reenacted to
33 read as follows:

34 DECLARATION--FILING BY MAIL. Any candidate may mail his or her
35 declaration of candidacy for an office to the filing officer. Such
36 declarations of candidacy shall be processed by the filing officer in
37 the following manner:

1 (1) Any declaration received by the filing officer by mail before
2 the tenth business day immediately preceding the first day for
3 candidates to file for office shall be returned to the candidate
4 submitting it, together with a notification that the declaration of
5 candidacy was received too early to be processed. The candidate shall
6 then be permitted to resubmit his or her declaration of candidacy
7 during the filing period.

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

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

20 **Sec. 609.** RCW 29.15.050 and 1999 c 298 s 10 are each reenacted to
21 read as follows:

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

32 A candidate who lacks sufficient assets or income at the time of
33 filing to pay the filing fee required by this section shall submit with
34 his or her declaration of candidacy a nominating petition. The
35 petition shall contain not less than a number of signatures of
36 registered voters equal to the number of dollars of the filing fee.

1 The signatures shall be of voters registered to vote within the
2 jurisdiction of the office for which the candidate is filing.

3 When the candidacy is for:

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

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

11 **Sec. 610.** RCW 29.15.060 and 1984 c 142 s 5 are each amended to
12 read as follows:

13 NOMINATING PETITION--CONTENTS. The nominating petition authorized
14 by RCW 29.15.050 shall be printed on sheets of uniform color and size,
15 shall contain no more than twenty numbered lines, and ((shall)) must be
16 in substantially the following form:

17 ((WARNING
18 ~~Any person who signs this petition with any other than his or~~
19 ~~her true name, or who knowingly (1) signs more than one~~
20 ~~petition for any single candidate, (2) signs the petition when~~
21 ~~he or she is not a legal voter, or (3) makes any false~~
22 ~~statement may be subject to fine, or imprisonment, or both.))~~

23 The warning prescribed by RCW 29.79.115; 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) be
27 printed on the official primary ballot for the office of (insert
28 name of office).

	((Signature	Printed Name	Residence Address	City	County
29					
30					
31					
32	1--	---	---	---	---
33	2--	---	---	---	---
34	3--	---	---	---	---

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

Sec. 611. RCW 29.15.070 and 1984 c 142 s 6 are each reenacted to read as follows:

PETITIONS--REJECTION--ACCEPTANCE, CANVASS OF SIGNATURES--JUDICIAL REVIEW. Nominating petitions may be rejected for the following reasons:

- (1) The petition is not in the proper form;
- (2) The petition clearly bears insufficient signatures;
- (3) The petition is not accompanied by a declaration of candidacy;
- (4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the nominating petition is filed. He or she shall additionally reject any signature that appears on the nominating petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

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

Sec. 612. RCW 29.15.125 and 1994 c 223 s 7 are each reenacted to read as follows:

NOTICE OF DATE FOR WITHDRAWAL. Each person who files a declaration of candidacy for an elected office of a city, town, or special district shall be given written notice of the date by which a candidate may withdraw his or her candidacy under RCW 29.15.120.

1 **Sec. 613.** RCW 29.15.120 and 1994 c 223 s 6 are each reenacted to
2 read as follows:

3 WITHDRAWAL OF CANDIDACY. A candidate may withdraw his or her
4 declaration of candidacy at any time before the close of business on
5 the Thursday following the last day for candidates to file under RCW
6 29.15.020 by filing, with the officer with whom the declaration of
7 candidacy was filed, a signed request that his or her name not be
8 printed on the ballot. There shall be no withdrawal period for
9 declarations of candidacy filed during special filing periods held
10 under this title. The filing officer may permit the withdrawal of a
11 filing for the office of precinct committee officer at the request of
12 the candidate at any time if no absentee ballots have been issued for
13 that office and the general election ballots for that precinct have not
14 been printed. The filing officer may permit the withdrawal of a filing
15 for any elected office of a city, town, or special district at the
16 request of the candidate at any time before a primary if the primary
17 ballots for that city, town, or special district have not been ordered.
18 No filing fee may be refunded to any candidate who withdraws under this
19 section. Notice of the deadline for withdrawal of candidacy and that
20 the filing fee is not refundable shall be given to each candidate at
21 the time he or she files.

22 **Sec. 614.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each
23 reenacted to read as follows:

24 VOID IN CANDIDACY--EXCEPTION. A void in candidacy for a
25 nonpartisan office occurs when an election for such office, except for
26 the short term, has been scheduled and no valid declaration of
27 candidacy has been filed for the position or all persons filing such
28 valid declarations of candidacy have died or been disqualified.

29 **Sec. 615.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each reenacted
30 to read as follows:

31 NOTICE OF VOID IN CANDIDACY. The election officer with whom
32 declarations of candidacy are filed shall give notice of a void in
33 candidacy for a nonpartisan office, by notifying press, radio, and
34 television in the county and by such other means as may now or
35 hereafter be provided by law. The notice shall state the office, and
36 the time and place for filing declarations of candidacy.

1 **Sec. 616.** RCW 29.15.220 and 1972 ex.s. c 61 s 6 are each amended
2 to read as follows:

3 FILINGS TO FILL VOID IN CANDIDACY--HOW MADE. Filings to fill a
4 void in candidacy for nonpartisan office (~~(shall)~~) must be made in the
5 same manner and with the same official as required during the regular
6 filing period for such office(~~(:—PROVIDED)~~), except that nominating
7 signature petitions (~~(which)~~) that may be required of candidates filing
8 for certain district offices during the normal filing period (~~(shall)~~)
9 may not be required of candidates filing during the special three-day
10 filing period.

11 **Sec. 617.** RCW 29.15.170 and 2001 c 46 s 1 are each reenacted to
12 read as follows:

13 REOPENING OF FILING--OCCURRENCES BEFORE SIXTH TUESDAY BEFORE
14 PRIMARY. Filings for a nonpartisan office shall be reopened for a
15 period of three normal business days, such three day period to be fixed
16 by the election officer with whom such declarations of candidacy are
17 filed and notice thereof given by notifying press, radio, and
18 television in the county and by such other means as may now or
19 hereafter be provided by law whenever before the sixth Tuesday prior to
20 a primary:

21 (1) A void in candidacy occurs;

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

25 (3) A nominee for judge of the superior court entitled to a
26 certificate of election pursuant to Article 4, section 29, Amendment 41
27 of the state Constitution, dies or is disqualified.

28 Candidacies validly filed within said three-day period shall appear
29 on the ballot as if made during the earlier filing period.

30 **Sec. 618.** RCW 29.15.180 and 2001 c 46 s 2 are each reenacted to
31 read as follows:

32 REOPENING OF FILING--OCCURRENCES AFTER SIXTH TUESDAY BEFORE
33 PRIMARY. Filings for a nonpartisan office (other than judge of the
34 supreme court or superintendent of public instruction) shall be
35 reopened for a period of three normal business days, such three day
36 period to be fixed by the election officer with whom such declarations

1 of candidacy are filed and notice thereof given by notifying press,
2 radio, and television in the county and by such other means as may now
3 or hereafter be provided by law, when:

4 (1) A void in candidacy for such nonpartisan office occurs on or
5 after the sixth Tuesday prior to a primary but prior to the sixth
6 Tuesday before an election; or

7 (2) A nominee for judge of the superior court eligible after a
8 contested primary for a certificate of election by Article 4, section
9 29, Amendment 41 of the state Constitution, dies or is disqualified
10 within the ten day period immediately following the last day allotted
11 for a candidate to withdraw; or

12 (3) A vacancy occurs in any nonpartisan office on or after the
13 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
14 an election leaving an unexpired term to be filled by an election for
15 which filings have not been held.

16 The candidate receiving a plurality of the votes cast for that
17 office in the general election shall be deemed elected.

18 **Sec. 619.** RCW 29.15.190 and 2002 c 108 s 1 are each amended to
19 read as follows:

20 SCHEDULED ELECTION LAPSES, WHEN. A scheduled election shall be
21 lapsed, the office deemed stricken from the ballot, no purported write-
22 in votes counted, and no candidate certified as elected, when:

23 (1) In an election for judge of the supreme court or superintendent
24 of public instruction, a void in candidacy occurs on or after the sixth
25 Tuesday prior to a primary, public filings and the primary being an
26 indispensable phase of the election process for such offices;

27 (2) Except as otherwise specified in RCW 29.15.180, (~~as now or~~
28 ~~hereafter amended,~~) a nominee for judge of the superior court entitled
29 to a certificate of election pursuant to Article 4, section 29,
30 Amendment 41 of the state Constitution dies or is disqualified on or
31 after the sixth Tuesday prior to a primary;

32 (3) In other elections for nonpartisan office a void in candidacy
33 occurs or a vacancy occurs involving an unexpired term to be filled on
34 or after the sixth Tuesday prior to an election.

35 **Sec. 620.** RCW 29.15.200 and 1994 c 223 s 8 are each reenacted to
36 read as follows:

1 LAPSE OF ELECTION WHEN NO FILING FOR SINGLE POSITIONS--EFFECT. If
2 after both the normal filing period and special three day filing period
3 as provided by RCW 29.15.170 and 29.15.180 have passed, no candidate
4 has filed for any single city, town, or district position to be filled,
5 the election for such position shall be deemed lapsed, the office
6 deemed stricken from the ballot and no write-in votes counted. In such
7 instance, the incumbent occupying such position shall remain in office
8 and continue to serve until a successor is elected at the next election
9 when such positions are voted upon.

10 **Sec. 621.** RCW 29.15.230 and 2001 c 46 s 3 are each reenacted to
11 read as follows:

12 VACANCY IN PARTISAN ELECTIVE OFFICE--SPECIAL FILING PERIOD.
13 Filings for a partisan elective office shall be opened for a period of
14 three normal business days whenever, on or after the first day of the
15 regular filing period and before the sixth Tuesday prior to a primary,
16 a vacancy occurs in that office, leaving an unexpired term to be filled
17 by an election for which filings have not been held.

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

24 Candidacies validly filed within the special three-day filing
25 period shall appear on the primary ballot as if filed during the
26 regular filing period.

27 **Subpart 6.2**
28 **Write-in Candidates**

29 **Sec. 622.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to
30 read as follows:

31 WRITE-IN VOTING--CANDIDATES, DECLARATION. Any person who desires
32 to be a write-in candidate and have such votes counted at a primary or
33 election may(~~(, if the jurisdiction of the office sought is entirely~~
34 ~~within one county,)) file a declaration of candidacy with the ((~~county~~~~
35 ~~auditor)) officer designated in RCW 29.15.030 not later than the day~~

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

8 Votes cast for write-in candidates who have filed such declarations
9 of candidacy and write-in votes for persons appointed by political
10 parties pursuant to RCW 29.18.160 need only specify the name of the
11 candidate in the appropriate location on the ballot in order to be
12 counted. Write-in votes cast for any other candidate, in order to be
13 counted, must designate the office sought and position number or
14 political party, if (~~applicable~~) the manner in which the write-in is
15 done does not make the office or position clear. In order for write-in
16 votes to be valid in jurisdictions employing optical-scan mark sense
17 ballot systems the voter must complete the proper mark next to the
18 write-in line for that office.

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

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

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

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

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

1 political party may be filled at any time up to and including the day
2 prior to the election for that position. For state partisan offices in
3 any political subdivision voted on solely by electors of a single
4 county, an individual shall be appointed to fill such vacancy by the
5 county central committee in the case of a major political party or by
6 the state central committee or comparable governing body in the case of
7 a minor political party. For other partisan offices, including federal
8 or statewide offices, an individual shall be appointed to fill such
9 vacancy by the state central committee or comparable governing body of
10 the appropriate political party.

11 ~~((Should such))~~ If the vacancy occurs no later than the sixth
12 Tuesday prior to the state primary or general election concerned and
13 the ballots have been printed, it shall be mandatory that they be
14 corrected by the appropriate election officers. In making such
15 correction, it shall not be necessary to reprint complete ballots if
16 any other less expensive technique can be used and the resulting
17 correction is reasonably clear.

18 ~~((Should such))~~ If the vacancy occurs after the sixth Tuesday prior
19 to ~~((said))~~ the state primary or general election and time does not
20 exist in which to correct ballots (including absentee ballots), either
21 in total or in part, then the votes cast or recorded for the person who
22 has died or become disqualified shall be counted for the person who has
23 been named to fill such vacancy.

24 When the secretary of state is the person with whom the appointment
25 by the major or minor political party is filed, ~~((he))~~ the secretary
26 shall, in certifying candidates or nominations to the various county
27 officers insert the name of the person appointed to fill a vacancy.

28 ~~((In the event that))~~ If the secretary of state has already sent
29 forth ~~((his))~~ the certificate when the appointment to fill a vacancy is
30 filed ~~((with him))~~, ~~((he))~~ the secretary shall forthwith certify to the
31 county auditors of the proper counties the name and place of residence
32 of the person appointed to fill a vacancy, the office for which ~~((he))~~
33 the person is a candidate or nominee, the party ~~((he))~~ the person
34 represents, and all other pertinent facts pertaining to the vacancy.

35 **Sec. 703.** RCW 29.68.070 and 1985 c 45 s 3 are each reenacted to
36 read as follows:

37 UNITED STATES SENATE--TEMPORARY APPOINTMENT. When a vacancy occurs

1 in the representation of this state in the senate of the United States,
2 the governor shall make a temporary appointment to that office until
3 the people fill the vacancy by election as provided in this chapter.

4 **Sec. 704.** RCW 29.68.080 and 1990 c 59 s 105 are each amended to
5 read as follows:

6 CONGRESS--SPECIAL ELECTION. (1) Whenever a vacancy occurs in the
7 (~~office of~~) United States house of representatives or the United
8 States (~~senator~~) senate from this state (~~or any congressional~~
9 ~~district of this state~~), the governor shall order a special election
10 to fill the vacancy.

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

21 (3) If the vacancy occurs less than six months before a state
22 general election and before the second Friday following the close of
23 the filing period for that general election, the special primary and
24 special vacancy elections shall be held in concert with the state
25 primary and state general election in that year.

26 (4) If the vacancy occurs on or after the first day for filing
27 under RCW 29.15.020 and on or before the second Friday following the
28 close of the filing period, a special filing period of three normal
29 business days shall be fixed by the governor and notice thereof given
30 to all media, including press, radio, and television within the area in
31 which the vacancy election is to be held, to the end that, insofar as
32 possible, all interested persons will be aware of such filing period.
33 The last day of the filing period shall not be later than the third
34 Tuesday before the primary at which candidates are to be nominated.
35 The names of candidates who have filed valid declarations of candidacy
36 during this three-day period shall appear on the approaching primary
37 ballot.

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

6 ~~((6) As used in this chapter, "county" means, in the case of a
7 vacancy in the office of United States senator, any or all of the
8 counties in the state and, in the case of a vacancy in the office of
9 United States representative, only those counties wholly or partly
10 within the congressional district in which the vacancy has occurred.))~~

11 **Sec. 705.** RCW 29.68.100 and 1985 c 45 s 5 are each amended to read
12 as follows:

13 CONGRESS--NOTICES OF SPECIAL PRIMARY AND SPECIAL ELECTION. After
14 calling a special primary and special vacancy election to fill a
15 vacancy in the ~~((office of))~~ United States house of representatives or
16 the United States ~~((senator))~~ senate from this state, the governor
17 shall immediately notify the secretary of state who shall, in turn,
18 immediately notify the county auditor of each county wholly or partly
19 within which the vacancy exists.

20 Each county auditor shall publish notices of the special primary
21 and the special vacancy election at least once in any legal newspaper
22 published in the county, as provided by RCW 29.27.030 and 29.27.080
23 respectively.

24 **Sec. 706.** RCW 29.68.130 and 1985 c 45 s 7 are each amended to read
25 as follows:

26 CONGRESS--GENERAL, PRIMARY ELECTION LAWS TO APPLY--TIME DEADLINES,
27 MODIFICATIONS. The general election laws and laws relating to partisan
28 primaries shall apply to the special primaries and vacancy elections
29 provided for in RCW 29.68.080 through ~~((29.68.120))~~ 29.68.100 (as
30 recodified by this act) to the extent that they are not inconsistent
31 with the provisions of these sections. Statutory time deadlines
32 relating to availability of absentee ballots, certification,
33 canvassing, and related procedures that cannot be met in a timely
34 fashion may be modified for the purposes of a specific primary or
35 vacancy election under this chapter by the secretary of state through
36 emergency rules adopted under RCW 29.04.080.

1 computer networks, and similar services at the cost of reproduction or
2 transmission of the data.

3 **Sec. 802.** RCW 29.04.035 and 1984 c 41 s 1 are each amended to read
4 as follows:

5 PROHIBITION AGAINST CAMPAIGN MATERIALS DECEPTIVELY SIMILAR TO
6 VOTERS' PAMPHLET. No person or entity may publish or distribute any
7 campaign material that is deceptively similar in design or appearance
8 to a voters' pamphlet (~~((or candidates' pamphlet or combination thereof,~~
9 ~~which pamphlet or combination))~~ that was published by the secretary of
10 state during the ten-year period (~~((prior to))~~ before the publication or
11 distribution of the campaign material by the person or entity. The
12 secretary of state shall take reasonable measures to prevent or to stop
13 violations of this section. Such measures may include, among others,
14 petitioning the superior court for a temporary restraining order or
15 other appropriate injunctive relief. In addition, the secretary may
16 request the superior court to impose a civil fine on a violator of this
17 section. The court is authorized to levy on and recover from each
18 violator a civil fine not to exceed the greater of: (1) Two dollars
19 for each copy of the deceptive material distributed, or (2) one
20 thousand dollars. In addition, the violator (~~((shall be))~~ is liable for
21 the state's legal expenses and other costs resulting from the
22 violation. Any funds recovered under this section (~~((shall))~~ must be
23 transmitted to the state treasurer for deposit in the general fund.

24 **Sec. 803.** RCW 29.81.220 and 1999 c 260 s 2 are each reenacted to
25 read as follows:

26 CONTENTS. The voters' pamphlet must contain:
27 (1) Information about each ballot measure initiated by or referred
28 to the voters for their approval or rejection as required by RCW
29 29.81.250;
30 (2) In even-numbered years, statements, if submitted, advocating
31 the candidacies of nominees for the office of president and vice
32 president of the United States, United States senator, United States
33 representative, governor, lieutenant governor, secretary of state,
34 state treasurer, state auditor, attorney general, commissioner of
35 public lands, superintendent of public instruction, insurance
36 commissioner, state senator, state representative, justice of the

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

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

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

15 (5) In even-numbered years the name, address, and telephone number
16 of each political party with nominees listed in the pamphlet, if filed
17 with the secretary of state by the state committee of a major political
18 party or the presiding officer of the convention of a minor political
19 party;

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

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

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

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

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

36 **Sec. 804.** RCW 29.81.230 and 1999 c 260 s 3 are each reenacted to
37 read as follows:

1 EXPLANATORY STATEMENTS. (1) Explanatory statements prepared by the
2 attorney general under RCW 29.81.250 (3) and (4) must be written in
3 clear and concise language, avoiding legal and technical terms when
4 possible, and filed with the secretary of state.

5 (2) When the explanatory statement for a measure initiated by
6 petition is filed with the secretary of state, the secretary of state
7 shall immediately provide the text of the explanatory statement to the
8 person proposing the measure and any others who have made written
9 request for notification of the exact language of the explanatory
10 statement. When the explanatory statement for a measure referred to
11 the ballot by the legislature is filed with the secretary of state, the
12 secretary of state shall immediately provide the text of the
13 explanatory statement to the presiding officer of the senate and the
14 presiding officer of the house of representatives and any others who
15 have made written request for notification of the exact language of the
16 explanatory statement.

17 (3) A person dissatisfied with the explanatory statement may appeal
18 to the superior court of Thurston County within five days of the filing
19 date. A copy of the petition and a notice of the appeal must be served
20 on the secretary of state and the attorney general. The court shall
21 examine the measure, the explanatory statement, and objections, and may
22 hear arguments. The court shall render its decision and certify to and
23 file with the secretary of state an explanatory statement it determines
24 will meet the requirements of this chapter.

25 The decision of the superior court is final, and its explanatory
26 statement is the established explanatory statement. The appeal must be
27 heard without costs to either party.

28 **Sec. 805.** RCW 29.27.076 and 1967 c 96 s 3 are each amended to read
29 as follows:

30 NOTICE OF CONSTITUTIONAL AMENDMENTS AND STATE MEASURES--EXPLANATORY
31 STATEMENT. The attorney general shall, by the first day of July
32 preceding each general election, prepare the explanatory statements
33 required in RCW 29.27.074. Such statements shall be prepared in clear
34 and concise language and shall avoid the use of legal and other
35 technical terms insofar as possible. Any person dissatisfied with the
36 explanatory statement so prepared may at any time within ten days from
37 the filing thereof in the office of the secretary of state appeal to

1 the superior court of Thurston county by petition setting forth the
2 proposed state measure, the explanatory statement prepared by the
3 attorney general, and his or her objection thereto and praying for the
4 amendment thereof. A copy of the petition and a notice of such appeal
5 shall be served on the secretary of state and the attorney general.
6 The court shall, upon filing of the petition, examine the proposed
7 state measure, the explanatory statement, and the objections thereto
8 and may hear argument thereon and shall, as soon as possible, render
9 its decision and certify to and file with the secretary of state such
10 explanatory statement as it determines will meet the requirement of RCW
11 29.27.072 through 29.27.076. The decision of the superior court shall
12 be final and its explanatory statement shall be the established
13 explanatory statement. Such appeal shall be heard without costs to
14 either party.

15 **Sec. 806.** RCW 29.81.240 and 1999 c 260 s 4 are each reenacted to
16 read as follows:

17 ARGUMENTS. Committees shall write and submit arguments advocating
18 the approval or rejection of each statewide ballot issue and rebuttals
19 of those arguments. The secretary of state, the presiding officer of
20 the senate, and the presiding officer of the house of representatives
21 shall appoint the initial two members of each committee. In making
22 these committee appointments the secretary of state and presiding
23 officers of the senate and house of representatives shall consider
24 legislators, sponsors of initiatives and referendums, and other
25 interested groups known to advocate or oppose the ballot measure.

26 The initial two members may select up to four additional members,
27 and the committee shall elect a chairperson. The remaining committee
28 member or members may fill vacancies through appointment.

29 After the committee submits its initial argument statements to the
30 secretary of state, the secretary of state shall transmit the
31 statements to the opposite committee. The opposite committee may then
32 prepare rebuttal arguments. Rebuttals may not interject new points.

33 The voters' pamphlet may contain only argument statements prepared
34 according to this section. Arguments may contain graphs and charts
35 supported by factual statistical data and pictures or other
36 illustrations. Cartoons or caricatures are not permitted.

1 **Sec. 807.** RCW 29.81.250 and 2002 c 139 s 2 are each reenacted to
2 read as follows:

3 FORMAT, LAYOUT, CONTENTS. The secretary of state shall determine
4 the format and layout of the voters' pamphlet. The secretary of state
5 shall print the pamphlet in clear, readable type on a size, quality,
6 and weight of paper that in the judgment of the secretary of state best
7 serves the voters. The pamphlet must contain a table of contents.
8 Federal and state offices must appear in the pamphlet in the same
9 sequence as they appear on the ballot. Measures and arguments must be
10 printed in the order specified by RCW 29.79.300.

11 The voters' pamphlet must provide the following information for
12 each statewide issue on the ballot:

13 (1) The legal identification of the measure by serial designation
14 or number;

15 (2) The official ballot title of the measure;

16 (3) A statement prepared by the attorney general explaining the law
17 as it presently exists;

18 (4) A statement prepared by the attorney general explaining the
19 effect of the proposed measure if it becomes law;

20 (5) The fiscal impact statement prepared under RCW 29.79.075;

21 (6) The total number of votes cast for and against the measure in
22 the senate and house of representatives, if the measure has been passed
23 by the legislature;

24 (7) An argument advocating the voters' approval of the measure
25 together with any statement in rebuttal of the opposing argument;

26 (8) An argument advocating the voters' rejection of the measure
27 together with any statement in rebuttal of the opposing argument;

28 (9) Each argument or rebuttal statement must be followed by the
29 names of the committee members who submitted them, and may be followed
30 by a telephone number that citizens may call to obtain information on
31 the ballot measure;

32 (10) The full text of each measure.

33 **Sec. 808.** RCW 29.81.260 and 1999 c 260 s 6 are each reenacted to
34 read as follows:

35 AMENDATORY STYLE. Statewide ballot measures that amend existing
36 law must be printed in the voters' pamphlet so that language proposed
37 for deletion is enclosed by double parentheses and has a line through

1 it. Proposed new language must be underlined. A statement explaining
2 the deletion and addition of language must appear as follows: "Any
3 language in double parentheses with a line through it is existing state
4 law and will be taken out of the law if this measure is approved by
5 voters. Any underlined language does not appear in current state law
6 but will be added to the law if this measure is approved by voters."

7 **Sec. 809.** RCW 29.81.280 and 1999 c 260 s 8 are each reenacted to
8 read as follows:

9 ARGUMENTS--REJECTION, DISPUTE. (1) If in the opinion of the
10 secretary of state any argument or statement offered for inclusion in
11 the voters' pamphlet in support of or opposition to a measure or
12 candidate contains obscene matter or matter that is otherwise
13 prohibited by law from distribution through the mail, the secretary may
14 petition the superior court of Thurston County for a judicial
15 determination that the argument or statement may be rejected for
16 publication or edited to delete the matter. The court shall not enter
17 such an order unless it concludes that the matter is obscene or
18 otherwise prohibited for distribution through the mail.

19 (2)(a) A person who believes that he or she may be defamed by an
20 argument or statement offered for inclusion in the voters' pamphlet in
21 support of or opposition to a measure or candidate may petition the
22 superior court of Thurston County for a judicial determination that the
23 argument or statement may be rejected for publication or edited to
24 delete the defamatory statement.

25 (b) The court shall not enter such an order unless it concludes
26 that the statement is untrue and that the petitioner has a very
27 substantial likelihood of prevailing in a defamation action.

28 (c) An action under this subsection (2) must be filed and served no
29 later than the tenth day after the deadline for the submission of the
30 argument or statement to the secretary of state.

31 (d) If the secretary of state notifies a person named or identified
32 in an argument or statement of the contents of the argument or
33 statement within three days after the deadline for submission to the
34 secretary, then neither the state nor the secretary is liable for
35 damages resulting from publication of the argument or statement unless
36 the secretary publishes the argument or statement in violation of an

1 order entered under this section. Nothing in this section creates a
2 duty on the part of the secretary of state to identify, locate, or
3 notify the person.

4 (3) Parties to a dispute under this section may agree to resolve
5 the dispute by rephrasing the argument or statement, even if the
6 deadline for submission to the secretary has elapsed, unless the
7 secretary determines that the process of publication is too far
8 advanced to permit the change. The secretary shall promptly provide
9 any such revision to any committee entitled to submit a rebuttal
10 argument. If that committee has not yet submitted its rebuttal, its
11 deadline to submit a rebuttal is extended by five days. If it has
12 submitted a rebuttal, it may revise it to address the change within
13 five days of the filing of the revised argument with the secretary.

14 (4) In an action under this section the committee or candidate must
15 be named as a defendant, and may be served with process by certified
16 mail directed to the address contained in the secretary's records for
17 that party. The secretary of state shall be a nominal party to an
18 action brought under subsection (2) of this section, solely for the
19 purpose of determining the content of the voters' pamphlet. The
20 superior court shall give such an action priority on its calendar.

21 **Sec. 810.** RCW 29.81.290 and 1999 c 260 s 9 are each reenacted to
22 read as follows:

23 ARGUMENTS--PUBLIC INSPECTION. (1) An argument or statement
24 submitted to the secretary of state for publication in the voters'
25 pamphlet is not available for public inspection or copying until:

26 (a) In the case of candidate statements, (i) all statements by all
27 candidates who have filed for a particular office have been received,
28 except those who informed the secretary that they will not submit
29 statements, or (ii) the deadline for submission of statements has
30 elapsed;

31 (b) In the case of arguments supporting or opposing a measure, (i)
32 the arguments on both sides have been received, unless a committee was
33 not appointed for one side, or (ii) the deadline for submission of
34 arguments has elapsed; and

35 (c) In the case of rebuttal arguments, (i) the rebuttals on both
36 sides have been received, unless a committee was not appointed for one
37 side, or (ii) the deadline for submission of arguments has elapsed.

1 (2) Nothing in this section prohibits the secretary from releasing
2 information under RCW 29.81.280(2)(d).

3 **Sec. 811.** RCW 29.81.300 and 1999 c 260 s 10 are each reenacted to
4 read as follows:

5 PHOTOGRAPHS. All photographs of candidates submitted for
6 publication must conform to standards established by the secretary of
7 state by rule. No photograph may reveal clothing or insignia
8 suggesting the holding of a public office.

9 **Sec. 812.** RCW 29.81.310 and 1999 c 260 s 11 are each amended to
10 read as follows:

11 CANDIDATES' STATEMENTS--LENGTH. (1) The maximum number of words
12 for statements submitted by candidates is as follows: State
13 representative, one hundred words; state senator, judge of the superior
14 court, judge of the court of appeals, justice of the supreme court, and
15 all state offices voted upon throughout the state, except that of
16 governor, two hundred words; president and vice president, United
17 States senator, United States representative, and governor, three
18 hundred words.

19 (2) Arguments written by committees under RCW (~~29.81.230~~)
20 29.81.240 (as recodified by this act) may not exceed two hundred fifty
21 words in length.

22 (3) Rebuttal arguments written by committees may not exceed
23 seventy-five words in length.

24 (4) The secretary of state shall allocate space in the pamphlet
25 based on the number of candidates or nominees for each office.

26 **Subpart 8.2**
27 **Local Voters' Pamphlet**

28 **Sec. 813.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to
29 read as follows:

30 AUTHORIZATION--CONTENTS--FORMAT. At least ninety days before any
31 primary or general election, or at least forty days before any special
32 election held under RCW 29.13.010 or 29.13.020, the legislative
33 authority of any county or first-class or code city may adopt an
34 ordinance authorizing the publication and distribution of a local

1 voters' pamphlet. The pamphlet shall provide information on all
2 measures within that jurisdiction and may, if specified in the
3 ordinance, include information on candidates within that jurisdiction.
4 If both a county and a first-class or code city within that county
5 authorize a local voters' pamphlet for the same election, the pamphlet
6 shall be produced jointly by the county and the first-class or code
7 city. If no agreement can be reached between the county and first-
8 class or code city, the county and first-class or code city may each
9 produce a pamphlet. Any ordinance adopted authorizing a local voters'
10 pamphlet may be for a specific primary, special election, or general
11 election or for any future primaries or elections. The format of any
12 local voters' pamphlet shall, whenever applicable, comply with the
13 provisions of (~~chapters 29.80 and~~) chapter 29.81 RCW regarding the
14 publication of the state candidates' and voters' pamphlets.

15 **Sec. 814.** RCW 29.81A.020 and 1994 c 191 s 1 are each amended to
16 read as follows:

17 NOTICE OF PRODUCTION--LOCAL GOVERNMENTS' DECISION TO PARTICIPATE.

18 (1) Not later than ninety days before the publication and distribution
19 of a local voters' pamphlet by a county, the county auditor shall
20 notify each city, town, or special taxing district located wholly
21 within that county that a pamphlet will be produced.

22 (2) If a voters' pamphlet is published by the county for a primary
23 or general election, the pamphlet shall be published for the elective
24 offices and ballot measures of the county and for the elective offices
25 and ballot measures of each unit of local government located entirely
26 within the county which will appear on the ballot at that primary or
27 election. However, the offices and measures of a first class or code
28 city shall not be included in the pamphlet if the city publishes and
29 distributes its own voters' pamphlet for the primary or election for
30 its offices and measures. The offices and measures of any other town
31 or city are not required to appear in the county's pamphlet if the town
32 or city is obligated by ordinance or charter to publish and distribute
33 a voters' pamphlet for the primary or election for its offices and
34 measures and it does so.

35 If the required appearance in a county's voters' pamphlet of the
36 offices or measures of a unit of local government would create (~~unde~~
37 ~~fin~~) undue financial hardship for the unit of government, the

1 legislative authority of the unit may petition the legislative
2 authority of the county to waive this requirement. The legislative
3 authority of the county may provide such a waiver if it does so not
4 later than sixty days before the publication of the pamphlet and it
5 finds that the requirement would create such hardship.

6 (3) If a city, town, or district is located within more than one
7 county, the respective county auditors may enter into an interlocal
8 agreement to permit the distribution of each county's local voters'
9 pamphlet into those parts of the city, town, or district located
10 outside of that county.

11 (4) If a first-class or code city authorizes the production and
12 distribution of a local voters' pamphlet, the city clerk of that city
13 shall notify any special taxing district located wholly within that
14 city that a pamphlet will be produced. Notification shall be provided
15 in the manner required or provided for in subsection (1) of this
16 section.

17 (5) A unit of local government located within a county and the
18 county may enter into an interlocal agreement for the publication of a
19 voters' pamphlet for offices or measures not required by subsection (2)
20 of this section to appear in a county's pamphlet.

21 **Sec. 815.** RCW 29.81A.030 and 1984 c 106 s 5 are each reenacted to
22 read as follows:

23 ADMINISTRATIVE RULES. The county auditor or, if applicable, the
24 city clerk of a first-class or code city shall, in consultation with
25 the participating jurisdictions, adopt and publish administrative rules
26 necessary to facilitate the provisions of any ordinance authorizing
27 production of a local voters' pamphlet. Any amendment to such a rule
28 shall also be adopted and published. Copies of the rules shall
29 identify the date they were adopted or last amended and shall be made
30 available to any person upon request. One copy of the rules adopted by
31 a county auditor and one copy of any amended rules shall be submitted
32 to the county legislative authority. One copy of the rules adopted by
33 a city clerk and one copy of any amended rules shall be submitted to
34 the city legislative authority. These rules shall include but not be
35 limited to the following:

36 (1) Deadlines for decisions by cities, towns, or special taxing
37 districts on being included in the pamphlet;

- 1 (2) Limits on the length and deadlines for submission of arguments
- 2 for and against each measure;
- 3 (3) The basis for rejection of any explanatory or candidates'
- 4 statement or argument deemed to be libelous or otherwise inappropriate.
- 5 Any statements by a candidate shall be limited to those about the
- 6 candidate himself or herself;
- 7 (4) Limits on the length and deadlines for submission of
- 8 candidates' statements;
- 9 (5) An appeal process in the case of the rejection of any statement
- 10 or argument.

11 **Sec. 816.** RCW 29.81A.040 and 1984 c 106 s 6 are each amended to
12 read as follows:

13 CONTENTS. The local voters' pamphlet shall include but not be
14 limited to the following:

15 (1) Appearing on the cover, the words "official local voters'
16 pamphlet," the name of the jurisdiction producing the pamphlet, (~~the~~
17 ~~jurisdictions that have measures or candidates in the pamphlet,~~) and
18 the date of the election or primary;

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

21 (3) Information on how a person may register to vote and obtain an
22 absentee ballot;

23 (~~(3)~~) (4) The text of each measure accompanied by an explanatory
24 statement prepared by the prosecuting attorney for any county measure
25 or by the attorney for the jurisdiction submitting the measure if other
26 than a county measure. All explanatory statements for city, town, or
27 district measures not approved by the attorney for the jurisdiction
28 submitting the measure shall be reviewed and approved by the county
29 prosecuting attorney or city attorney, when applicable, before
30 inclusion in the pamphlet;

31 (~~(4)~~) (5) The arguments for and against each measure submitted by
32 committees selected pursuant to RCW 29.81A.080.

33 **Sec. 817.** RCW 29.81A.050 and 1984 c 106 s 7 are each reenacted to
34 read as follows:

35 CANDIDATES, WHEN INCLUDED. If the legislative authority of a
36 county or first-class or code city provides for the inclusion of

1 candidates in the local voters' pamphlet, the pamphlet shall include
2 the statements from candidates and may also include those candidates'
3 photographs.

4 **Sec. 818.** RCW 29.81A.060 and 1984 c 106 s 8 are each reenacted to
5 read as follows:

6 MAILING. As soon as practicable before the primary, special
7 election, or general election, the county auditor, or if applicable,
8 the city clerk of a first-class or code city, as appropriate, shall
9 mail the local voters' pamphlet to every residence in each jurisdiction
10 that has included information in the pamphlet. The county auditor or
11 city clerk, as appropriate, may choose to mail the pamphlet to each
12 registered voter in each jurisdiction that has included information in
13 the pamphlet, if in his or her judgment, a more economical and
14 effective distribution of the pamphlet would result. If the county or
15 city chooses to mail the pamphlet to each residence, no notice of
16 election otherwise required by RCW 29.27.080 need be published.

17 **Sec. 819.** RCW 29.81A.070 and 1984 c 106 s 9 are each reenacted to
18 read as follows:

19 COST. The cost of a local voters' pamphlet shall be considered an
20 election cost to those local jurisdictions included in the pamphlet and
21 shall be prorated in the manner provided in RCW 29.13.045.

22 **Sec. 820.** RCW 29.81A.080 and 1994 c 191 s 2 are each reenacted to
23 read as follows:

24 ARGUMENTS ADVOCATING APPROVAL AND DISAPPROVAL--PREPARATION BY
25 COMMITTEES. For each measure from a unit of local government that is
26 included in a local voters' pamphlet, the legislative authority of that
27 jurisdiction shall, not later than forty-five days before the
28 publication of the pamphlet, formally appoint a committee to prepare
29 arguments advocating voters' approval of the measure and shall formally
30 appoint a committee to prepare arguments advocating voters' rejection
31 of the measure. The authority shall appoint persons known to favor the
32 measure to serve on the committee advocating approval and shall,
33 whenever possible, appoint persons known to oppose the measure to serve
34 on the committee advocating rejection. Each committee shall have not
35 more than three members, however, a committee may seek the advice of

1 any person or persons. If the legislative authority of a unit of local
2 government fails to make such appointments by the prescribed deadline,
3 the county auditor shall whenever possible make the appointments.

4 **PART 9**

5 **BALLOTS AND OTHER VOTING FORMS**

6 **Sec. 901.** RCW 29.27.020 and 1990 c 59 s 8 are each reenacted to
7 read as follows:

8 CERTIFYING PRIMARY CANDIDATES. On or before the day following the
9 last day for political parties to fill vacancies in the ticket as
10 provided by RCW 29.18.150, the secretary of state shall certify to each
11 county auditor a list of the candidates who have filed declarations of
12 candidacy in his or her office for the primary. For each office, the
13 certificate shall include the name of each candidate, his or her
14 address, and his or her party designation, if any.

15 **Sec. 902.** RCW 29.27.057 and 2000 c 197 s 7 are each reenacted to
16 read as follows:

17 CONSTITUTIONAL MEASURES--BALLOT TITLE--FORMULATION, BALLOT DISPLAY,
18 CERTIFICATION. (1) When a proposed constitutional amendment is to be
19 submitted to the people of the state for statewide popular vote, the
20 ballot title consists of: (a) A statement of the subject of the
21 amendment; (b) a concise description of the amendment; and (c) a
22 question in the form prescribed in this section. The statement of the
23 subject of a constitutional amendment must be sufficiently broad to
24 reflect the nature of the amendment, sufficiently precise to give
25 notice of the amendment's subject matter, and not exceed ten words.
26 The concise description must contain no more than thirty words, give a
27 true and impartial description of the amendment's essential contents,
28 clearly identify the amendment to be voted on, and not, to the extent
29 reasonably possible, create prejudice either for or against the
30 amendment.

31 The ballot title for a proposed constitutional amendment must be
32 displayed on the ballot substantially as follows:

33 "The legislature has proposed a constitutional amendment on
34 (statement of subject). This amendment would (concise
35 description). Should this constitutional amendment be:

1 Approved
2 Rejected

3 (2) When a proposed new constitution is submitted to the people of
4 the state by a constitutional convention for statewide popular vote,
5 the ballot title consists of: (a) A concise description of the new
6 constitution; and (b) a question in the form prescribed in this
7 section. The concise description must contain no more than thirty
8 words, give a true and impartial description of the new constitution's
9 essential contents, clearly identify the proposed constitution to be
10 voted on, and not, to the extent reasonably possible, create prejudice
11 either for or against the new constitution.

12 The ballot title for a proposed new constitution must be displayed
13 on the ballot substantially as follows:

14 "The constitutional convention approved a new proposed state
15 constitution that (concise description). Should this proposed
16 constitution be:

17 Approved
18 Rejected

19 (3) The legislature may specify the statement of subject or concise
20 description, or both, in a constitutional amendment that it submits to
21 the people. If the legislature fails to specify the statement of
22 subject or concise description, or both, the attorney general shall
23 prepare the material that was not specified. The statement of subject
24 and concise description as so provided must be included as part of the
25 ballot title unless changed on appeal.

26 The attorney general shall specify the concise description for a
27 proposed new constitution that is submitted to the people by a
28 constitutional convention, and the concise description as so provided
29 must be included as part of the ballot title unless changed on appeal.

30 (4) The secretary of state shall certify to the county auditors the
31 ballot title for a proposed constitution, constitutional amendment, or
32 other statewide question at the same time and in the same manner as the
33 ballot titles to initiatives and referendums.

1 attorney general shall prepare the statement of subject. The statement
2 of subject and question as so provided must be included as part of the
3 ballot title unless changed on appeal.

4 **Sec. 906.** RCW 29.27.0655 and 2000 c 197 s 11 are each reenacted to
5 read as follows:

6 CONSTITUTIONAL, STATEWIDE QUESTIONS--BALLOT TITLE--APPEAL. If any
7 persons are dissatisfied with the ballot title for a proposed
8 constitution, constitutional amendment, or question submitted under RCW
9 29.27.0653, they may at any time within ten days from the time of the
10 filing of the ballot title and summary, not including Saturdays,
11 Sundays, or legal holidays, appeal to the superior court of Thurston
12 county by petition setting forth the measure, the ballot title objected
13 to, their objections to it, and praying for amendment of the ballot
14 title. The time of the filing of the ballot title, as used in this
15 section for establishing the time for appeal, is the time the ballot
16 title is first filed with the secretary of state.

17 A copy of the petition on appeal together with a notice that an
18 appeal has been taken must be served upon the secretary of state, the
19 attorney general, the chief clerk of the house of representatives, and
20 the secretary of the senate. Upon the filing of the petition on
21 appeal, the court shall immediately, or at the time to which a hearing
22 may be adjourned by consent of the appellants, examine the proposed
23 measure, the ballot title filed, and the objections to it and may hear
24 arguments on it, and shall as soon as possible render its decision and
25 certify to and file with the secretary of state a ballot title that it
26 determines will meet the requirements of this chapter. The decision of
27 the superior court is final, and the ballot title so certified will be
28 the established ballot title. The appeal must be heard without cost to
29 either party.

30 **Sec. 907.** RCW 29.27.066 and 2000 c 197 s 12 are each reenacted to
31 read as follows:

32 LOCAL MEASURES--BALLOT TITLE--FORMULATION--ADVERTISING. (1) Except
33 as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090,
34 the ballot title of any referendum filed on an enactment or portion of
35 an enactment of a local government and any other question submitted to
36 the voters of a local government consists of three elements: (a) An

1 identification of the enacting legislative body and a statement of the
2 subject matter; (b) a concise description of the measure; and (c) a
3 question. The ballot title must conform with the requirements and be
4 displayed substantially as provided under RCW 29.79.035, except that
5 the concise description must not exceed seventy-five words. If the
6 local governmental unit is a city or a town, the concise statement
7 shall be prepared by the city or town attorney. If the local
8 governmental unit is a county, the concise statement shall be prepared
9 by the prosecuting attorney of the county. If the unit is a unit of
10 local government other than a city, town, or county, the concise
11 statement shall be prepared by the prosecuting attorney of the county
12 within which the majority area of the unit is located.

13 (2) A referendum measure on the enactment of a unit of local
14 government shall be advertised in the manner provided for nominees for
15 elective office.

16 (3) Subsection (1) of this section does not apply if another
17 provision of law specifies the ballot title for a specific type of
18 ballot question or proposition.

19 **Sec. 908.** RCW 29.27.0665 and 2000 c 197 s 13 are each reenacted to
20 read as follows:

21 LOCAL MEASURES--BALLOT TITLE--NOTICE. Upon the filing of a ballot
22 title of a question to be submitted to the people of a county or
23 municipality, the county auditor shall provide notice of the exact
24 language of the ballot title to the persons proposing the measure, the
25 county or municipality, and to any other person requesting a copy of
26 the ballot title.

27 **Sec. 909.** RCW 29.27.067 and 2000 c 197 s 14 are each reenacted to
28 read as follows:

29 LOCAL MEASURES--BALLOT TITLE--APPEAL. If any persons are
30 dissatisfied with the ballot title for a local ballot measure that was
31 formulated by the city attorney or prosecuting attorney preparing the
32 same, they may at any time within ten days from the time of the filing
33 of the ballot title, not including Saturdays, Sundays, and legal
34 holidays, appeal to the superior court of the county where the question
35 is to appear on the ballot, by petition setting forth the measure, the
36 ballot title objected to, their objections to it, and praying for

1 amendment of it. The time of the filing of the ballot title, as used
2 in this section in determining the time for appeal, is the time the
3 ballot title is first filed with the county auditor.

4 A copy of the petition on appeal together with a notice that an
5 appeal has been taken shall be served upon the county auditor and the
6 official preparing the ballot title. Upon the filing of the petition
7 on appeal, the court shall immediately, or at the time to which a
8 hearing may be adjourned by consent of the appellants, examine the
9 proposed measure, the ballot title filed, and the objections to it and
10 may hear arguments on it, and shall as soon as possible render its
11 decision and certify to and file with the county auditor a ballot title
12 that it determines will meet the requirements of this chapter. The
13 decision of the superior court is final, and the ballot title or
14 statement so certified will be the established ballot title. The
15 appeal must be heard without cost to either party.

16 **Sec. 910.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to
17 read as follows:

18 NAMES ON PRIMARY BALLOT. Except for the candidates for the
19 positions of president and vice president or for a partisan or
20 nonpartisan office for which no primary is required, the names of all
21 candidates who ~~((have)), under this title, filed ((for nomination under~~
22 ~~chapter 29.18 RCW and those))~~ a declaration of candidacy, were
23 certified as a candidate to fill a vacancy on a major party ticket, or
24 were nominated as an independent ~~((candidates and candidates of))~~ or
25 minor ~~((political parties who have been nominated under chapter 29.24~~
26 ~~RCW shall))~~ party candidate will appear on the appropriate ballot at
27 the primary throughout the jurisdiction in which they are to be
28 nominated.

29 **Sec. 911.** RCW 29.30.010 and 1990 c 59 s 10 are each reenacted to
30 read as follows:

31 UNIFORMITY, ARRANGEMENT, CONTENTS REQUIRED. Every ballot for a
32 single combination of issues and offices shall be uniform within a
33 precinct and shall identify the type of primary or election, the
34 county, and the date of the primary or election, and the ballot or
35 voting device shall contain instructions on the proper method of
36 recording a vote, including write-in votes. Each position, together

1 with the names of the candidates for that office, shall be clearly
2 separated from other offices or positions in the same jurisdiction.
3 The offices in each jurisdiction shall be clearly separated from each
4 other. No paper ballot or ballot card may be marked in any way that
5 would permit the identification of the person who voted that ballot.

6 **Sec. 912.** RCW 29.30.020 and 2001 c 30 s 5 are each reenacted to
7 read as follows:

8 ORDER OF OFFICES AND ISSUES--PARTY INDICATION. (1) The positions
9 or offices on a primary ballot shall be arranged in substantially the
10 following order: United States senator; United States representative;
11 governor; lieutenant governor; secretary of state; state treasurer;
12 state auditor; attorney general; commissioner of public lands;
13 superintendent of public instruction; insurance commissioner; state
14 senator; state representative; county officers; justices of the supreme
15 court; judges of the court of appeals; judges of the superior court;
16 and judges of the district court. For all other jurisdictions on the
17 primary ballot, the offices in each jurisdiction shall be grouped
18 together and be in the order of the position numbers assigned to those
19 offices, if any.

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

28 (3) The political party or independent candidacy of each candidate
29 for partisan office shall be indicated next to the name of the
30 candidate on the primary and election ballot. A candidate shall file
31 a written notice with the filing officer within three business days
32 after the close of the filing period designating the political party to
33 be indicated next to the candidate's name on the ballot if either: (a)
34 The candidate has been nominated by two or more minor political parties
35 or independent conventions; or (b) the candidate has both filed a
36 declaration of candidacy declaring an affiliation with a major
37 political party and been nominated by a minor political party or

1 independent convention. If no written notice is filed the filing
2 officer shall give effect to the party designation shown upon the first
3 document filed. A candidate may be deemed nominated by a minor party
4 or independent convention only if all documentation required by chapter
5 29.24 RCW has been timely filed.

6 **Sec. 913.** RCW 29.30.025 and 1990 c 59 s 80 are each reenacted to
7 read as follows:

8 ORDER OF CANDIDATES ON BALLOTS. After the close of business on the
9 last day for candidates to file for office, the filing officer shall,
10 from among those filings made in person and by mail, determine by lot
11 the order in which the names of those candidates will appear on all
12 sample and absentee ballots. In the case of candidates for city, town,
13 and district office, this procedure shall also determine the order for
14 candidate names on the official primary ballot used at the polling
15 place. The determination shall be done publicly and may be witnessed
16 by the media and by any candidate. If no primary is required for any
17 nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall
18 appear on the general election ballot in the order determined by lot.

19 **Sec. 914.** RCW 29.30.040 and 1990 c 59 s 94 are each reenacted to
20 read as follows:

21 PRIMARIES--ROTATING NAMES OF CANDIDATES. At primaries, the names
22 of candidates for federal, state, and county partisan offices, for the
23 office of superintendent of public instruction, and for judicial
24 offices shall, for each office or position, be arranged initially in
25 the order determined under RCW 29.30.025. Additional sets of ballots
26 shall be prepared in which the positions of the names of all candidates
27 for each office or position shall be changed as many times as there are
28 candidates in the office or position in which there are the greatest
29 number of names. As nearly as possible an equal number of ballots
30 shall be prepared after each change. In making the changes of position
31 between each set of ballots, the candidates for each such office in the
32 first position under the office heading shall be moved to the last
33 position under that office heading, and each other name shall be moved
34 up to the position immediately above its previous position under that
35 office heading. The effect of this rotation of the order of the names
36 shall be that the name of each candidate for an office or position

1 shall appear first, second, and so forth for that office or position on
2 the ballots of a nearly equal number of registered voters in that
3 jurisdiction. In a precinct using voting devices, the names of the
4 candidates for each office shall appear in only one sequence in that
5 precinct. The names of candidates for city, town, and district office
6 on the ballot at the primary shall not be rotated.

7 **Sec. 915.** RCW 29.30.060 and 1991 c 363 s 33 are each reenacted to
8 read as follows:

9 SAMPLE BALLOTS. Except in each county with a population of one
10 million or more, on or before the fifteenth day before a primary or
11 election, the county auditor shall prepare a sample ballot which shall
12 be made readily available to members of the public. The secretary of
13 state shall adopt rules governing the preparation of sample ballots in
14 counties with a population of one million or more. The rules shall
15 permit, among other alternatives, the preparation of more than one
16 sample ballot by a county with a population of one million or more for
17 a primary or election, each of which lists a portion of the offices and
18 issues to be voted on in that county. The position of precinct
19 committee officer shall be shown on the sample ballot for the general
20 election, but the names of candidates for the individual positions need
21 not be shown.

22 **Sec. 916.** RCW 29.30.081 and 1990 c 59 s 13 are each amended to
23 read as follows:

24 ARRANGEMENT OF INSTRUCTIONS, MEASURES, OFFICES--ORDER OF
25 CANDIDATES--NUMBERING OF BALLOTS. (1) On the top of each ballot there
26 (~~shall~~) will be printed instructions directing the voters how to mark
27 the ballot, including write-in votes. After the instructions and
28 before the offices (~~shall be placed~~), the questions of adopting
29 constitutional amendments or any other state measure authorized by law
30 to be submitted to the voters at that election will be placed.

31 (2) The candidate or candidates of the major political party
32 (~~which~~) that received the highest number of votes from the electors
33 of this state for the office of president of the United States at the
34 last presidential election (~~shall~~) will appear first following the
35 appropriate office heading, the candidate or candidates of the other
36 major political parties (~~shall~~) will follow according to the votes

1 cast for their nominees for president at the last presidential
2 election, and independent candidates and the candidate or candidates of
3 all other parties (~~shall~~) will follow in the order of their
4 qualification with the secretary of state.

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

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

11 **Sec. 917.** RCW 29.30.085 and 1992 c 181 s 2 are each reenacted to
12 read as follows:

13 NONPARTISAN CANDIDATES QUALIFIED FOR GENERAL ELECTION. (1) Except
14 as provided in RCW 29.30.086 and in subsection (2) of this section, on
15 the ballot at the general election for a nonpartisan office for which
16 a primary was held, only the names of the candidate who received the
17 greatest number of votes and the candidate who received the next
18 greatest number of votes for that office shall appear under the title
19 of that office, and the names shall appear in that order. If a primary
20 was conducted, no candidate's name may be printed on the subsequent
21 general election ballot unless he or she receives at least one percent
22 of the total votes cast for that office at the preceding primary. On
23 the ballot at the general election for any other nonpartisan office for
24 which no primary was held, the names of the candidates shall be listed
25 in the order determined under RCW 29.30.025.

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

32 **Sec. 918.** RCW 29.30.086 and 1992 c 181 s 1 are each reenacted to
33 read as follows:

34 DISQUALIFIED CANDIDATES IN NONPARTISAN ELECTIONS--SPECIAL
35 PROCEDURES. This section applies if a candidate for an elective office
36 of a city, town, or special purpose district would, under this chapter,

1 otherwise qualify to have his or her name printed on the general
2 election ballot for the office, but the candidate has been declared to
3 be unqualified to hold the office by a court of competent jurisdiction.

4 (1) In a case in which a primary is conducted for the office:

5 (a) If ballots for the general election for the office have not
6 been ordered by the county auditor, the candidate who received the
7 third greatest number of votes for the office at the primary shall
8 qualify as a candidate for general election and that candidate's name
9 shall be printed on the ballot for the office in lieu of the name of
10 the disqualified candidate.

11 (b) If general election ballots for the office have been so
12 ordered, votes cast for the disqualified candidate at the general
13 election for the office shall not be counted for that office.

14 (2) In a case in which a primary is not conducted for the office:

15 (a) If ballots for the general election for the office have not
16 been ordered by the county auditor, the name of the disqualified
17 candidate shall not appear on the general election ballot for the
18 office.

19 (b) If general election ballots for the office have been so
20 ordered, votes cast for the disqualified candidate at the general
21 election for the office shall not be counted for that office.

22 (3) If the disqualified candidate is the only candidate to have
23 filed for the office during a regular or special filing period for the
24 office, a void in candidacy for the office exists.

25 **Sec. 919.** RCW 29.30.095 and 1990 c 59 s 96 are each reenacted to
26 read as follows:

27 PARTISAN CANDIDATES QUALIFIED FOR GENERAL ELECTION. The name of a
28 candidate for a partisan office for which a primary was conducted shall
29 not be printed on the ballot for that office at the subsequent general
30 election unless the candidate receives a number of votes equal to at
31 least one percent of the total number cast for all candidates for that
32 position sought and a plurality of the votes cast for the candidates of
33 his or her party for that office at the preceding primary.

34 **Sec. 920.** RCW 29.30.101 and 1999 c 298 s 11 are each reenacted to
35 read as follows:

36 NAMES QUALIFIED TO APPEAR ON BALLOT. The names of the persons

1 certified as nominees by the secretary of state or the county
2 canvassing board shall be printed on the ballot at the ensuing
3 election.

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

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

14 **Sec. 921.** RCW 29.30.111 and 1999 c 224 s 2 are each reenacted to
15 read as follows:

16 PROPERTY TAX LEVIES--BALLOT PROPOSITION FORM. (1) The ballot
17 proposition authorizing a taxing district to impose the regular
18 property tax levies authorized in RCW 36.69.145, 67.38.130, or
19 84.52.069 shall contain in substance the following:

20 "Shall the (insert the name of the taxing district) be
21 authorized to impose regular property tax levies of (insert
22 the maximum rate) or less per thousand dollars of assessed valuation
23 for each of (insert the maximum number of years allowable)
24 consecutive years?

- 25 Yes
- 26 No

27 Each voter shall indicate either "Yes" or "No" on his or her ballot
28 in accordance with the procedures established under this title.

29 (2) The ballot proposition authorizing a taxing district to impose
30 a permanent regular tax levy under RCW 84.52.069 shall contain the
31 following:

32 "Shall the (insert the name of the taxing district) be
33 authorized to impose a PERMANENT regular property levy of
34 (insert the maximum rate) or less per thousand dollars of assessed
35 valuation?

- 36 Yes
- 37 No

1 an absentee ballot for a primary election will be considered as a
2 request for an absentee ballot for the following general election.

3 (3) In requesting an absentee ballot, the voter shall state the
4 address to which the absentee ballot should be sent. A request for an
5 absentee ballot from an out-of-state voter, overseas voter, or service
6 voter must include the address of the last residence in the state of
7 Washington and either a written application or the oath on the return
8 envelope must include a declaration of the other qualifications of the
9 applicant as an elector of this state. A request for an absentee
10 ballot from any other voter must state the address at which that voter
11 is currently registered to vote in the state of Washington or the
12 county auditor shall verify that information from the voter
13 registration records of the county.

14 (4) A request for an absentee ballot from a registered voter who is
15 within this state must be made directly to the auditor of the county in
16 which the voter is registered. An absentee ballot request from a
17 registered voter who is temporarily outside this state or from an out-
18 of-state voter, overseas voter, or service voter may be made either to
19 the appropriate county auditor or to the secretary of state, who shall
20 promptly forward the request to the appropriate county auditor.

21 (5) No person, organization, or association may distribute absentee
22 ballot applications within this state that contain a return address
23 other than that of the appropriate county auditor.

24 **Sec. 1003.** RCW 29.36.230 and 2001 c 241 s 3 are each reenacted to
25 read as follows:

26 REQUEST ON BEHALF OF FAMILY MEMBER. A member of a registered
27 voter's family may request an absentee ballot on behalf of and for use
28 by the voter. As a means of ensuring that a person who requests an
29 absentee ballot is requesting the ballot for only that person or a
30 member of the person's immediate family, an auditor may require a
31 person who requests an absentee ballot to identify the date of birth of
32 the voter for whom the ballot is requested and deny a request that is
33 not accompanied by this information.

34 **Sec. 1004.** RCW 29.36.240 and 2001 c 241 s 4 are each reenacted to
35 read as follows:

36 ONGOING ABSENTEE STATUS--REQUEST--TERMINATION. Any registered

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

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

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

14 **Sec. 1005.** RCW 29.36.250 and 2001 c 241 s 5 are each amended to
15 read as follows:

16 SPECIAL ABSENTEE BALLOTS. (1) As provided in this section, county
17 auditors shall provide special absentee ballots to be used for state
18 primary or state general elections. An auditor shall provide a special
19 absentee ballot only to a registered voter who completes an application
20 stating that she or he will be unable to vote and return a regular
21 absentee ballot by normal mail delivery within the period provided for
22 regular absentee ballots.

23 The application for a special absentee ballot may not be filed
24 earlier than ninety days before the applicable state primary or general
25 election. The special absentee ballot will list the offices and
26 measures, if known, scheduled to appear on the state primary or general
27 election ballot. The voter may use the special absentee ballot to
28 write in the name of any eligible candidate for each office and vote on
29 any measure.

30 (2) With any special absentee ballot issued under this section, the
31 county auditor shall include a listing of any candidates who have filed
32 before the time of the application for offices that will appear on the
33 ballot at that primary or election and a list of any issues that have
34 been referred to the ballot before the time of the application.

35 (3) Write-in votes on special absentee ballots must be counted in
36 the same manner provided by law for the counting of other write-in
37 votes. The county auditor shall process and canvass the special

1 absentee ballots provided under this section in the same manner as
2 other absentee ballots under (~~chapters 29.36~~) this chapter and
3 chapter 29.62 RCW (as recodified by this act).

4 (4) A voter who requests a special absentee ballot under this
5 section may also request an absentee ballot under RCW 29.36.220(4). If
6 the regular absentee ballot is properly voted and returned, the special
7 absentee ballot is void, and the county auditor shall reject it in
8 whole when special absentee ballots are canvassed.

9 **Sec. 1006.** RCW 29.36.260 and 2001 c 241 s 6 are each amended to
10 read as follows:

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

26 (2) A registered voter may obtain a replacement ballot if the
27 ballot is destroyed, spoiled, lost, or not received by the voter. The
28 voter may obtain the ballot by telephone request, by mail,
29 electronically, or in person. The county auditor shall keep a record
30 of each replacement ballot provided under this subsection.

31 (3) A copy of the state voters' (~~and candidates'~~) pamphlet must
32 be sent to registered voters temporarily outside the state, out-of-
33 state voters, overseas voters, and service voters along with the
34 absentee ballot if such a pamphlet has been prepared for the primary or
35 election and is available to the county auditor at the time of mailing.
36 The county auditor shall mail all absentee ballots and related material

1 to voters outside the territorial limits of the United States and the
2 District of Columbia under 39 U.S.C. 3406.

3 **Sec. 1007.** RCW 29.36.270 and 1987 c 54 s 1 are each reenacted to
4 read as follows:

5 DATE BALLOTS READY. Except where a recount or litigation under RCW
6 29.04.030 is pending, the county auditor shall have sufficient absentee
7 ballots ready to mail to absentee voters of that county at least twenty
8 days before any primary, general election, or special election.

9 **Sec. 1008.** RCW 29.36.280 and 2001 c 241 s 7 are each reenacted to
10 read as follows:

11 DELIVERY OF BALLOT, QUALIFICATIONS FOR. The delivery of an
12 absentee ballot for any primary or election shall be subject to the
13 following qualifications:

14 (1) Only the registered voter personally, or a member of the
15 registered voter's immediate family may pick up an absentee ballot for
16 the voter at the office of the issuing officer unless the voter is a
17 resident of a health care facility, as defined by RCW 70.37.020(3), on
18 election day and applies by messenger for an absentee ballot. In this
19 latter case, the messenger may pick up the voter's absentee ballot.

20 (2) Except as noted in subsection (1) of this section, the issuing
21 officer shall mail or deliver the absentee ballot directly to each
22 applicant.

23 **Sec. 1009.** RCW 29.36.290 and 2001 c 241 s 8 are each reenacted to
24 read as follows:

25 ENVELOPES AND INSTRUCTIONS. The county auditor shall send each
26 absentee voter a ballot, a security envelope in which to seal the
27 ballot after voting, a larger envelope in which to return the security
28 envelope, and instructions on how to mark the ballot and how to return
29 it to the county auditor. The larger return envelope must contain a
30 declaration by the absentee voter reciting his or her qualifications
31 and stating that he or she has not voted in any other jurisdiction at
32 this election, together with a summary of the penalties for any
33 violation of any of the provisions of this chapter. The return
34 envelope must provide space for the voter to indicate the date on which
35 the ballot was voted and for the voter to sign the oath. A summary of

1 the applicable penalty provisions of this chapter must be printed on
2 the return envelope immediately adjacent to the space for the voter's
3 signature. The signature of the voter on the return envelope must
4 affirm and attest to the statements regarding the qualifications of
5 that voter and to the validity of the ballot. For out-of-state voters,
6 overseas voters, and service voters, the signed declaration on the
7 return envelope constitutes the equivalent of a voter registration for
8 the election or primary for which the ballot has been issued. The
9 voter must be instructed to either return the ballot to the county
10 auditor by whom it was issued or attach sufficient first class postage,
11 if applicable, and mail the ballot to the appropriate county auditor no
12 later than the day of the election or primary for which the ballot was
13 issued.

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

23 **Sec. 1010.** RCW 29.36.300 and 2001 c 241 s 9 are each reenacted to
24 read as follows:

25 OBSERVERS. County auditors must request that observers be
26 appointed by the major political parties to be present during the
27 processing of absentee ballots. The absence of the observers will not
28 prevent the processing of absentee ballots if the county auditor has
29 requested their presence.

30 **Sec. 1011.** RCW 29.36.310 and 2001 c 241 s 10 are each reenacted to
31 read as follows:

32 PROCESSING INCOMING BALLOTS. (1) The opening and subsequent
33 processing of return envelopes for any primary or election may begin on
34 or after the tenth day before the primary or election. The tabulation
35 of absentee ballots must not commence until after 8:00 p.m. on the day
36 of the primary or election.

1 (2) After opening the return envelopes, the county canvassing board
2 shall place all of the ballots in secure storage until after 8:00 p.m.
3 of the day of the primary or election. Absentee ballots that are to be
4 tabulated on an electronic vote tallying system may be taken from the
5 inner envelopes and all the normal procedural steps may be performed to
6 prepare these ballots for tabulation.

7 (3) Before opening a returned absentee ballot, the canvassing
8 board, or its designated representatives, shall examine the postmark,
9 statement, and signature on the return envelope that contains the
10 security envelope and absentee ballot. They shall verify that the
11 voter's signature on the return envelope is the same as the signature
12 of that voter in the registration files of the county. For registered
13 voters casting absentee ballots, the date on the return envelope to
14 which the voter has attested determines the validity, as to the time of
15 voting for that absentee ballot if the postmark is missing or is
16 illegible. For out-of-state voters, overseas voters, and service
17 voters, the date on the return envelope to which the voter has attested
18 determines the validity as to the time of voting for that absentee
19 ballot. For any absentee ballot, a variation between the signature of
20 the voter on the return envelope and the signature of that voter in the
21 registration files due to the substitution of initials or the use of
22 common nicknames is permitted so long as the surname and handwriting
23 are clearly the same.

24 **Sec. 1012.** RCW 29.36.320 and 2001 c 241 s 11 are each reenacted to
25 read as follows:

26 REPORT OF COUNT. The absentee ballots must be reported at a
27 minimum on a congressional and legislative district basis. Absentee
28 ballots may be counted by congressional or legislative district or by
29 individual precinct, except as required under RCW 29.62.090(2).

30 These returns must be added to the total of the votes cast at the
31 polling places.

32 **Sec. 1013.** RCW 29.36.340 and 1991 c 81 s 33 are each reenacted to
33 read as follows:

34 RECORD OF REQUESTS--PUBLIC ACCESS. Each county auditor shall
35 maintain in his or her office, open for public inspection, a record of

1 the requests he or she has received for absentee ballots under this
2 chapter.

3 The information from the requests shall be recorded and lists of
4 this information shall be available no later than twenty-four hours
5 after their receipt.

6 This information about absentee voters shall be available according
7 to the date of the requests and by legislative district. It shall
8 include the name of each applicant, the address and precinct in which
9 the voter maintains a voting residence, the date on which an absentee
10 ballot was issued to this voter, if applicable, the type of absentee
11 ballot, and the address to which the ballot was or is to be mailed, if
12 applicable.

13 The auditor shall make copies of these records available to the
14 public for the actual cost of production or copying.

15 **Sec. 1014.** RCW 29.36.350 and 2001 c 241 s 13 are each reenacted to
16 read as follows:

17 CHALLENGES. The qualifications of any absentee voter may be
18 challenged at the time the signature on the return envelope is verified
19 and the ballot is processed by the canvassing board. The board has the
20 authority to determine the legality of any absentee ballot challenged
21 under this section. Challenged ballots must be handled in accordance
22 with chapter 29.10 RCW.

23 **Sec. 1015.** RCW 29.36.360 and 1993 c 417 s 7 are each amended to
24 read as follows:

25 ~~((The secretary of state shall adopt rules to:~~
26 ~~(1) Establish standards and procedures to prevent fraud and to~~
27 ~~facilitate the accurate processing and canvassing of absentee ballots~~
28 ~~and mail ballots;~~
29 ~~(2) Establish standards and procedures to guarantee the secrecy of~~
30 ~~absentee ballots and mail ballots;~~
31 ~~(3) Provide uniformity among the counties of the state in the~~
32 ~~conduct of absentee voting and mail ballot elections; and~~
33 ~~(4) Facilitate the operation of the provisions of this chapter~~
34 ~~regarding out of state voters, overseas voters, and service voters.))~~

35 The secretary of state shall produce and furnish envelopes and

1 instructions for out-of-state voters, overseas voters, and service
2 voters to the county auditors.

3 **PART 11**

4 **POLLING PLACE ELECTIONS AND POLL WORKERS**

5 **Subpart 11.1**

6 **General Provisions**

7 **Sec. 1101.** RCW 29.51.010 and 1990 c 59 s 39 are each reenacted to
8 read as follows:

9 INTERFERENCE WITH VOTER PROHIBITED. No person may interfere with
10 a voter in any way within the polling place. This does not prevent the
11 voter from receiving assistance in preparing his or her ballot as
12 provided in RCW 29.51.200.

13 **Sec. 1102.** RCW 29.51.125 and 1977 ex.s. c 361 s 83 are each
14 amended to read as follows:

15 DETERMINATION OF WHO HAS AND WHO HAS NOT VOTED. At any election,
16 general or special, or at any primary, any political party or committee
17 may designate a person other than a precinct election officer, for each
18 polling place to check a list of registered voters of the precinct to
19 determine who has and who has not voted(~~(: PROVIDED, That such)~~). The
20 lists (~~(shall)~~) must be furnished by the party or committee concerned.

21 **Sec. 1103.** RCW 29.51.180 and 1990 c 59 s 47 are each reenacted to
22 read as follows:

23 TAKING PAPERS INTO VOTING BOOTH. Any voter may take into the
24 voting booth or voting device any printed or written material to assist
25 in casting his or her vote. The voter shall not use this material to
26 electioneer and shall remove the material when he or she leaves the
27 polls.

28 **Sec. 1104.** RCW 29.51.190 and 1990 c 59 s 48 are each reenacted to
29 read as follows:

30 OFFICIAL BALLOTS--VOTE ONLY ONCE--INCORRECTLY MARKED BALLOTS. No
31 ballots may be used in any polling place other than those prepared by
32 the county auditor. No voter is entitled to vote more than once at a

1 primary or a general or special election, except that if a voter
2 incorrectly marks a ballot, he or she may return it and be issued a new
3 ballot. The precinct election officers shall void the incorrectly
4 marked ballot and return it to the county auditor.

5 **Sec. 1105.** RCW 29.54.037 and 1999 c 158 s 10 are each reenacted to
6 read as follows:

7 BALLOT PICK UP, DELIVERY, AND TRANSPORTATION. (1) At the direction
8 of the county auditor, a team or teams composed of a representative of
9 at least two major political parties shall stop at designated polling
10 places and pick up the sealed containers of voted, untallied ballots
11 for delivery to the counting center. There may be more than one
12 delivery from each polling place. Two precinct election officials,
13 representing two major political parties, shall seal the voted ballots
14 in containers furnished by the county auditor and properly identified
15 with his or her address with uniquely prenumbered seals.

16 (2) At the counting center or the collection stations where the
17 sealed ballot containers are delivered by the designated
18 representatives of the major political parties, the county auditor or
19 a designated representative of the county auditor shall receive the
20 sealed ballot containers, record the time, date, precinct name or
21 number, and seal number of each ballot container.

22 **Sec. 1106.** RCW 29.48.010 and 1999 c 158 s 4 are each reenacted to
23 read as follows:

24 VOTING BOOTHS. The county auditor shall provide in each polling
25 place a sufficient number of voting booths or voting devices along with
26 any supplies necessary to enable the voter to mark or register his or
27 her choices on the ballot and within which the voters may cast their
28 votes in secrecy.

29 **Sec. 1107.** RCW 29.13.080 and 1973 c 78 s 1 are each reenacted to
30 read as follows:

31 OPENING AND CLOSING POLLS. At all primaries and elections, general
32 or special, in all counties the polls must be kept open from seven
33 o'clock a.m. to eight o'clock p.m. All qualified electors who are at
34 the polling place at eight o'clock p.m., shall be allowed to cast their
35 votes.

1 of the judges of each precinct or group of precincts located at the
2 polling place before the polls open.

3 **Sec. 1112.** RCW 29.48.035 and 1977 ex.s. c 361 s 82 are each
4 amended to read as follows:

5 ADDITIONAL SUPPLIES FOR PAPER BALLOTS. In precincts where votes
6 are cast on paper ballots, the following supplies, in addition to those
7 specified in RCW 29.48.030 (~~(as now or hereafter amended, shall)~~), must
8 be provided:

9 (1) Two tally books in which the names of the candidates (~~(shall)~~)
10 will be listed in the order in which they appear on the sample ballots
11 and in each case have the proper party designation at the head thereof;

12 (2) Two certificates or two sample ballots prepared as blanks, for
13 recording of the unofficial results by the precinct election officers.

14 **Sec. 1113.** RCW 29.57.130 and 1999 c 298 s 17 are each reenacted to
15 read as follows:

16 VOTING AND REGISTRATION INSTRUCTIONS AND INFORMATION. (1) Each
17 county auditor shall provide voting and registration instructions,
18 printed in large type, to be conspicuously displayed at each polling
19 place and permanent registration facility.

20 (2) The county auditor shall make information available for deaf
21 persons throughout the state by telecommunications.

22 **Sec. 1114.** RCW 29.48.020 and 1977 ex.s. c 361 s 80 are each
23 reenacted to read as follows:

24 TIME FOR ARRIVAL OF OFFICERS. The precinct election officers for
25 each precinct shall meet at the designated polling place at the time
26 set by the county auditor.

27 **Sec. 1115.** RCW 29.48.070 and 1990 c 59 s 37 are each reenacted to
28 read as follows:

29 INSPECTION OF VOTING EQUIPMENT. Before opening the polls for a
30 precinct, the voting equipment shall be inspected to determine if it
31 has been properly prepared for voting. If the voting equipment is
32 capable of direct tabulation of each voter's choices, the precinct
33 election officers shall verify that no votes have been registered for
34 any issue or office to be voted on at that primary or election. Any

1 ballot box shall be carefully examined by the judges of election to
2 determine that it is empty. The ballot box shall then be sealed or
3 locked. The ballot box shall not be opened before the certification of
4 the primary or election except in the manner and for the purposes
5 provided under this title.

6 **Sec. 1116.** RCW 29.48.090 and 1965 c 9 s 29.48.090 are each
7 reenacted to read as follows:

8 DISPLAY OF FLAG. At all primaries and elections the flag of the
9 United States shall be conspicuously displayed in front of each polling
10 place.

11 **Sec. 1117.** RCW 29.48.100 and 1990 c 59 s 38 are each reenacted to
12 read as follows:

13 ANNOUNCEMENT OPENING THE POLLS. The precinct election officers,
14 immediately before they start to issue ballots or permit a voter to
15 vote, shall announce at the place of voting that the polls for that
16 precinct are open.

17 **Sec. 1118.** RCW 29.51.150 and 1990 c 59 s 45 are each reenacted to
18 read as follows:

19 VOTING DEVICES--PERIODIC EXAMINATION. The precinct election
20 officers shall periodically examine the voting devices to determine if
21 they have been tampered with.

22 **Sec. 1119.** RCW 29.51.050 and 1990 c 59 s 40 are each amended to
23 read as follows:

24 ISSUING BALLOT TO VOTER--CHALLENGE. A voter desiring to vote shall
25 give his or her name to the precinct election officer who has the
26 precinct list of registered voters. This officer shall announce the
27 name to the precinct election officer who has the copy of the
28 inspector's poll book for that precinct. If the right of this voter to
29 participate in the primary or election is not challenged, the voter
30 (~~shall~~) must be issued a ballot or permitted to enter a voting booth
31 or to operate a voting device. The number of the ballot or the voter
32 (~~shall~~) must be recorded by the precinct election officers. If the
33 right of the voter to participate is challenged, RCW 29.10.125 and
34 29.10.127 apply to that voter.

1 **Sec. 1120.** RCW 29.51.060 and 1990 c 59 s 41 are each amended to
2 read as follows:

3 SIGNATURE REQUIRED TO VOTE--PROCEDURE IF VOTER UNABLE TO SIGN
4 NAME. ~~((If any person appears))~~ Any person desiring to vote at any
5 primary or election ~~((as a registered voter in the jurisdiction where~~
6 ~~the primary or election is being held, the precinct election officers~~
7 ~~shall require the voter))~~ is required to sign his or her name ~~((and~~
8 ~~current address subject to penalties of perjury in one of))~~ on the
9 appropriate precinct list~~((s))~~ of registered voters. If the ~~((person))~~
10 voter registered using a mark, or can no longer sign his or her name,
11 the election officers shall require the ~~((person offering to vote))~~
12 voter to be identified by another registered voter.

13 ~~((As soon as it is determined that the person is qualified to vote,~~
14 ~~one of))~~ The precinct election officers shall ~~((enter))~~ then record the
15 voter's name ~~((in a second poll book))~~.

16 **Sec. 1121.** RCW 29.51.100 and 1990 c 59 s 43 are each amended to
17 read as follows:

18 CASTING VOTE. On signing the precinct list of registered voters or
19 being issued a ballot, the voter shall, without leaving the polling
20 place, proceed to one of the voting booths or voting devices to cast
21 his or her vote. ~~((If the voter was issued a ballot))~~ When the voter
22 has finished, he or she shall either (1) remove the ~~((number))~~ numbered
23 stub from the ballot, place the ballot in the ballot box, and return
24 the number to the precinct election officers, or ~~((shall))~~ (2) deliver
25 ~~((it))~~ the entire ballot to the precinct election officers, who shall
26 remove the ~~((number))~~ numbered stub from the ballot and place the
27 ballot in the ballot box.

28 **Sec. 1122.** RCW 29.51.070 and 1990 c 59 s 42 are each reenacted to
29 read as follows:

30 RECORD OF PARTICIPATION. As each voter casts his or her vote, the
31 precinct election officers shall insert in the poll books or precinct
32 list of registered voters opposite that voter's name, a notation to
33 credit the voter with having participated in that primary or election.
34 The precinct election officers shall record the voter's name so that a
35 separate record is kept.

1 **Sec. 1123.** RCW 29.51.200 and 1981 c 34 s 1 are each amended to
2 read as follows:

3 DISABLED VOTERS. Voting shall be secret except to the extent
4 necessary to assist sensory or physically (~~handicapped~~) disabled
5 voters.

6 If any voter declares in the presence of the election officers that
7 because of sensory or physical (~~handicap~~) disability he or she is
8 unable to register or record his or her vote, he or she may designate
9 a person of his or her choice or two election officers from opposite
10 political parties to enter the voting machine booth with him or her and
11 record his or her vote as he or she directs.

12 **Sec. 1124.** RCW 29.54.018 and 1990 c 59 s 54 are each amended to
13 read as follows:

14 TABULATION OF PAPER BALLOTS BEFORE CLOSE OF POLLS. (1) Paper
15 ballots may be tabulated at the precinct polling place before the
16 closing of the polls (~~under rules adopted by the secretary of state~~).
17 The tabulation of ballots, paper or otherwise, shall be open to the
18 public, but no persons except those employed and authorized by the
19 county auditor may touch a ballot card or ballot container or operate
20 vote tallying equipment.

21 (2) The results of the tabulation of paper ballots at the polls
22 shall be delivered to the county auditor as soon as the tabulation is
23 complete.

24 **Sec. 1125.** RCW 29.51.250 and 1990 c 59 s 51 are each reenacted to
25 read as follows:

26 VOTERS IN POLLING PLACE AT CLOSING TIME. If at the time of closing
27 the polls, there are any voters in the polling place who have not
28 voted, they shall be allowed to vote after the polls have been closed.

29 **Sec. 1126.** RCW 29.54.010 and 1990 c 59 s 52 are each amended to
30 read as follows:

31 UNUSED BALLOTS. At each precinct immediately after the last
32 qualified voter has cast his or her vote, the precinct election
33 officers shall (~~identify and seal~~) render unusable and secure in a
34 container all unused ballots for that precinct and (~~seal them in a~~
35 ~~container to be returned~~) return them to the county auditor.

1 (3) If the numbers do agree, they shall proceed to initialize the
2 device and see whether the public counter registers "000." If the
3 counter is found to register a number other than "000," one of the
4 judges shall at once set the counter at "000" and confirm that the
5 ballot box is empty;

6 (4) Before processing any ballots through a poll-site ballot
7 counting device a zero report must be produced. The inspector and at
8 least one of the judges shall carefully verify that zero ballots have
9 been run through the poll-site ballot counting device and that all vote
10 totals for each office are zero. If the totals are not zero, the
11 inspector shall either reset the device to zero or contact the
12 elections department to reset the device and allow voting to continue
13 using the auxiliary or emergency device.

14 **Sec. 1130.** RCW 29.48.045 and 1999 c 158 s 5 are each reenacted to
15 read as follows:

16 DELIVERY AND SEALING. Whenever poll-site ballot counting devices
17 are used, the devices may either be included with the supplies required
18 in RCW 29.48.030 or they may be delivered to the polling place
19 separately. All poll-site ballot counting devices must be sealed with
20 a unique numbered seal at the time of final preparation and logic and
21 accuracy testing. A log must be made of all seal numbers and device
22 numbers used.

23 **Sec. 1131.** RCW 29.54.093 and 1999 c 158 s 11 are each reenacted to
24 read as follows:

25 MEMORY PACKS. The programmed memory pack for each poll-site ballot
26 counting device must be sealed into the device during final preparation
27 and logic and accuracy testing. Except in the case of a device
28 breakdown, the memory pack must remain sealed in the device until after
29 the polls have closed and all reports and telephonic or electronic
30 transfer of results are completed. After all reporting is complete the
31 precinct election officers responsible for transferring the sealed
32 voted ballots under RCW 29.54.075 shall ensure that the memory pack is
33 returned to the elections department. If the entire poll-site ballot
34 counting device is returned, the memory pack must remain sealed in the
35 device. If the poll-site ballot counting device is to remain at the
36 polling place, the precinct election officer shall break the seal on

1 the device and remove the memory pack and seal and return it along with
2 the irregularly voted ballots and special ballots to the elections
3 department on election day.

4 **Sec. 1132.** RCW 29.51.115 and 1999 c 158 s 7 are each reenacted to
5 read as follows:

6 INCORRECTLY MARKED BALLOTS. Each poll-site ballot counting device
7 must be programmed to return all blank ballots and overvoted ballots to
8 the voter for private reexamination. The election officer shall take
9 whatever steps are necessary to ensure that the secrecy of the ballot
10 is maintained. The precinct election officer shall provide information
11 and instruction on how to properly mark the ballot. The voter may
12 remark the original ballot, may request a new ballot under RCW
13 29.51.190, or may choose to complete a special ballot envelope and
14 return the ballot as a special ballot.

15 **Sec. 1133.** RCW 29.51.155 and 1999 c 158 s 8 are each reenacted to
16 read as follows:

17 FAILURE OF DEVICE. If a poll-site ballot counting device fails to
18 operate at any time during polling hours, voting must continue, and the
19 ballots must be deposited for later tabulation in a secure ballot
20 compartment separate from the tabulated ballots.

21 **Subpart 11.4**
22 **Poll Workers**

23 **Sec. 1134.** RCW 29.45.010 and 1991 c 106 s 1 are each amended to
24 read as follows:

25 APPOINTMENT OF JUDGES AND INSPECTOR. (1) At least ten days prior
26 to any primary or election, general or special, the county auditor
27 shall appoint one inspector and two judges of election for each
28 precinct (or each combination of precincts temporarily consolidated as
29 a single precinct for that primary or election), other than those
30 precincts designated as vote-by-mail precincts pursuant to RCW
31 (~~29.36.120~~) 29.38.010 (as recodified by this act). Except as
32 provided in subsection (3) of this section, the persons appointed shall
33 be among those whose names are contained on the lists furnished under
34 RCW 29.45.030 by the chairpersons of the county central committees of

1 the political parties entitled to representation thereon. Such
2 precinct election officers, whenever possible, should be residents of
3 the precinct in which they serve.

4 (2) The county auditor may delete from the lists of names submitted
5 to the auditor by the chairpersons of the county central committees
6 under RCW 29.45.030: (a) The names of those persons who indicate to
7 the auditor that they cannot or do not wish to serve as precinct
8 election officers for the primary or election or who otherwise cannot
9 so serve; and (b) the names of those persons who lack the ability to
10 conduct properly the duties of an inspector or judge of election after
11 training in that proper conduct has been made available to them by the
12 auditor. The lists which are submitted to the auditor in a timely
13 manner under RCW 29.45.030, less the deletions authorized by this
14 subsection, constitute the official nomination lists for inspectors and
15 judges of election.

16 (3) If the number of persons whose names are on the official
17 nomination list for a political party is not sufficient to satisfy the
18 requirements of subsection (4) of this section as it applies to that
19 political party or is otherwise insufficient to provide the number of
20 precinct election officials required from that political party, the
21 auditor shall notify the chair of the party's county central committee
22 regarding the deficiency. The chair may, within five business days of
23 being notified by the auditor, add to the party's nomination list the
24 names of additional persons belonging to that political party who are
25 qualified to serve on the election boards. To the extent that,
26 following this procedure, the number of persons whose names appear on
27 the official nomination lists of the political parties is insufficient
28 to provide the number of election inspectors and judges required for a
29 primary or election, the auditor may appoint a properly trained person
30 whose name does not appear on such a list as an inspector or judge of
31 election for a precinct.

32 (4) The county auditor shall designate the inspector and one judge
33 in each precinct from that political party which polled the highest
34 number of votes in the county for its candidate for president at the
35 last preceding presidential election and one judge from that political
36 party polling the next highest number of votes in the county for its
37 candidate for president at the same election. The provisions of this

1 subsection apply only if the number of names on the official nomination
2 list for inspectors and judges of election for a political party is
3 sufficient to satisfy the requirements imposed by this subsection.

4 (5) Except as provided in RCW 29.45.040 for the filling of
5 vacancies, this shall be the exclusive method for the appointment of
6 inspectors and judges to serve as precinct election officers at any
7 primary or election, general or special, and shall supersede the
8 provisions of any and all other statutes, whether general or special in
9 nature, having different requirements.

10 **Sec. 1135.** RCW 29.45.020 and 1965 ex.s. c 101 s 2 are each amended
11 to read as follows:

12 APPOINTMENT OF CLERKS--PARTY REPRESENTATION--HOUR TO REPORT. At
13 the same time the officer having jurisdiction of the election appoints
14 the inspector and two judges as provided in RCW 29.45.010, he or she
15 may appoint one or more persons to act as clerks if in his or her
16 judgment such additional persons are necessary, except that in
17 precincts in which voting machines are used, the judges of election
18 shall perform the duties required to be performed by clerks.

19 Each clerk appointed shall represent a major political party(~~(+~~
20 ~~PROVIDED, That~~)). The political party representation of a single set
21 of precinct election officers shall, whenever possible, be equal but,
22 in any event, no single political party shall be represented by more
23 than a majority of one at each polling place.

24 The election officer having jurisdiction of the election may
25 designate at what hour the clerks shall report for duty. The hour may
26 vary among the precincts according to the judgment of the appointing
27 officer.

28 **Sec. 1136.** RCW 29.45.030 and 1991 c 106 s 2 are each amended to
29 read as follows:

30 NOMINATION. The precinct committee officer of each major political
31 party shall certify to the officer's county chair a list of those
32 persons belonging to the officer's political party qualified to act
33 upon the election board in the officer's precinct.

34 By the first day of June each year, the chair of the county central
35 committee of each major political party shall certify to the officer

1 having jurisdiction of the election a list of those persons belonging
2 to the county chair's political party in each precinct who are
3 qualified to act on the election board therein.

4 The county chair shall compile this list from the names certified
5 by the various precinct committee officers unless no names or not
6 (~~([a])~~) a sufficient (~~([number of])~~) number of names have been
7 certified from a precinct, in which event the county chair may include
8 therein the names of qualified members of the county chair's party
9 selected by the county chair. The county chair shall also have the
10 authority to substitute names of persons recommended by the precinct
11 committee officers if in the judgment of the county chair such persons
12 are not qualified to serve as precinct election officers.

13 **Sec. 1137.** RCW 29.45.040 and 1965 c 9 s 29.45.040 are each
14 reenacted to read as follows:

15 VACANCIES--HOW FILLED--INSPECTOR'S AUTHORITY. If no election
16 officers have been appointed for a precinct, or if at the hour for
17 opening the polls none of those appointed is present at the polling
18 place therein, the voters present may appoint the election board for
19 that precinct. One of the judges may perform the duties of clerk of
20 election. The inspector shall have the power to fill any vacancy that
21 may occur in the board of judges, or by absence or refusal to serve of
22 either of the clerks after the polls shall have been opened.

23 **Sec. 1138.** RCW 29.45.050 and 1994 c 223 s 91 are each amended to
24 read as follows:

25 ONE SET OF PRECINCT ELECTION OFFICERS, EXCEPTIONS--COUNTING BOARD--
26 RECEIVING BOARD. There shall be but one set of election officers at
27 any one time in each precinct except as provided in this section.

28 In every precinct using paper ballots having two hundred or more
29 registered voters there shall be appointed, and in every precinct
30 having less than two hundred registered voters there may be appointed,
31 at a state primary or state general election, two or more sets of
32 precinct election officers as provided in RCW 29.04.020 and 29.45.010.
33 The officer in charge of the election may appoint one or more counting
34 boards at his or her discretion, when he or she decides that because of
35 a long or complicated ballot or because of the number of expected

1 voters, there is need of additional counting board or boards to improve
2 the speed and accuracy of the count.

3 In making such appointments, one or more sets of precinct election
4 officers shall be designated as the counting board or boards, the first
5 of which shall consist of an inspector, two judges, and a clerk and the
6 second set, if activated, shall consist of two judges and two clerks.
7 The duties of the counting board or boards shall be the count of
8 ballots cast and the return of the election records and supplies to the
9 officer having jurisdiction of the election.

10 One set of precinct election officers shall be designated as the
11 receiving board which shall have all other powers and duties imposed by
12 law for such elections. Nothing in this section prevents the county
13 auditor from appointing relief or replacement precinct election
14 officers at any time during election day. Relief or replacement
15 precinct election officers must be of the same political party as the
16 officer they are relieving or replacing.

17 **Sec. 1139.** RCW 29.45.060 and 1990 c 59 s 74 are each reenacted to
18 read as follows:

19 DUTIES--GENERALLY. The inspector and judges of election in each
20 precinct shall conduct the elections therein and receive, deposit, and
21 count the ballots cast thereat and make returns to the proper
22 canvassing board or officer except that when two or more sets of
23 precinct election officers are appointed as provided in RCW 29.45.050,
24 the ballots shall be counted by the counting board or boards as
25 provided in RCW 29.54.015, 29.54.018, and 29.85.225.

26 **Sec. 1140.** RCW 29.45.065 and 1973 c 102 s 5 are each reenacted to
27 read as follows:

28 APPLICATION TO OTHER PRIMARIES OR ELECTIONS. All of the provisions
29 of RCW 29.45.050 and 29.45.060 relating to counting boards may be
30 applied on an optional basis to any other primary or election, regular
31 or special, at the discretion of the officer in charge of the election.

32 **Sec. 1141.** RCW 29.45.070 and 1965 c 9 s 29.45.070 are each amended
33 to read as follows:

34 INSPECTOR AS CHAIR--AUTHORITY. The inspector shall be ((~~chairman~~))

1 the chair of the board and after its organization (~~(shall have power~~
2 ~~to~~)) administer all necessary oaths (~~(which)~~) that may be required in
3 the progress of the election.

4 **Sec. 1142.** RCW 29.45.080 and 1965 c 9 s 29.45.080 are each
5 reenacted to read as follows:

6 OATHS OF OFFICERS REQUIRED. The inspector, judges, and clerks of
7 election, before entering upon the duties of their offices, shall take
8 and subscribe the prescribed oath or affirmation which shall be
9 administered to them by any person authorized to administer oaths and
10 verified under the hand of the person by whom such oath or affirmation
11 is administered. If no such person is present, the inspector shall
12 administer the same to the judges and clerks, and one of the judges
13 shall administer the oath to the inspector.

14 The county auditor shall furnish two copies of the proper form of
15 oath to each precinct election officer, one copy thereof, after
16 execution, to be placed and transmitted with the election returns.

17 **Sec. 1143.** RCW 29.45.090 and 1965 c 9 s 29.45.090 are each
18 reenacted to read as follows:

19 OATH OF INSPECTORS, FORM. The following shall be the form of the
20 oath or affirmation to be taken by each inspector:

21 "I, A B, do swear (or affirm) that I will duly attend to the
22 ensuing election, during the continuance thereof, as an inspector, and
23 that I will not receive any ballot or vote from any person other than
24 such as I firmly believe to be entitled to vote at such election,
25 without requiring such evidence of the right to vote as is directed by
26 law; nor will I vexatiously delay the vote of, or refuse to receive, a
27 ballot from any person whom I believe to be entitled to vote; but that
28 I will in all things truly, impartially, and faithfully perform my duty
29 therein to the best of my judgment and abilities; and that I am not,
30 directly nor indirectly, interested in any bet or wager on the result
31 of this election."

32 **Sec. 1144.** RCW 29.45.100 and 1965 c 9 s 29.45.100 are each
33 reenacted to read as follows:

34 OATH OF JUDGES, FORM. The following shall be the oath or
35 affirmation of each judge:

1 "We, A B, do swear (or affirm) that we will as judges duly attend
2 the ensuing election, during the continuance thereof, and faithfully
3 assist the inspector in carrying on the same; that we will not give our
4 consent to the receipt of any vote or ballot from any person, other
5 than one whom we firmly believe to be entitled to vote at such
6 election; and that we will make a true and perfect return of the said
7 election and will in all things truly, impartially, and faithfully
8 perform our duty respecting the same to the best of our judgment and
9 abilities; and that we are not directly nor indirectly interested in
10 any bet or wager on the result of this election."

11 **Sec. 1145.** RCW 29.45.110 and 1965 c 9 s 29.45.110 are each
12 reenacted to read as follows:

13 OATH OF CLERKS, FORM. The following shall be the form of the oath
14 to be taken by the clerks:

15 "We, and each of us, A B, do swear (or affirm) that we will
16 impartially and truly write down the name of each elector who votes at
17 the ensuing election, and also the name of the county and precinct
18 wherein the elector resides; that we will carefully and truly write
19 down the number of votes given for each candidate at the election as
20 often as his name is read to us by the inspector and in all things
21 truly and faithfully perform our duty respecting the same to the best
22 of our judgment and abilities, and that we are not directly nor
23 indirectly interested in any bet or wager on the result of this
24 election."

25 **Sec. 1146.** RCW 29.45.120 and 1971 ex.s. c 124 s 2 are each amended
26 to read as follows:

27 COMPENSATION. The fees of officers of election shall be as
28 follows:

29 To the judges and clerks of an election not less than the minimum
30 hourly wage per hour as provided under RCW 49.46.020 (~~as now or~~
31 ~~hereafter amended~~), the exact amount to be fixed by the respective
32 boards of county commissioners for each county. To inspectors, the
33 rate paid to judges and clerks plus an additional two hours'
34 compensation. The precinct election officer picking up the election
35 supplies and returning the election returns to the county auditor shall

1 be entitled to additional compensation, the exact amount to be
2 determined by the respective boards of county commissioners for each
3 county.

4 **PART 12**

5 **VOTE BY MAIL BALLOTS**

6 **Sec. 1201.** RCW 29.38.010 and 2001 c 241 s 15 are each reenacted to
7 read as follows:

8 MAIL BALLOT PRECINCTS. The county auditor may designate any
9 precinct having fewer than two hundred active registered voters at the
10 time of closing of voter registration as provided in RCW 29.07.160 as
11 a mail ballot precinct. The county auditor shall notify each
12 registered voter by mail that for all future primaries and elections
13 the voting in his or her precinct will be by mail ballot only. In
14 determining the number of registered voters in a precinct for the
15 purposes of this section, persons who are ongoing absentee voters under
16 RCW 29.36.240 shall not be counted. Nothing in this section may be
17 construed as altering the vote tallying requirements of RCW 29.62.090.

18 As soon as ballots are available, the county auditor shall mail or
19 deliver a ballot and an envelope, preaddressed to the issuing officer,
20 to each active registered voter. The auditor shall send each inactive
21 voter either a ballot or an application to receive a ballot. The
22 auditor shall determine which of the two is to be sent. If the
23 inactive voter returns a voted ballot, the ballot shall be counted and
24 the voter's status restored to active. If the inactive voter completes
25 and returns an application, a ballot shall be sent and the voter's
26 status restored to active.

27 If the precinct exceeds two hundred registered voters, or the
28 auditor determines to return to a polling place election environment,
29 the auditor shall notify each registered voter, by mail, of this and
30 shall provide the address of the polling place to be used.

31 **Sec. 1202.** RCW 29.38.020 and 2001 c 241 s 16 are each reenacted to
32 read as follows:

33 SPECIAL ELECTIONS. At any nonpartisan special election not being
34 held in conjunction with a state primary or general election, the
35 county, city, town, or district requesting the election pursuant to RCW

1 29.13.010 or 29.13.020 may also request that the special election be
2 conducted by mail ballot. The county auditor may honor the request or
3 may determine that the election is not to be conducted by mail ballot.
4 The decision of the county auditor in this regard is final.

5 For all special elections not being held in conjunction with a
6 state primary or state general election where voting is conducted by
7 mail ballot, the county auditor shall, not less than twenty days before
8 the date of such election, make available to each registered voter a
9 mail ballot. The auditor shall handle inactive voters in the same
10 manner as inactive voters in mail ballot precincts.

11 **Sec. 1203.** RCW 29.38.030 and 2001 c 241 s 17 are each reenacted to
12 read as follows:

13 ODD-YEAR PRIMARIES. In an odd-numbered year, the county auditor
14 may conduct a primary or a special election by mail ballot concurrently
15 with the primary:

16 (1) For an office or ballot measure of a special purpose district
17 that is entirely within the county;

18 (2) For an office or ballot measure of a special purpose district
19 that lies in the county and one or more other counties if the auditor
20 first secures the concurrence of the county auditors of those other
21 counties to conduct the primary in this manner district-wide; and

22 (3) For a ballot measure or nonpartisan office of a county, city,
23 or town if the auditor first secures the concurrence of the legislative
24 authority of the county, city, or town involved.

25 The county auditor shall notify an election jurisdiction for which
26 a primary is to be held that the primary will be conducted by mail
27 ballot.

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

32 To the extent they are not inconsistent with other provisions of
33 law, the laws governing the conduct of mail ballot special elections
34 apply to nonpartisan primaries conducted by mail ballot.

35 **Sec. 1204.** RCW 29.38.040 and 2001 c 241 s 18 are each amended to
36 read as follows:

1 DEPOSITING BALLOTS--REPLACEMENT BALLOTS. (1) If a county auditor
2 conducts an election by mail, the county auditor shall designate one or
3 more places for the deposit of ballots not returned by mail. The
4 places designated under this section shall be open on the date of the
5 election for a period of thirteen hours, beginning at 7:00 a.m. and
6 ending at 8:00 p.m.

7 (2) A registered voter may obtain a replacement ballot as provided
8 in this subsection (~~((if the ballot is destroyed, damaged, lost, or not~~
9 ~~received by the voter))~~). A voter may request a replacement mail ballot
10 in person, by mail, by telephone, or by other electronic transmission
11 for himself or herself and for any member of his or her immediate
12 family. The request must be received by the auditor before 8:00 p.m.
13 on election day. The county auditor shall keep a record of each
14 replacement ballot issued, including the date of the request.
15 Replacement mail ballots may be counted in the final tabulation of
16 ballots only if the original ballot is not received by the county
17 auditor and the replacement ballot meets all requirements for
18 tabulation necessary for the tabulation of regular mail ballots.

19 **Sec. 1205.** RCW 29.38.050 and 2001 c 241 s 19 are each reenacted to
20 read as follows:

21 RETURN OF VOTED BALLOT. The voter shall return the ballot to the
22 county auditor in the return identification envelope. If mailed, a
23 ballot must be postmarked not later than the date of the primary or
24 election. Otherwise, the ballot must be deposited at the office of the
25 county auditor or the designated place of deposit not later than 8:00
26 p.m. on the date of the primary or election.

27 **Sec. 1206.** RCW 29.38.060 and 2001 c 241 s 20 are each amended to
28 read as follows:

29 BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW
30 29.38.010 or 29.38.020 or 29.38.030 must contain the same offices,
31 names of nominees or candidates, and propositions to be voted upon,
32 including precinct offices, as if the ballot had been voted in person
33 at the polling place. Except as otherwise provided by law, mail
34 ballots must be treated in the same manner as absentee ballots issued
35 at the request of the voter. If electronic vote tallying devices are
36 used, political party observers must be given the opportunity to be

1 present, and a test of the equipment must be performed as required by
2 RCW 29.33.350 before tabulating ballots. Political party observers may
3 select at random ballots to be counted manually as provided by RCW
4 29.54.025. (~~Any violation of the secrecy of the count is subject to~~
5 ~~the same penalties as provided for in RCW 29.85.225.~~)

6 **PART 13**
7 **PRIMARIES AND ELECTIONS**

8 **Subpart 13.1**
9 **General**

10 **Sec. 1301.** RCW 29.15.150 and 1973 c 4 s 3 are each reenacted to
11 read as follows:

12 ELECTIONS TO FILL UNEXPIRED TERM--NO PRIMARY, WHEN. Whenever it
13 shall be necessary to hold a special election in an odd-numbered year
14 to fill an unexpired term of any office which is scheduled to be voted
15 upon for a full term in an even-numbered year, no September primary
16 election shall be held in the odd-numbered year if, after the last day
17 allowed for candidates to withdraw, either of the following
18 circumstances exist:

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

22 (2) No more than two candidates have filed a declaration of
23 candidacy for a single nonpartisan office to be filled.

24 In either event, the officer with whom the declarations of
25 candidacy were filed shall immediately notify all candidates concerned
26 and the names of the candidates that would have been printed upon the
27 September primary ballot, but for the provisions of this section, shall
28 be printed as nominees for the positions sought upon the November
29 general election ballot.

30 **Subpart 13.2**
31 **Partisan Primaries**

32 **Sec. 1302.** RCW 29.18.010 and 1990 c 59 s 78 are each reenacted to
33 read as follows:

1 APPLICATION OF CHAPTER. Candidates for the following offices shall
2 be nominated at partisan primaries held pursuant to the provisions of
3 this chapter:

4 (1) Congressional offices;

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

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

9 **Sec. 1303.** RCW 29.18.120 and 1990 c 59 s 87 are each reenacted to
10 read as follows:

11 GENERAL ELECTION LAWS GOVERN PRIMARIES. So far as applicable, the
12 provisions of this title relating to conducting general elections shall
13 govern the conduct of primaries.

14 **Sec. 1304.** RCW 29.18.200 and 1990 c 59 s 88 are each reenacted to
15 read as follows:

16 BLANKET PRIMARY AUTHORIZED. Except as provided otherwise in
17 chapter 29.19 RCW, all properly registered voters may vote for their
18 choice at any primary held under this title, for any candidate for each
19 office, regardless of political affiliation and without a declaration
20 of political faith or adherence on the part of the voter.

21 **Subpart 13.3**

22 **Nonpartisan Primaries**

23 **Sec. 1305.** RCW 29.21.010 and 1990 c 59 s 89 are each reenacted to
24 read as follows:

25 LOCAL PRIMARIES. All city and town primaries shall be nonpartisan.
26 Primaries for special purpose districts, except those districts that
27 require ownership of property within the district as a prerequisite to
28 voting, shall be nonpartisan. City, town, and district primaries shall
29 be held as provided in RCW 29.13.070.

30 The purpose of this section is to establish the holding of a
31 primary, subject to the exemptions in RCW 29.21.015, as a uniform
32 procedural requirement to the holding of city, town, and district
33 elections. These provisions supersede any and all other statutes,

1 whether general or special in nature, having different election
2 requirements.

3 **Sec. 1306.** RCW 29.21.015 and 1998 c 19 s 1 are each reenacted to
4 read as follows:

5 WHEN NO LOCAL PRIMARY PERMITTED--PROCEDURE. (1) No primary may be
6 held for any single position in any city, town, district, or district
7 court, as required by RCW 29.21.010, if, after the last day allowed for
8 candidates to withdraw, there are no more than two candidates filed for
9 the position. The county auditor shall, as soon as possible, notify
10 all the candidates so affected that the office for which they filed
11 will not appear on the primary ballot.

12 (2) No primary may be held for the office of commissioner of a park
13 and recreation district or for the office of cemetery district
14 commissioner.

15 (3) Names of candidates for offices that do not appear on the
16 primary ballot shall be printed upon the general election ballot in the
17 manner specified by RCW 29.30.025.

18 **Sec. 1307.** RCW 29.21.070 and 1990 c 59 s 91 are each reenacted to
19 read as follows:

20 NONPARTISAN OFFICES SPECIFIED. The offices of superintendent of
21 public instruction, justice of the supreme court, judge of the court of
22 appeals, judge of the superior court, and judge of the district court
23 shall be nonpartisan and the candidates therefor shall be nominated and
24 elected as such.

25 All city, town, and special purpose district elective offices shall
26 be nonpartisan and the candidates therefor shall be nominated and
27 elected as such.

28 **Sec. 1308.** RCW 29.21.410 and 1972 ex.s. c 61 s 7 are each amended
29 to read as follows:

30 SPECIAL ELECTION TO FILL UNEXPIRED TERM. Whenever it (~~shall be~~)
31 is necessary to hold a special election to fill an unexpired term of an
32 elective office of any city, town, or district, (~~such~~) the special
33 election (~~shall~~) must be held in concert with the next general
34 election (~~which~~) that is to be held by the respective city, town, or
35 district concerned for the purpose of electing officers to full

1 terms(~~(: PROVIDED, That)~~). This section (~~(shall)~~) does not apply to
2 any city of the first class whose charter provision relating to
3 elections to fill unexpired terms are inconsistent (~~(herewith)~~) with
4 this section.

5 **Subpart 13.4**
6 **Notices and Certificates**

7 **Sec. 1309.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended
8 to read as follows:

9 NOTICE OF PRIMARY. Not more than ten nor less than three days
10 (~~(prior to)~~) before the primary (~~(election)~~) the county auditor shall
11 publish notice of such primary in one or more newspapers of general
12 circulation within the county. (~~(Said)~~) The notice (~~(shall)~~) must
13 contain the proper party designations, the names and addresses of all
14 persons who have filed a declaration of candidacy to be voted upon at
15 that primary (~~(election)~~), the hours during which the polls will be
16 open, and (~~(that the election will be held in the regular)~~) the polling
17 places (~~(in)~~) for each precinct, giving the address of each polling
18 place(~~(: PROVIDED, That)~~). The names of all candidates for
19 nonpartisan offices (~~(shall)~~) must be published separately with
20 designation of the offices for which they are candidates but without
21 party designation. This (~~(shall be)~~) is the only notice required for
22 the holding of any primary (~~(election)~~).

23 **Sec. 1310.** RCW 29.27.050 and 1990 c 59 s 9 are each reenacted to
24 read as follows:

25 CERTIFICATION OF NOMINEES. No later than the day following the
26 certification of the returns of any primary, the secretary of state
27 shall certify to the appropriate county auditors, the names of all
28 persons nominated for offices, the returns of which have been canvassed
29 by the secretary of state.

30 **Sec. 1311.** RCW 29.27.072 and 1997 c 405 s 1 are each reenacted to
31 read as follows:

32 NOTICE OF CONSTITUTIONAL AMENDMENTS AND STATE MEASURES--
33 METHOD. Subject to the availability of funds appropriated specifically
34 for that purpose, the secretary of state shall publish notice of the

1 proposed constitutional amendments and other state measures that are to
2 be submitted to the people at a state general election up to four times
3 during the four weeks immediately preceding that election in every
4 legal newspaper in the state. The secretary of state shall supplement
5 this publication with an equivalent amount of radio and television
6 advertisements.

7 **Sec. 1312.** RCW 29.27.074 and 1997 c 405 s 2 are each reenacted to
8 read as follows:

9 NOTICE OF CONSTITUTIONAL AMENDMENTS AND STATE MEASURES--CONTENTS.
10 The newspaper and broadcast notice required by Article XXIII, section
11 1, of the state Constitution and RCW 29.27.072 may set forth all or
12 some of the following information:

- 13 (1) A legal identification of the state measure to be voted upon.
- 14 (2) The official ballot title of such state measure.
- 15 (3) A brief statement explaining the constitutional provision or
16 state law as it presently exists.
- 17 (4) A brief statement explaining the effect of the state measure
18 should it be approved.
- 19 (5) The total number of votes cast for and against the measure in
20 both the state senate and house of representatives.

21 No individual candidate or incumbent public official may be
22 referred to or identified in these notices or advertisements.

23 **Sec. 1313.** RCW 29.27.080 and 1999 c 4 s 1 are each amended to read
24 as follows:

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

1 regular)) the polling places ((in)) for each precinct, giving the
2 address of each polling place(~~(:—PROVIDED, That))~~). The names of all
3 candidates for nonpartisan offices ((shall)) must be published
4 separately with designation of the offices for which they are
5 candidates but without party designation. This ((shall-be)) is the
6 only notice required for a state, county, district, or municipal
7 general or special election and ((shall)) supersedes the provisions of
8 any and all other statutes, whether general or special in nature,
9 having different requirements for the giving of notice of any general
10 or special elections.

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

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

32 **Sec. 1314.** RCW 29.27.100 and 1965 c 9 s 29.27.100 are each amended
33 to read as follows:

34 CERTIFICATES OF ELECTION TO OFFICERS ELECTED IN SINGLE COUNTY OR
35 LESS. Immediately after the ascertainment of the result of an election
36 for an office to be filled by the voters of a single county, or of a
37 precinct, or of a constituency within a county for which ((he)) the

1 county auditor serves as supervisor of elections, the county auditor
2 shall notify the person elected, and (~~upon his demand~~) issue to
3 (~~him~~) the person a certificate of (~~his~~) election.

4 **Sec. 1315.** RCW 29.27.110 and 1965 c 9 s 29.27.110 are each amended
5 to read as follows:

6 CERTIFICATES OF ELECTION TO OTHER OFFICERS. Except as provided in
7 the state Constitution, the governor shall issue certificates of
8 election to those elected as senator or representative in the Congress
9 of the United States and to state offices. The secretary of state
10 shall issue certificates of election to those elected to the office of
11 judge of the superior court in judicial districts comprising more than
12 one county and to those elected to either branch of the state
13 legislature in legislative districts comprising more than one county.

14 **PART 14**

15 **SPECIAL CIRCUMSTANCES ELECTIONS**

16 **Subpart 14.1**

17 **Presidential Primary**

18 **Sec. 1401.** RCW 29.19.010 and 1989 c 4 s 1 are each amended to read
19 as follows:

20 INTENT. The people of the state of Washington declare that:

21 (1) The current presidential nominating caucus system in Washington
22 state is unnecessarily restrictive of voter participation in that it
23 discriminates against the elderly, the infirm, women, the
24 (~~handicapped~~) disabled, evening workers, and others who are unable to
25 attend caucuses and therefore unable to fully participate in this most
26 important quadrennial event that occurs in our democratic system of
27 government.

28 (2) It is the intent of this chapter to make the presidential
29 selection process more open and representative of the will of the
30 people of our state.

31 (3) A presidential primary will afford the maximum opportunity for
32 voter access at regular polling places during the daytime and evening
33 hours convenient to the most people.

1 (4) This state's participation in the selection of presidential
2 candidates shall be in accordance with the will of the people as
3 expressed in a presidential preference primary.

4 (5) It is the intent of this chapter, to the maximum extent
5 practicable, to continue to reserve to the political parties the right
6 to conduct their delegate selection as prescribed by party rules
7 insofar as it reflects the will of the people as expressed in a
8 presidential primary election conducted every four years in the manner
9 described by this chapter.

10 **Sec. 1402.** RCW 29.19.020 and 1995 1st sp.s. c 20 s 1 are each
11 reenacted to read as follows:

12 DATE. (1) On the fourth Tuesday in May of each year in which a
13 president of the United States is to be nominated and elected, a
14 presidential primary shall be held at which voters may vote for the
15 nominee of a major political party for the office of president. The
16 secretary of state may propose an alternative date for the primary no
17 later than the first day of August of the year before the year in which
18 a president is to be nominated and 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 29.19.070 to adjust the
3 deadlines in RCW 29.19.030 and related provisions of this chapter to
4 correspond with the date that has been approved.

5 **Sec. 1403.** RCW 29.19.030 and 1989 c 4 s 3 are each reenacted to
6 read as follows:

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

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

14 (2) If members of the political party of the candidate have
15 presented a petition for nomination of the candidate that has attached
16 to the petition a sheet or sheets containing the signatures of at least
17 one thousand registered voters who declare themselves in the petition
18 as being affiliated with the same political party as the presidential
19 candidate. The petition shall be filed with the secretary of state not
20 later than the thirty-ninth day before the presidential preference
21 primary. The signature sheets shall also contain the residence address
22 and name or number of the precinct of each registered voter whose
23 signature appears thereon and shall be certified in the manner
24 prescribed in RCW 29.79.200 and 29.79.210.

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 secretary
28 of state an affidavit stating without qualification that he or she is
29 not now and will not become a candidate for the office of president of
30 the United States at the forthcoming presidential election. The
31 secretary of state shall certify the names of all candidates who will
32 appear on the presidential preference primary ballot to the respective
33 county auditors on or before the fourth Tuesday in April of each
34 presidential election year.

35 **Sec. 1404.** RCW 29.19.045 and 1995 1st sp.s. c 20 s 2 are each
36 reenacted to read as follows:

1 PROCEDURES--BALLOT FORM AND ARRANGEMENT. (1) Except where
2 necessary to accommodate the national or state rules of a major
3 political party or where this chapter specifically provides otherwise,
4 the presidential primary must be conducted in substantially the same
5 manner as a state partisan primary under this title.

6 (2) Except as provided under this chapter or by rule of the
7 secretary of state adopted under RCW 29.19.070, the arrangement and
8 form of presidential primary ballots must be substantially as provided
9 for a partisan primary under this title. Whenever requested by a major
10 political party, a separate ballot containing only the candidates of
11 that party who have qualified under RCW 29.19.030 must be provided for
12 a voter who requests a ballot of that party. A primary ballot,
13 containing the names of all the candidates who have qualified for a
14 place on the ballot under RCW 29.19.030, must be provided for
15 nonaffiliated voters.

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

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

25 **Sec. 1405.** RCW 29.19.055 and 1995 1st sp.s. c 20 s 3 are each
26 reenacted to read as follows:

27 ALLOCATION OF DELEGATES--PARTY DECLARATIONS. (1) A major political
28 party may, under national or state party rules, base the allocation of
29 delegates from this state to the national nominating convention of that
30 party in whole or in part on the participation in precinct caucuses and
31 conventions conducted under the rules of that party.

32 (2) If requested by a major political party, the secretary of state
33 shall adopt rules under RCW 29.19.070 to provide for any declaration
34 required by that party.

35 (3) Voters who subscribe to a specific political party declaration
36 under this section must be given ballots that are readily
37 distinguishable from those given to other voters. Votes cast by

1 persons making these declarations must be tabulated and reported
2 separately from other votes cast at the primary and may be used by a
3 major political party in its allocation of delegates under the rules of
4 that party.

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

10 **Sec. 1406.** RCW 29.19.080 and 1995 1st sp.s. c 20 s 5 are each
11 reenacted to read as follows:

12 COSTS. Subject to available funds specifically appropriated for
13 this purpose, whenever a presidential primary is held as provided by
14 this chapter, the state of Washington shall assume all costs of holding
15 the primary if it is held alone. If any other election or elections
16 are held at the same time, the state is liable only for a prorated
17 share of the costs. The county auditor shall determine the costs,
18 including the state's prorated share, if applicable, in the same manner
19 as provided under RCW 29.13.045 and shall file a certified claim with
20 the secretary of state. The secretary of state shall include in his or
21 her biennial budget requests sufficient funds to carry out this
22 section. Reimbursements for primary costs must be from appropriations
23 specifically provided by law for that purpose.

24 **Subpart 14.2**
25 **Recall**

26 **Sec. 1407.** RCW 29.82.010 and 1984 c 170 s 1 are each amended to
27 read as follows:

28 INITIATING PROCEEDINGS--STATEMENT--CONTENTS--VERIFICATION--
29 DEFINITIONS. Whenever any legal voter of the state or of any political
30 subdivision thereof, either individually or on behalf of an
31 organization, desires to demand the recall and discharge of any
32 elective public officer of the state or of such political subdivision,
33 as the case may be, under the provisions of sections 33 and 34 of
34 Article 1 of the Constitution, (~~he or they~~) the voter shall prepare
35 a typewritten charge, reciting that such officer, naming him or her and

1 giving the title of ((his)) the office, has committed an act or acts of
2 malfeasance, or an act or acts of misfeasance while in office, or has
3 violated ((his)) the oath of office, or has been guilty of any two or
4 more of the acts specified in the Constitution as grounds for recall.
5 The charge shall state the act or acts complained of in concise
6 language, give a detailed description including the approximate date,
7 location, and nature of each act complained of, be signed by the person
8 or persons making the charge, give their respective post office
9 addresses, and be verified under oath that ((he or they)) the person or
10 persons believe the charge or charges to be true and have knowledge of
11 the alleged facts upon which the stated grounds for recall are based.

12 For the purposes of this chapter:

13 (1) "Misfeasance" or "malfeasance" in office means any wrongful
14 conduct that affects, interrupts, or interferes with the performance of
15 official duty;

16 (a) Additionally, "misfeasance" in office means the performance of
17 a duty in an improper manner; and

18 (b) Additionally, "malfeasance" in office means the commission of
19 an unlawful act;

20 (2) "Violation of the oath of office" means the ((wilful)) neglect
21 or knowing failure by an elective public officer to perform faithfully
22 a duty imposed by law.

23 **Sec. 1408.** RCW 29.82.015 and 1984 c 170 s 2 are each reenacted to
24 read as follows:

25 PETITION--WHERE FILED. Any person making a charge shall file it
26 with the elections officer whose duty it is to receive and file a
27 declaration of candidacy for the office concerning the incumbent of
28 which the recall is to be demanded. The officer with whom the charge
29 is filed shall promptly (1) serve a copy of the charge upon the officer
30 whose recall is demanded, and (2) certify and transmit the charge to
31 the preparer of the ballot synopsis provided in RCW 29.82.021. The
32 manner of service shall be the same as for the commencement of a civil
33 action in superior court.

34 **Sec. 1409.** RCW 29.82.021 and 1984 c 170 s 3 are each amended to
35 read as follows:

1 BALLOT SYNOPSIS. (1) Within fifteen days after receiving a charge,
2 the officer specified below shall formulate a ballot synopsis of the
3 charge of not more than two hundred words.

4 (a) Except as provided in (b) of this subsection, if the recall is
5 demanded of an elected public officer whose political jurisdiction
6 encompasses an area in more than one county, the attorney general shall
7 be the preparer, except if the recall is demanded of the attorney
8 general, the chief justice of the supreme court shall be the preparer.

9 (b) If the recall is demanded of an elected public officer whose
10 political jurisdiction lies wholly in one county, or if the recall is
11 demande d of an elected public officer of a district whose jurisdiction
12 encompasses more than one county but whose declaration of candidacy is
13 filed with a county auditor in one of the counties, the prosecuting
14 attorney of that county shall be the preparer, except that if the
15 prosecuting attorney is the officer whose recall is demanded, the
16 attorney general shall be the preparer.

17 (2) The synopsis shall set forth the name of the person charged,
18 the title of ((his)) the office, and a concise statement of the
19 elements of the charge. Upon completion of the ballot synopsis, the
20 preparer shall certify and transmit the exact language of the ballot
21 synopsis to the persons filing the charge and the officer subject to
22 recall. The preparer shall additionally certify and transmit the
23 charges and the ballot synopsis to the superior court of the county in
24 which the officer subject to recall resides and shall petition the
25 superior court to approve the synopsis and to determine the sufficiency
26 of the charges.

27 **Sec. 1410.** RCW 29.82.023 and 1984 c 170 s 4 are each reenacted to
28 read as follows:

29 DETERMINATION BY SUPERIOR COURT--CORRECTION OF BALLOT
30 SYNOPSIS. Within fifteen days after receiving the petition, the
31 superior court shall have conducted a hearing on and shall have
32 determined, without cost to any party, (1) whether or not the acts
33 stated in the charge satisfy the criteria for which a recall petition
34 may be filed, and (2) the adequacy of the ballot synopsis. The clerk
35 of the superior court shall notify the person subject to recall and the
36 person demanding recall of the hearing date. Both persons may appear
37 with counsel. The court may hear arguments as to the sufficiency of

1 the charges and the adequacy of the ballot synopsis. The court shall
2 not consider the truth of the charges, but only their sufficiency. An
3 appeal of a sufficiency decision shall be filed in the supreme court as
4 specified by RCW 29.82.160. The superior court shall correct any
5 ballot synopsis it deems inadequate. Any decision regarding the ballot
6 synopsis by the superior court is final. The court shall certify and
7 transmit the ballot synopsis to the officer subject to recall, the
8 person demanding the recall, and either the secretary of state or the
9 county auditor, as appropriate.

10 **Sec. 1411.** RCW 29.82.025 and 1984 c 170 s 5 are each amended to
11 read as follows:

12 FILING SIGNATURES--TIME LIMITS. (1) The sponsors of a recall
13 demanded of any public officer shall stop circulation of and file all
14 petitions with the appropriate elections officer not less than six
15 months before the next general election in which the officer whose
16 recall is demanded is subject to reelection.

17 (2) The sponsors of a recall demanded of an officer elected to a
18 statewide position shall have a maximum of two hundred seventy days,
19 and the sponsors of a recall demanded of any other officer shall have
20 a maximum of one hundred eighty days, in which to obtain and file
21 supporting signatures after the issuance of a ballot synopsis by the
22 superior court. If the decision of the superior court regarding the
23 sufficiency of the charges is not appealed, the one hundred eighty or
24 two hundred seventy day period for the circulation of signatures begins
25 on the sixteenth day following the decision of the superior court. If
26 the decision of the superior court regarding the sufficiency of the
27 charges is appealed, the one hundred eighty or two hundred seventy day
28 period for the circulation of signatures begins on the day following
29 the issuance of the decision by the supreme court.

30 **Sec. 1412.** RCW 29.82.030 and 1984 c 170 s 6 are each amended to
31 read as follows:

32 PETITION--FORM. Recall petitions (~~shall~~) must be printed on
33 single sheets of paper of good writing quality (including but not
34 limited to newsprint) not less than eleven inches in width and not less
35 than fourteen inches in length. No petition may be circulated or
36 signed prior to the first day of the one hundred eighty or two hundred

1 seventy day period established by RCW 29.82.025 for that recall
2 petition. ((Such)) The petitions ((shall)) must be substantially in
3 the following form:

4 **((WARNING**

5 ~~Every person who signs this petition with any other than his true~~
6 ~~name, or who knowingly (1) signs more than one of these petitions, (2)~~
7 ~~signs this petition when he is not a legal voter, or (3) makes herein~~
8 ~~any false statement, may be fined, or imprisoned, or both.)) The
9 warning prescribed by RCW 29.79.115; followed by:~~

10 Petition for the recall of (here insert the name of the office and
11 of the person whose recall is petitioned for) to the Honorable (here
12 insert the name and title of the officer with whom the charge is
13 filed).

14 We, the undersigned citizens and legal voters of (the state of
15 Washington or the political subdivision in which the recall is to be
16 held), respectfully direct that a special election be called to
17 determine whether or not (here insert the name of the person charged
18 and the office which he or she holds) be recalled and discharged from
19 his or her office, for and on account of (his or her having committed
20 the act or acts of malfeasance or misfeasance while in office, or
21 having violated his or her oath of office, as the case may be), in the
22 following particulars: (here insert the synopsis of the charge); and
23 each of us for himself or herself says: I have personally signed this
24 petition; I am a legal voter of the State of Washington in the precinct
25 and city (or town) and county written after my name, and my residence
26 address is correctly stated, and to my knowledge, have signed this
27 petition only once.

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((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1--	---	---	---	---
2--	---	---	---	---
3--	---	---	---	---

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

Sec. 1413. RCW 29.82.040 and 1965 c 9 s 29.82.040 are each amended to read as follows:

PETITION--SIZE. Each recall petition at the time of circulating, signing, and filing with the officer with whom it is to be filed, (~~shall~~) must consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title, and form of petition on each sheet, and a full, true, and correct copy of the original statement of the charges against the officer referred to therein, printed on sheets of paper of like size and quality as the petition, firmly fastened together.

Sec. 1414. RCW 29.82.060 and 1991 c 363 s 36 are each reenacted to read as follows:

NUMBER OF SIGNATURES REQUIRED. When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county with a population of forty thousand or more--signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the

1 office to which the officer whose recall is demanded was elected at the
2 preceding election.

3 **Sec. 1415.** RCW 29.82.080 and 1965 c 9 s 29.82.080 are each amended
4 to read as follows:

5 CANVASSING PETITION FOR SUFFICIENCY OF SIGNATURES--TIME OF--
6 NOTICE. Upon the filing of a recall petition (~~(in his office)~~), the
7 officer with whom the charge was filed shall stamp on each petition the
8 date of filing, and shall notify the persons filing them and the
9 officer whose recall is demanded of the date when the petitions will be
10 canvassed, which date (~~(shall)~~) must be not less than five or more than
11 ten days from the date of its filing.

12 **Sec. 1416.** RCW 29.82.090 and 1984 c 170 s 7 are each reenacted to
13 read as follows:

14 VERIFICATION AND CANVASS OF SIGNATURES--PROCEDURE--STATISTICAL
15 SAMPLING. (1) Upon the filing of a recall petition, the elections
16 officer shall proceed to verify and canvass the names of legal voters
17 on the petition.

18 (2) The verification and canvass of signatures on the petition may
19 be observed by persons representing the advocates and opponents of the
20 proposed recall so long as they make no record of the names, addresses,
21 or other information on the petitions or related records during the
22 verification process except upon the order of the superior court. The
23 elections officer may limit the number of observers to not fewer than
24 two on each side, if in his or her opinion a greater number would cause
25 undue delay or disruption of the verification process. Any such
26 limitation shall apply equally to both sides. If the elections officer
27 finds the same name signed to more than one petition, he or she shall
28 reject all but the first such valid signature.

29 (3) Where the recall of a statewide elected official is sought, the
30 secretary of state may use any statistical sampling techniques for
31 verification and canvassing which have been adopted by rule for
32 canvassing initiative petitions under RCW 29.79.200. No petition will
33 be rejected on the basis of any statistical method employed. No
34 petition will be accepted on the basis of any statistical method
35 employed if such method indicates that the petition contains less than

1 the number of signatures of legal voters required by Article I, section
2 33 (Amendment 8) of the state Constitution.

3 **Sec. 1417.** RCW 29.82.100 and 1984 c 170 s 8 are each reenacted to
4 read as follows:

5 FIXING DATE FOR RECALL ELECTION--NOTICE. If, at the conclusion of
6 the verification and canvass, it is found that a petition for recall
7 bears the required number of signatures of certified legal voters, the
8 officer with whom the petition is filed shall promptly certify the
9 petitions as sufficient and fix a date for the special election to
10 determine whether or not the officer charged shall be recalled and
11 discharged from office. The special election shall be held not less
12 than forty-five nor more than sixty days from the certification and,
13 whenever possible, on one of the dates provided in RCW 29.13.020, but
14 no recall election may be held between the date of the primary and the
15 date of the general election in any calendar year. Notice shall be
16 given in the manner as required by law for special elections in the
17 state or in the political subdivision, as the case may be.

18 **Sec. 1418.** RCW 29.82.105 and 1984 c 170 s 9 are each reenacted to
19 read as follows:

20 RESPONSE TO PETITION CHARGES. When a date for a special recall
21 election is set the certifying officer shall serve a notice of the date
22 of the election to the officer whose recall is demanded and the person
23 demanding recall. The manner of service shall be the same as for the
24 commencement of a civil action in superior court. After having been
25 served a notice of the date of the election and the ballot synopsis,
26 the officer whose recall is demanded may submit to the certifying
27 officer a response, not to exceed two hundred fifty words in length, to
28 the charge contained in the ballot synopsis. Such response shall be
29 submitted by the seventh consecutive day after service of the notice.
30 The certifying officer shall promptly send a copy of the response to
31 the person who filed the petition.

32 **Sec. 1419.** RCW 29.82.110 and 1965 c 9 s 29.82.110 are each amended
33 to read as follows:

34 DESTRUCTION OF INSUFFICIENT RECALL PETITION. If it is found that
35 the recall petition does not contain the requisite number of signatures

1 of certified legal voters, the officer shall so notify the persons
2 filing the petition, and at the expiration of thirty days from the
3 conclusion of the count ((he)) the officer shall destroy the petitions
4 unless prevented therefrom by the injunction or mandate of a court.

5 **Sec. 1420.** RCW 29.82.120 and 1965 c 9 s 29.82.120 are each amended
6 to read as follows:

7 FRAUDULENT NAMES--RECORD OF. The officer making the canvass of a
8 recall petition shall keep a record of all names appearing ((~~thereon~~
9 ~~which~~)) on it that are not certified to be legal voters of the state or
10 of the political subdivision, as the case may be, and of all names
11 appearing more than once ((~~thereon~~)), and ((he)) shall report the same
12 to the prosecuting attorneys of the respective counties where ((~~such~~))
13 the names appear to have been signed, to the end that prosecutions may
14 be had for ((~~such~~)) the violation of this chapter.

15 **Sec. 1421.** RCW 29.82.130 and 1990 c 59 s 71 are each reenacted to
16 read as follows:

17 CONDUCT OF ELECTION--CONTENTS OF BALLOT. The special election for
18 the recall of an officer shall be conducted in the same manner as a
19 special election for that jurisdiction. The county auditor shall
20 conduct the recall election. The ballots at any recall election shall
21 contain a full, true, and correct copy of the ballot synopsis of the
22 charge and the officer's response to the charge if one has been filed.

23 **Sec. 1422.** RCW 29.82.140 and 1977 ex.s. c 361 s 109 are each
24 amended to read as follows:

25 ASCERTAINING THE RESULT--WHEN RECALL EFFECTIVE. The votes on a
26 recall election ((~~shall~~)) must be counted, canvassed, and the results
27 certified in the manner provided by law for counting, canvassing, and
28 certifying the results of an election for the office from which the
29 officer is being recalled((~~PROVIDED, That~~)). However, if the
30 officer whose recall is demanded is the officer to whom, under the law,
31 returns of elections are made, ((~~such~~)) the returns ((~~shall~~)) must
32 made to the officer with whom the charge is filed, and who called the
33 special election((~~and~~)). In the case of an election for the recall
34 of a state officer, the county canvassing boards of the various
35 counties shall canvass and return the result of ((~~such~~)) the election

1 to the officer calling (~~such~~) the special election. If a majority of
2 all votes cast at the recall election is for the recall of the officer
3 charged, (~~he shall~~) the officer is thereupon (~~be~~) recalled and
4 discharged from (~~his~~) the office, and the office (~~shall~~) thereupon
5 (~~become and be~~) is vacant.

6 **Sec. 1423.** RCW 29.82.160 and 1988 c 202 s 30 are each reenacted to
7 read as follows:

8 ENFORCEMENT PROVISIONS--MANDAMUS--APPELLATE REVIEW. The superior
9 court of the county in which the officer subject to recall resides has
10 original jurisdiction to compel the performance of any act required of
11 any public officer or to prevent the performance by any such officer of
12 any act in relation to the recall not in compliance with law.

13 The supreme court has like original jurisdiction in relation to
14 state officers and revisory jurisdiction over the decisions of the
15 superior courts. Any proceeding to compel or prevent the performance
16 of any such act shall be begun within ten days from the time the cause
17 of complaint arises, and shall be considered an emergency matter of
18 public concern and take precedence over other cases, and be speedily
19 heard and determined. Appellate review of a decision of any superior
20 court shall be begun and perfected within fifteen days after its
21 decision in a recall election case and shall be considered an emergency
22 matter of public concern by the supreme court, and heard and determined
23 within thirty days after the decision of the superior court.

24 **Subpart 14.3**
25 **Presidential Electors**

26 **Sec. 1424.** RCW 29.71.010 and 1965 c 9 s 29.71.010 are each amended
27 to read as follows:

28 DATE OF ELECTION--NUMBER. On the Tuesday (~~next~~) after the first
29 Monday of November in the year in which a president of the United
30 States is to be elected, there shall be elected as many electors of
31 president and vice president of the United States as there are senators
32 and representatives in Congress allotted to this state.

33 **Sec. 1425.** RCW 29.71.020 and 1990 c 59 s 69 are each reenacted to
34 read as follows:

1 NOMINATION--PLEDGE BY ELECTORS--WHAT NAMES ON BALLOTS--HOW
2 COUNTED. In the year in which a presidential election is held, each
3 major political party and each minor political party or independent
4 candidate convention held under chapter 29.24 RCW that nominates
5 candidates for president and vice president of the United States shall
6 nominate presidential electors for this state. The party or convention
7 shall file with the secretary of state a certificate signed by the
8 presiding officer of the convention at which the presidential electors
9 were chosen, listing the names and addresses of the presidential
10 electors. Each presidential elector shall execute and file with the
11 secretary of state a pledge that, as an elector, he or she will vote
12 for the candidates nominated by that party. The names of presidential
13 electors shall not appear on the ballots. The votes cast for
14 candidates for president and vice president of each political party
15 shall be counted for the candidates for presidential electors of that
16 political party.

17 **Sec. 1426.** RCW 29.71.030 and 1965 c 9 s 29.71.030 are each amended
18 to read as follows:

19 CANVASSING THE RETURNS. The votes for candidates for president and
20 vice president (~~((shall be given, received, returned and))~~) must be
21 canvassed (~~((as the same are given, returned, and canvassed for~~
22 ~~candidates for congress))~~) under chapter 29.62 RCW (as recodified by
23 this act). The secretary of state shall prepare three lists of names
24 of electors elected and affix the seal of the state (~~((to the same.~~
25 ~~Such lists shall))~~). The lists must be signed by the governor and
26 secretary of state and by the latter delivered to the college of
27 electors at the hour of their meeting.

28 **Sec. 1427.** RCW 29.71.040 and 1977 ex.s. c 238 s 2 are each amended
29 to read as follows:

30 MEETING--TIME--PROCEDURE--VOTING FOR NOMINEE OF OTHER PARTY,
31 PENALTY. The electors of the president and vice president shall
32 convene at the seat of government on the day fixed by federal statute,
33 at the hour of twelve o'clock noon of that day. If there is any
34 vacancy in the office of an elector occasioned by death, refusal to
35 act, neglect to attend, or otherwise, the electors present shall
36 immediately proceed to fill it by (~~((viva voce))~~) voice vote, and

1 plurality of votes. When all of the electors have appeared and the
2 vacancies have been filled they shall constitute the college of
3 electors of the state of Washington, and shall proceed to perform the
4 duties required of them by the Constitution and laws of the United
5 States. Any elector who votes for a person or persons not nominated by
6 the party of which he or she is an elector (~~((shall be))~~) is subject to
7 a civil penalty of up to (~~((a fine of))~~) one thousand dollars.

8 **Sec. 1428.** RCW 29.71.050 and 1965 c 9 s 29.71.050 are each amended
9 to read as follows:

10 COMPENSATION. Every presidential elector who attends at the time
11 and place appointed, and gives his or her vote for president and vice
12 president, (~~((shall be))~~) is entitled to receive from this state, five
13 dollars for each day's attendance at the meeting of the college of
14 electors, and ten cents per mile for travel by the usually traveled
15 route in going to and returning from the place where the electors meet.

16 **Sec. 1429.** RCW 29.27.140 and 2001 c 30 s 1 are each reenacted to
17 read as follows:

18 SLATE OF PRESIDENTIAL ELECTORS. In a year in which the president
19 and vice president of the United States are to be elected, the
20 secretary of state shall include in the certification prepared under
21 RCW 29.27.050 the names of all candidates for president and vice
22 president who, at least fifty days before the general election, have
23 certified a slate of electors to the secretary of state under RCW
24 29.71.020 and have been nominated either (1) by a major political
25 party, as certified by the appropriate authority under party rules, or
26 (2) by a minor party or as independent candidates under chapter 29.24
27 RCW. Major or minor political parties or independent presidential
28 candidates may substitute a different candidate for vice president for
29 the one whose name appears on the party's certification or nominating
30 petition at any time before forty-five days before the general
31 election, by certifying the change to the secretary of state.
32 Substitutions must not be permitted to delay the printing of either
33 ballots or a voters' pamphlet. Substitutions are valid only if
34 submitted under oath and signed by the same individual who originally
35 certified the nomination, or his or her documented successor, and only
36 if the substitute candidate consents in writing.

1 It shall be held in the chambers of the state house of representatives
2 unless the governor shall select some other place at the state capitol.

3 **Sec. 1434.** RCW 29.74.050 and 1965 c 9 s 29.74.050 are each
4 reenacted to read as follows:

5 DELEGATES--NUMBER AND QUALIFICATIONS. Each state representative
6 district shall be entitled to as many delegates in the convention as it
7 has members in the house of representatives of the state legislature.
8 No person shall be qualified to act as a delegate in said convention
9 who does not possess the qualifications required of representatives in
10 the state legislature from the same district.

11 **Sec. 1435.** RCW 29.74.060 and 1965 c 9 s 29.74.060 are each amended
12 to read as follows:

13 DELEGATES--DECLARATIONS OF CANDIDACY. Anyone desiring to file as
14 a candidate for election as a delegate to ~~((said))~~ the convention
15 shall, not less than thirty nor more than sixty days ~~((prior to))~~
16 before the date fixed for holding the election, file ~~((his))~~ a
17 declaration of candidacy with the secretary of state. Filing ~~((shall))~~
18 must be made on a form to be prescribed by the secretary of state and
19 ~~((shall))~~ include a sworn statement of the candidate ~~((that he is))~~ as
20 being either for or against ~~((, as the case may be,))~~ the amendment
21 ~~((which))~~ that will be submitted to a vote of the convention and that
22 ~~((he))~~ the candidate will, if elected as a delegate, vote in accordance
23 with ~~((his))~~ the declaration. The form ~~((shall))~~ must be so worded
24 that the candidate must give a plain unequivocal statement of his or
25 her views as either for or against the proposal upon which he or she
26 will, if elected, be called upon to vote. No candidate ~~((shall))~~ may
27 in any such filing make any statement or declaration as to ~~((his))~~
28 party politics or political faith or beliefs. The fee for filing as a
29 candidate ~~((shall be))~~ is ten dollars and ~~((shall))~~ must be transmitted
30 to the secretary of state with the filing papers and be by the
31 secretary of state transmitted to the state treasurer for the use of
32 the general fund.

33 **Sec. 1436.** RCW 29.74.070 and 1965 c 9 s 29.74.070 are each amended
34 to read as follows:

35 ELECTION OF CONVENTION DELEGATES--GENERAL PROCEDURE. The election

1 of delegates to ~~((such))~~ the convention ~~((shall))~~ must as far as
2 practicable, be ~~((called, held and conducted))~~ administered, except as
3 otherwise provided in this chapter ~~((provided))~~, in the same manner as
4 a general election under the election laws of this state.

5 **Sec. 1437.** RCW 29.74.080 and 1990 c 59 s 70 are each reenacted to
6 read as follows:

7 ELECTION OF CONVENTION DELEGATES--BALLOTS. The issue shall be
8 identified as, "Delegates to a convention for ratification or rejection
9 of a proposed amendment to the United States Constitution, relating
10 (stating briefly the substance of amendment
11 proposed for adoption or rejection)." The names of all candidates who
12 have filed in a district shall be printed on the ballots for that
13 district in two separate groups under the headings, "For the amendment"
14 and "Against the amendment." The names of the candidates in each group
15 shall be printed in alphabetical order.

16 **Sec. 1438.** RCW 29.74.100 and 1965 c 9 s 29.74.100 are each amended
17 to read as follows:

18 ELECTION OF CONVENTION DELEGATES--ASCERTAINING ELECTION RESULT.
19 The election officials shall count and determine the number of votes
20 cast for each individual; and shall also count and determine the
21 aggregate number of votes cast for all candidates whose names appear
22 under each of the respective headings. Where more than the required
23 number have been voted for, the ballot ~~((shall))~~ must be rejected. The
24 figures determined by the various counts ~~((shall))~~ must be entered in
25 the poll books of the respective precincts. The vote ~~((shall))~~ must be
26 canvassed in each county by the county canvassing board, and
27 certificate of results ~~((shall))~~ must within ~~((twelve))~~ fifteen days
28 after the election be transmitted to the secretary of state. Upon
29 receiving ~~((such))~~ the certificate, the secretary of state ~~((shall have~~
30 ~~power to))~~ may require returns or poll books from any county precinct
31 to be forwarded for ~~((his))~~ the secretary's examination.

32 Where a district embraces precincts of more than one county, the
33 secretary of state shall combine the votes from all the precincts
34 included in each district. The delegates elected in each district
35 ~~((shall))~~ will be the number of candidates ~~((7))~~ corresponding to the
36 number of state representatives from the district, who receive the

1 highest number of votes in the group (either "for" or "against"))(~~7~~
2 ~~which~~) that received an aggregate number of votes for all candidates
3 in the group greater than the aggregate number of votes for all the
4 candidates in the other group(~~7~~~~and~~)). The secretary of state shall
5 issue certificates of election(~~7~~) to the delegates so elected.

6 **Sec. 1439.** RCW 29.74.110 and 1965 c 9 s 29.74.110 are each amended
7 to read as follows:

8 MEETING--ORGANIZATION. The convention shall meet at the time and
9 place fixed in the governor's proclamation. (~~It shall be called to~~
10 ~~order by~~) The secretary of state shall call it to order, who shall
11 then call the roll of the delegates and preside over the convention
12 until its president is elected. The chief justice of the supreme court
13 shall administer the oath of office (~~shall then be administered~~) to
14 the delegates (~~by the chief justice of the supreme court~~). As far as
15 practicable, the convention shall proceed under the rules adopted by
16 the last preceding session of the state senate. The convention shall
17 elect a president and a secretary and shall thereafter and thereupon
18 proceed (~~to~~) with a publicly recorded voice vote (~~viva voce~~) upon
19 the proposition submitted by the Congress of the United States.

20 **Sec. 1440.** RCW 29.74.120 and 1965 c 9 s 29.74.120 are each
21 reenacted to read as follows:

22 QUORUM--PROCEEDINGS--RECORD. Two-thirds of the elected members of
23 said convention shall constitute a quorum to do business, and a
24 majority of those elected shall be sufficient to adopt or reject any
25 proposition coming before the convention. If such majority votes in
26 favor of the ratification of the amendment submitted to the convention,
27 the said amendment shall be deemed ratified by the state of Washington;
28 and if a majority votes in favor of rejecting or not ratifying the
29 amendment, the same shall be deemed rejected by the state of
30 Washington.

31 **Sec. 1441.** RCW 29.74.130 and 1965 c 9 s 29.74.130 are each amended
32 to read as follows:

33 CERTIFICATION AND TRANSMITTAL OF RESULT. The vote of each member
34 shall be recorded in the journal of the convention, which shall be
35 preserved by the secretary of state as a public document. The action

1 of the convention shall be enrolled, signed by its president and
2 secretary and filed with the secretary of state and it shall be the
3 duty of the secretary of state to properly certify the action of the
4 convention to the Congress of the United States as provided by general
5 law.

6 **Sec. 1442.** RCW 29.74.140 and 1965 c 9 s 29.74.140 are each
7 reenacted to read as follows:

8 EXPENSES--HOW PAID--DELEGATES RECEIVE FILING FEE. The delegates
9 attending the convention shall be paid the amount of their filing fee,
10 upon vouchers approved by the president and secretary of the convention
11 and state warrants issued thereon and payable from the general fund of
12 the state treasury. The delegates shall receive no other compensation
13 or mileage. All other necessary expenses of the convention shall be
14 payable from the general fund of the state upon vouchers approved by
15 the president and secretary of the convention.

16 **Sec. 1443.** RCW 29.74.150 and 1965 c 9 s 29.74.150 are each
17 reenacted to read as follows:

18 FEDERAL STATUTES CONTROLLING. If a congressional measure, which
19 submits to the several states an amendment to the Constitution of the
20 United States for ratification or rejection, provides for or requires
21 a different method of calling and holding conventions to ratify or
22 reject said amendment, the requirements of said congressional measure
23 shall be followed so far as they conflict with the provisions of this
24 chapter.

25 **PART 15**
26 **CANVASSING**

27 **Sec. 1501.** RCW 29.13.040 and 1965 c 123 s 4 are each amended to
28 read as follows:

29 CONDUCT OF ELECTIONS--CANVASS. All elections, whether special or
30 general, held under RCW 29.13.010 and 29.13.020 (~~as now or hereafter~~
31 ~~amended, shall~~) must be conducted by the county auditor as ex officio
32 county supervisor of elections and, except as provided in RCW
33 29.62.100, the returns (~~thereof shall be~~) canvassed by the county
34 canvassing board.

1 **Sec. 1502.** RCW 29.62.180 and 1999 c 157 s 3 are each reenacted to
2 read as follows:

3 WRITE-IN VOTING--DECLARATION OF CANDIDACY--COUNTING OF VOTE. (1)
4 For any office at any election or primary, any voter may write in on
5 the ballot the name of any person for an office who has filed as a
6 write-in candidate for the office in the manner provided by RCW
7 29.04.180 and such vote shall be counted the same as if the name had
8 been printed on the ballot and marked by the voter. No write-in vote
9 made for any person who has not filed a declaration of candidacy
10 pursuant to RCW 29.04.180 is valid if that person filed for the same
11 office, either as a regular candidate or a write-in candidate, at the
12 preceding primary. Any abbreviation used to designate office,
13 position, or political party shall be accepted if the canvassing board
14 can determine, to their satisfaction, the voter's intent.

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

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

28 (4) In the case of statewide offices or jurisdictions that
29 encompass more than one county, if the total number of write-in votes
30 cast for an office within a county is greater than the number of votes
31 cast for a candidate apparently nominated or elected in a primary or
32 election, the auditor shall tally all write-in votes for individual
33 candidates for that office and notify the office of the secretary of
34 state and the auditors of the other counties within the jurisdiction,
35 that the write-in votes for individual candidates should be tallied.

36 **Sec. 1503.** RCW 29.54.042 and 1990 c 59 s 58 are each reenacted to
37 read as follows:

1 TABULATION CONTINUOUS. Except as provided by rule under RCW
2 29.04.210, on the day of the primary or election, the tabulation of
3 ballots at the polling place or at the counting center shall proceed
4 without interruption or adjournment until all of the ballots cast at
5 the polls at that primary or election have been tabulated.

6 **Sec. 1504.** RCW 29.54.050 and 1999 c 158 s 13 and 1999 c 157 s 4
7 are each reenacted to read as follows:

8 REJECTION OF BALLOTS OR PARTS--WRITE-IN VOTES. A ballot is invalid
9 and no votes on that ballot may be counted if it is found folded
10 together with another ballot or it is marked so as to identify the
11 voter.

12 Those parts of a ballot are invalid and no votes may be counted for
13 those issues or offices where more votes are cast for the office or
14 issue than are permitted by law; write-in votes do not contain all of
15 the information required under RCW 29.62.180; or that issue or office
16 is not marked with sufficient definiteness to determine the voter's
17 choice or intention. No write-in vote may be rejected due to a
18 variation in the form of the name if the election board or the
19 canvassing board can determine the issue for or against which or the
20 person and the office for which the voter intended to vote.

21 **Sec. 1505.** RCW 29.54.060 and 1990 c 59 s 57 are each reenacted to
22 read as follows:

23 QUESTIONS ON LEGALITY OF BALLOT--PRESERVATION AND RETURN. Whenever
24 the precinct election officers or the counting center personnel have a
25 question about the validity of a ballot or the votes for an office or
26 issue that they are unable to resolve, they shall prepare and sign a
27 concise record of the facts in question or dispute. These ballots
28 shall be delivered to the canvassing board for processing. All ballots
29 shall be preserved in the same manner as valid ballots for that primary
30 or election.

31 **Sec. 1506.** RCW 29.54.097 and 1999 c 158 s 12 are each reenacted to
32 read as follows:

33 POLL-SITE BALLOT COUNTING DEVICES--RESULTS. After the close of the
34 polls, counties employing poll-site ballot counting devices may
35 telephonically or electronically transmit the accumulated tally for

1 each device to a central reporting location. Before making a
2 telephonic or electronic transmission the precinct election officer
3 must create a printed record of the results of the election for that
4 poll site. During the canvassing period the results transmitted
5 telephonically or electronically must be considered unofficial until a
6 complete reconciliation of the results has been performed. This
7 reconciliation may be accomplished by a direct loading of the results
8 from the memory pack into the central accumulator, or a comparison of
9 the report produced at the poll site on election night with the results
10 received by the central accumulating device.

11 **Sec. 1507.** RCW 29.54.105 and 1990 c 59 s 60 are each reenacted to
12 read as follows:

13 RETURNS, PRECINCT AND CUMULATIVE--DELIVERY TO CANVASSING BOARD.
14 The county auditor shall produce cumulative and precinct returns for
15 each primary and election and deliver them to the canvassing board for
16 verification and certification. The precinct and cumulative returns of
17 any primary or election are public records under chapter 42.17 RCW.

18 **Sec. 1508.** RCW 29.54.121 and 1990 c 59 s 24 are each reenacted to
19 read as follows:

20 SEALING OF VOTING DEVICES--EXCEPTIONS. Except for reopening to
21 make a recanvass, the registering mechanism of each mechanical voting
22 device used in any primary or election shall remain sealed until ten
23 days after the completion of the canvass of that primary or election in
24 that county. Except where provided by a rule adopted under RCW
25 29.04.210, voting devices used in a primary or election shall remain
26 sealed until ten days after the completion of the canvass of that
27 primary or election in that county.

28 **Sec. 1509.** RCW 29.54.170 and 1990 c 59 s 61 are each reenacted to
29 read as follows:

30 VOTING SYSTEMS--MAINTENANCE OF DOCUMENTS. In counties using voting
31 systems, the county auditor shall maintain the following documents for
32 at least sixty days after the primary or election:

33 (1) Sample ballot formats together with a record of the format or
34 formats assigned to each precinct;

1 (2) All programming material related to the control of the vote
2 tallying system for that primary or election; and

3 (3) All test materials used to verify the accuracy of the
4 tabulating equipment as required by RCW 29.33.350.

5 **Sec. 1510.** RCW 29.51.175 and 1990 c 59 s 46 are each reenacted to
6 read as follows:

7 VOTES BY STICKERS, PRINTED LABELS, REJECTED. Votes cast by
8 stickers or printed labels are not valid for any purpose and shall be
9 rejected. Votes cast by sticker or label shall not affect the validity
10 of other offices or issues on the voter's ballot.

11 **Sec. 1511.** RCW 29.54.075 and 1999 c 158 s 14 are each amended to
12 read as follows:

13 BALLOT CONTAINERS, SEALING, OPENING. Immediately after their
14 tabulation, all ballots counted at a ballot counting center must be
15 sealed in containers that identify the primary or election and be
16 retained for at least sixty days or according to federal law, whichever
17 is longer. All ballots tallied by poll-site ballot counting devices
18 must be returned to the elections department in sealed ballot
19 containers on election day. Counties composed entirely of islands or
20 portions of counties composed of islands shall collect the ballots
21 within twenty-four hours of the close of the polls.

22 Ballots tabulated in poll-site ballot counting devices must be
23 sealed by two of the election precinct officers at the polling place,
24 and a log of the seal and the names of the people sealing the container
25 must be completed. One copy of this log must be retained by the
26 inspector, one copy must be placed in the ballot transfer case, and one
27 copy must be transported with the ballots to the elections department,
28 where the seal number must be verified by the county auditor or a
29 designated representative. Ballots may be transported by one election
30 employee if the container is sealed at the poll and then verified when
31 returned to the elections department. Auditors using poll-site ballot
32 counting devices may conduct early pickup of counted ballots on
33 election day.

34 In the presence of major party observers who are available, ballots
35 may be removed from the sealed containers at the elections department
36 and consolidated into one sealed container for storage purposes. The

1 containers may only be opened by the canvassing board as part of the
2 canvass, or to conduct recounts, or under RCW 29.54.025(3), or by order
3 of the superior court in a contest or election dispute. If the
4 canvassing board opens a ballot container, it shall make a full record
5 of the additional tabulation or examination made of the ballots. This
6 record (~~shall~~) must be added to any other record of the canvassing
7 process in that county.

8 **Sec. 1512.** RCW 29.54.085 and 1999 c 158 s 15 are each amended to
9 read as follows:

10 COUNTING BALLOTS--OFFICIAL RETURNS. (1) The ballots picked up from
11 the precincts during the polling hours may be counted only at the
12 counting center before the polls have closed. Election returns from
13 the count of these ballots must be held in secrecy until the polls have
14 been closed (~~as provided by RCW 29.54.018~~).

15 (2) Upon breaking the seals and opening the ballot containers from
16 the precincts, all voted ballots (~~shall~~) must be manually inspected
17 for damage, write-in votes, and incorrect or incomplete marks. If it
18 is found that any ballot is damaged so that it cannot properly be
19 counted by the vote tallying system, a true duplicate copy (~~shall~~)
20 must be made of the damaged ballot in the presence of witnesses and
21 substituted for the damaged ballot. All damaged ballots (~~shall~~) must
22 be kept by the county auditor until sixty days after the primary or
23 election or according to federal law, whichever is longer.

24 (3) The returns produced by the vote tallying system, to which have
25 been added the counts of questioned ballots, write-in votes, and
26 absentee votes, constitute the official returns of the primary or
27 election in that county.

28 **Sec. 1513.** RCW 29.27.120 and 1965 c 9 s 29.27.120 are each
29 reenacted to read as follows:

30 CERTIFICATE NOT WITHHELD FOR INFORMALITY IN RETURNS. No
31 certificate shall be withheld on account of any defect or informality
32 in the returns of any election, if it can with reasonable certainty be
33 ascertained from such return what office is intended, and who is
34 entitled to such certificate, nor shall any commission be withheld by
35 the governor on account of any defect or informality of any return made
36 to the office of the secretary of state.

1 NEW SECTION. **Sec. 1514.** COUNTY CANVASSING BOARD--MEMBERSHIP--
2 AUTHORITY--DELEGATION OF AUTHORITY--RULE MAKING. (1) Members of the
3 county canvassing board are the county auditor, who is the chair, the
4 county prosecuting attorney, and the chair of the county legislative
5 body. If a member of the board is not available to carry out the
6 duties of the board, then the auditor may designate a deputy auditor,
7 the prosecutor may designate a deputy prosecuting attorney, and the
8 chair of the county legislative body may designate another member of
9 the county legislative body. Any such designation may be made on an
10 election-by-election basis or may be on a permanent basis until revoked
11 by the designating authority. Any such designation must be in writing,
12 and if for a specific election, must be filed with the county auditor
13 not later than the day before the first day duties are to be undertaken
14 by the canvassing board. If the designation is permanent until revoked
15 by the designating authority, then the designation must be on file in
16 the county auditor's office no later than the day before the first day
17 the designee is to undertake the duties of the canvassing board.

18 (2) The county canvassing board may adopt rules that delegate in
19 writing to the county auditor or the county auditor's staff the
20 performance of any task assigned by law to the canvassing board.

21 (3) The county canvassing board may not delegate the responsibility
22 of certifying the returns of a primary or election, of determining the
23 validity of challenged ballots, or of determining the validity of
24 provisional ballots referred to the board by the county auditor.

25 (4) The county canvassing board shall adopt administrative rules to
26 facilitate and govern the canvassing process in that jurisdiction.

27 (5) Meetings of the county canvassing board are public meetings
28 under chapter 42.30 RCW. All rules adopted by the county canvassing
29 board must be adopted in a public meeting under chapter 42.30 RCW, and
30 once adopted must be available to the public to review and copy under
31 chapter 42.17 RCW.

32 **Sec. 1515.** RCW 29.62.030 and 1995 c 139 s 3 are each amended to
33 read as follows:

34 PROCEDURE WHEN MEMBER A CANDIDATE. The members of the county
35 canvassing board may not include individuals who are candidates for an
36 office to be voted upon at the primary or election. If no individual
37 is available to serve on the canvassing board who is not a candidate at

1 the primary or election (~~is one at which a member, or the officer~~
2 ~~designating a member, of the canvassing board is a candidate for an~~
3 ~~office,~~) the individual who is a candidate must not make decisions
4 regarding the determination of a voter's intent with respect to a vote
5 cast for that specific office (~~shall~~); the decision must be made by
6 the other two members of the board (~~not designated by that officer~~).
7 If the two disagree, the vote (~~shall~~) must not be counted unless the
8 number of those votes could affect the result of the primary or
9 election, in which case the secretary of state or a designee shall make
10 the decision on those votes. This section does not restrict
11 participation in decisions as to the acceptance or rejection of entire
12 ballots, unless the office in question is the only one for which the
13 voter cast a vote.

14 **Sec. 1516.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to
15 read as follows:

16 COUNTY CANVASSING BOARD--PROCEDURE FOR ABSENTEE BALLOTS. (~~(1)~~)
17 At least every third day after a (~~special election,~~) primary(~~(7)~~) or
18 (~~general~~) election and before certification of the election results,
19 except Sundays and legal holidays, the county auditor, as delegated by
20 the county canvassing board, shall (~~convene the county canvassing~~
21 ~~board or their designees to~~) process absentee ballots and canvass the
22 votes cast at that (~~special election,~~) primary(~~(7)~~) or (~~general~~)
23 election, if the county auditor is in possession of more than twenty-
24 five ballots that have yet to be canvassed. The county auditor, as
25 delegated by the county canvassing board, may use his or her discretion
26 in determining when to (~~convene the canvassing board or their~~
27 ~~designees~~) process the remaining absentee ballots and canvass the
28 votes during the final four days before the certification of election
29 results in order to protect the secrecy of any ballot. In counties
30 where this process has not been delegated to the county auditor, the
31 county auditor shall convene the county canvassing board to process
32 absentee ballots and canvass the votes cast at the primary or election
33 as set forth in this section.

34 Each absentee ballot previously not canvassed that was received by
35 the county auditor two days or more before (~~the convening of the~~
36 ~~canvassing board or their designees and~~) processing absentee ballots
37 and canvassing the votes as delegated by or processed by the county

1 canvassing board, that either was received by the county auditor before
2 the closing of the polls on the day of the (~~special election,~~)
3 primary(~~(τ)~~) or (~~general~~) election for which it was issued, or that
4 bears a (~~date of mailing~~) postmark on or before the (~~special~~
5 ~~election,~~) primary(~~(τ)~~) or (~~general~~) election for which it was
6 issued, must be processed at that time. The tabulation of votes that
7 results from that day's canvass must be made available to the general
8 public immediately upon completion of the canvass.

9 (~~(2) On the tenth day after a special election or a primary and on~~
10 ~~the fifteenth day after a general election, the canvassing board shall~~
11 ~~complete the canvass and certify the results. Each absentee ballot~~
12 ~~that was returned before the closing of the polls on the date of the~~
13 ~~primary or election for which it was issued, and each absentee ballot~~
14 ~~with a date of mailing on or before the date of the primary or election~~
15 ~~for which it was issued and received on or before the date on which the~~
16 ~~primary or election is certified, shall be included in the canvass~~
17 ~~report.~~

18 (~~(3) At the request of any caucus of the state legislature, the~~
19 ~~county auditor shall transmit copies of all unofficial returns of state~~
20 ~~and legislative primaries or elections prepared by or for the county~~
21 ~~canvassing board to either the secretary of the senate or the chief~~
22 ~~clerk of the house.))~~

23 **Sec. 1517.** RCW 29.54.025 and 1999 c 158 s 9 are each amended to
24 read as follows:

25 COUNTING CENTER, DIRECTION AND OBSERVATION OF PROCEEDINGS--MANUAL
26 COUNT OF CERTAIN PRECINCTS. (1) The counting center in a county using
27 voting systems (~~shall be~~) is under the direction of the county
28 auditor and (~~shall~~) must be observed by one representative from each
29 major political party, if representatives have been appointed by the
30 respective major political parties and these representatives are
31 present while the counting center is operating. The proceedings
32 (~~shall~~) must be open to the public, but no persons except those
33 employed and authorized by the county auditor may touch any ballot or
34 ballot container or operate a vote tallying system.

35 (2) In counties in which ballots are not counted at the polling
36 place, the official political party observers, upon mutual agreement,
37 may request that a precinct be selected at random on receipt of the

1 ballots from the polling place and that a manual count be made of the
2 number of ballots and of the votes cast on any office or issue. The
3 ballots for that precinct (~~shall~~) must then be counted by the vote
4 tallying system, and this result (~~shall~~) will be compared to the
5 results of the manual count. This may be done as many as three times
6 during the tabulation of ballots on the day of the primary or election.

7 (3) In counties using poll-site ballot counting devices, the
8 political party observers, upon mutual agreement, may choose as many as
9 three precincts and request that a manual count be made of the number
10 of ballots and the votes cast on any office or issue. The results of
11 this count will be compared to the count of the precinct made by the
12 poll-site ballot counting device. These selections must be made no
13 later than thirty minutes after the close of the polls. The manual
14 count must be completed within forty-eight hours after the close of the
15 polls. The process must take place at a location designated by the
16 county auditor for that purpose. The political party observers must
17 receive timely notice of the time and location, and have the right to
18 be present. However, the process must proceed as scheduled if the
19 observers are unable to attend.

20 **Sec. 1518.** RCW 29.36.330 and 2001 c 241 s 12 are each reenacted to
21 read as follows:

22 CREDIT FOR VOTING--RETENTION OF BALLOTS. Each registered voter
23 casting an absentee ballot will be credited with voting on his or her
24 voter registration record. Absentee ballots must be retained for the
25 same length of time and in the same manner as ballots cast at the
26 precinct polling places.

27 NEW SECTION. **Sec. 1519.** CERTIFICATION OF ELECTION RESULTS--
28 UNOFFICIAL RETURNS. (1) On the tenth day after a special election or
29 primary and on the fifteenth day after a general election, the county
30 canvassing board shall complete the canvass and certify the results.
31 Each absentee ballot that was returned before the closing of the polls
32 on the date of the primary or election for which it was issued, and
33 each absentee ballot with a postmark on or before the date of the
34 primary or election for which it was issued and received on or before
35 the date on which the primary or election is certified, must be
36 included in the canvass report.

1 (2) At the request of a caucus of the state legislature, the county
2 auditor shall transmit copies of all unofficial returns of state and
3 legislative primaries or elections prepared by or for the county
4 canvassing board to either the secretary of the senate or the chief
5 clerk of the house or representatives.

6 **Sec. 1520.** RCW 29.62.040 and 1990 c 59 s 63 are each amended to
7 read as follows:

8 COUNTY CANVASSING BOARD--CANVASSING PROCEDURE--PENALTY. Before
9 canvassing the returns of a primary or election, the (~~chairman~~) chair
10 of the county legislative authority or the chair's designee shall
11 administer an oath to the county auditor or the auditor's designee
12 attesting to the authenticity of the information presented to the
13 canvassing board. This oath must be signed by the county auditor or
14 designee and filed with the returns of the primary or election.

15 The county canvassing board shall proceed to verify the results
16 from the precincts and the absentee ballots. The board shall execute
17 a certificate of the results of the primary or election signed by all
18 members of the board or their designees. Failure to certify the
19 returns, if they can be ascertained with reasonable certainty, is a
20 (~~misdemeanor~~) crime under RCW 29.85.170.

21 **Sec. 1521.** RCW 29.62.050 and 1990 c 59 s 64 are each amended to
22 read as follows:

23 RECANVASS--GENERALLY. Whenever the canvassing board finds that
24 there is an apparent discrepancy or an inconsistency in the returns of
25 a primary or election, the board may reconvass the ballots or voting
26 devices in any precincts of the county. The canvassing board shall
27 conduct any necessary reconvass activity on or before the last day to
28 certify the primary or election and correct any error and document the
29 correction of any error that it finds.

30 **Sec. 1522.** RCW 29.62.080 and 1965 c 9 s 29.62.080 are each amended
31 to read as follows:

32 TIE VOTES IN PRIMARY OR FINAL ELECTION. (1) If the requisite
33 number of any federal, state, county, city, or district offices have
34 not been nominated in a primary by reason of two or more persons having
35 an equal and requisite number of votes for being placed on the general

1 election ballot, the official empowered by state law to certify
2 candidates for the general election ballot shall give notice to the
3 several persons so having the equal and requisite number of votes to
4 attend at the appropriate office at the time designated by that
5 official, who shall then and there proceed publicly to decide by lot
6 which of those persons will be declared nominated and placed on the
7 general election ballot.

8 (2) If the requisite number of any federal, state, county, city,
9 district, or precinct officers (~~shall not be~~) have not been elected
10 by reason of two or more persons having an equal and highest number of
11 votes for one and the same office, the official empowered by state law
12 to issue the original certificate of election shall give notice to the
13 several persons so having the highest and equal number of votes to
14 attend at the appropriate office at the time to be appointed by
15 (~~said~~) that official, who shall then and there proceed publicly to
16 decide by lot which of (~~the~~) those persons (~~so having an equal~~
17 ~~number of votes shall~~) will be declared duly elected, and the (~~said~~)
18 official shall make out and deliver to the person thus duly declared
19 elected a certificate of (~~his~~) election (~~as hereinbefore provided~~).

20 **Sec. 1523.** RCW 29.62.090 and 2001 c 225 s 2 are each amended to
21 read as follows:

22 ABSTRACT BY ELECTION OFFICER--TRANSMITTAL TO SECRETARY OF STATE.
23 (1) Immediately after the official results of a state primary or
24 general election in a county are ascertained, the county auditor or
25 other election officer shall make an abstract of the number of
26 registered voters in each precinct and of all the votes cast in the
27 county at such state primary or general election for and against state
28 measures and for each candidate for federal, state, and legislative
29 office or for any other office which the secretary of state is required
30 by law to canvass. The (~~abstract must be entered on blanks furnished~~
31 ~~by the secretary of state or on compatible computer printouts approved~~
32 ~~by the secretary of state, and the~~) cumulative report of the election
33 and a copy of the certificate of the election must be transmitted to
34 the secretary of state immediately, through electronic means and mailed
35 with the abstract of votes no later than the next business day
36 following the certification by the county canvassing board.

1 (2) After each general election, the county auditor or other
2 election officer shall provide to the secretary of state a report of
3 the number of absentee ballots cast in each precinct for and against
4 state measures and for each candidate for federal, state, and
5 legislative office or for any other office which the secretary of state
6 is required by law to canvass. The report may be included in the
7 abstract required by this section or may be transmitted to the
8 secretary of state separately, but in no event later than March 31st of
9 the year following the election. Absentee ballot results may be
10 incorporated into votes cast at the polls for each precinct or may be
11 reported separately on a precinct-by-precinct basis.

12 (3) If absentee ballot results are not incorporated into votes cast
13 at the polls, the county auditor or other election official may
14 aggregate results from more than one precinct if the auditor, pursuant
15 to rules adopted by the secretary of state, finds that reporting a
16 single precinct's absentee ballot results would jeopardize the secrecy
17 of a person's ballot. To the extent practicable, precincts for which
18 absentee results are aggregated must be contiguous.

19 **Sec. 1524.** RCW 29.62.100 and 1977 ex.s. c 361 s 97 are each
20 amended to read as follows:

21 SECRETARY OF STATE--PRIMARY RETURNS--STATE OFFICES, ETC. The
22 secretary of state shall, as soon as possible but in any event not
23 later than the third Tuesday following the primary, canvass and certify
24 the returns of all primary elections as to candidates for state
25 offices, United States senators and representatives in Congress, and
26 all other candidates whose district extends beyond the limits of a
27 single county.

28 **Sec. 1525.** RCW 29.62.120 and 1965 c 9 s 29.62.120 are each amended
29 to read as follows:

30 SECRETARY OF STATE TO CANVASS FINAL RETURNS--SCOPE. As soon as the
31 returns have been received from all the counties of the state, but not
32 later than the thirtieth day after the election, the secretary of state
33 shall make a canvass of such of the returns as are not required to be
34 canvassed by the legislature and make out a statement thereof, file it
35 in his or her office, and transmit a certified copy (~~thereof~~) to the
36 governor.

1 upon any question or issue. They shall designate one of the members of
2 the group as (~~chairman~~) chair and shall indicate the voting residence
3 of each member of the group.

4 An application for a recount of the votes cast for an office or on
5 a ballot measure must be filed with the officer with whom filings are
6 made for the jurisdiction.

7 An application for a recount must specify whether the recount will
8 be done manually or by the vote tally system. A recount done by the
9 vote tally system must use programming that recounts and reports only
10 the office or ballot measure in question. The county shall also
11 provide for a test of the logic and accuracy of that program.

12 An application for a recount (~~shall~~) must be filed within three
13 business days after the county canvassing board or secretary of state
14 has declared the official results of the primary or election for the
15 office or issue for which the recount is requested.

16 This chapter applies to the recounting of votes cast by paper
17 ballots and to the recounting of votes recorded on ballots counted by
18 a vote tally system.

19 **Sec. 1602.** RCW 29.64.015 and 2001 c 225 s 4 are each reenacted to
20 read as follows:

21 MANDATORY RECOUNT. (1) If the official canvass of all of the
22 returns for any office at any primary or election reveals that the
23 difference in the number of votes cast for a candidate apparently
24 nominated or elected to any office and the number of votes cast for the
25 closest apparently defeated opponent is less than two thousand votes
26 and also less than one-half of one percent of the total number of votes
27 cast for both candidates, the county canvassing board shall conduct a
28 recount of all votes cast on that position.

29 (a) Whenever such a difference occurs in the number of votes cast
30 for candidates for a position the declaration of candidacy for which
31 was filed with the secretary of state, the secretary of state shall,
32 within three business days of the day that the returns of the primary
33 or election are first certified by the canvassing boards of those
34 counties, direct those boards to recount all votes cast on the
35 position.

36 (b) If the difference in the number of votes cast for the apparent
37 winner and the closest apparently defeated opponent is less than one

1 hundred fifty votes and also less than one-fourth of one percent of the
2 total number of votes cast for both candidates, the votes shall be
3 recounted manually or as provided in subsection (3) of this section.

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

7 (3) The apparent winner and closest apparently defeated opponent
8 for an office for which a manual recount is required under subsection
9 (1)(b) of this section may select an alternative method of conducting
10 the recount. To select such an alternative, the two candidates shall
11 agree to the alternative in a signed, written statement filed with the
12 election official for the office. The recount shall be conducted using
13 the alternative method if: It is suited to the balloting system that
14 was used for casting the votes for the office; it involves the use of
15 a vote tallying system that is approved for use in this state by the
16 secretary of state; and the vote tallying system is readily available
17 in each county required to conduct the recount. If more than one
18 balloting system was used in casting votes for the office, an
19 alternative to a manual recount may be selected for each system.

20 **Sec. 1603.** RCW 29.64.020 and 2001 c 225 s 5 are each reenacted to
21 read as follows:

22 DEPOSIT OF FEES--NOTICE--PUBLIC PROCEEDING. An application for a
23 recount shall state the office for which a recount is requested and
24 whether the request is for all or only a portion of the votes cast in
25 that jurisdiction of that office. The person filing an application for
26 a manual recount shall, at the same time, deposit with the county
27 canvassing board or secretary of state, in cash or by certified check,
28 a sum equal to twenty-five cents for each ballot cast in the
29 jurisdiction or portion of the jurisdiction for which the recount is
30 requested as security for the payment of any costs of conducting the
31 recount. If the application is for a machine recount, the deposit must
32 be equal to fifteen cents for each ballot. These charges shall be
33 determined by the county canvassing board or boards under RCW
34 29.64.060.

35 The county canvassing board shall determine a time and a place or
36 places at which the recount will be conducted. This time shall be less
37 than three business days after the day upon which: The application was

1 filed with the board; the request for a recount or directive ordering
2 a recount was received by the board from the secretary of state; or the
3 returns are certified which indicate that a recount is required under
4 RCW 29.64.015 for an issue or office voted upon only within the county.
5 Not less than two days before the date of the recount, the county
6 auditor shall mail a notice of the time and place of the recount to the
7 applicant or affected parties and, if the recount involves an office,
8 to any person for whom votes were cast for that office. The county
9 auditor shall also notify the affected parties by either telephone,
10 fax, e-mail, or other electronic means at the time of mailing. At
11 least three attempts must be made over a two-day period to notify the
12 affected parties or until the affected parties have received the
13 notification. Each attempt to notify affected parties must request a
14 return response indicating that the notice has been received. Each
15 person entitled to receive notice of the recount may attend, witness
16 the recount, and be accompanied by counsel.

17 Proceedings of the canvassing board are public under chapter 42.30
18 RCW. Subject to reasonable and equitable guidelines adopted by the
19 canvassing board, all interested persons may attend and witness a
20 recount.

21 **Sec. 1604.** RCW 29.64.030 and 2001 c 225 s 6 are each reenacted to
22 read as follows:

23 RECOUNTING THE VOTES--OBSERVERS--REQUEST TO STOP. (1) At the time
24 and place established for a recount, the canvassing board or its duly
25 authorized representatives, in the presence of all witnesses who may be
26 in attendance, shall open the sealed containers containing the ballots
27 to be recounted, and shall recount the votes for the offices or issues
28 for which the recount has been ordered. Ballots shall be handled only
29 by the members of the canvassing board or their duly authorized
30 representatives.

31 Witnesses shall be permitted to observe the ballots and the process
32 of tabulating the votes, but they shall not be permitted to handle the
33 ballots. The canvassing board shall not permit the tabulation of votes
34 for any nomination, election, or issue other than the ones for which a
35 recount was applied for or required.

36 (2) At any time before the ballots from all of the precincts listed

1 in the application for the recount have been recounted, the applicant
2 may file with the board a written request to stop the recount.

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

12 **Sec. 1605.** RCW 29.64.035 and 2001 c 225 s 7 are each reenacted to
13 read as follows:

14 PARTIAL RECOUNT REQUIRING COMPLETE RECOUNT. When a partial recount
15 of votes cast for an office or issue changes the result of the
16 election, the canvassing board or the secretary of state, if the office
17 or issue is being recounted at his or her direction, shall order a
18 complete recount of all ballots cast for the office or issue for the
19 jurisdiction in question.

20 This recount will be conducted in a manner consistent with RCW
21 29.64.015.

22 **Sec. 1606.** RCW 29.64.040 and 2001 c 225 s 8 are each reenacted to
23 read as follows:

24 AMENDED ABSTRACTS. Upon completion of the canvass of a recount,
25 the canvassing board shall prepare and certify an amended abstract
26 showing the votes cast in each precinct for which the recount was
27 conducted. Copies of the amended abstracts must be transmitted to the
28 same officers who received the abstract on which the recount was based.

29 If the nomination, election, or issue for which the recount was
30 conducted was submitted only to the voters of a county, the canvassing
31 board shall file the amended abstract with the original results of that
32 election or primary.

33 If the nomination, election, or issue for which a recount was
34 conducted was submitted to the voters of more than one county, the
35 secretary of state shall canvass the amended abstracts and shall file
36 an amended abstract with the original results of that election. An

1 amended abstract certified under this section supersedes any prior
2 abstract of the results for the same offices or issues at the same
3 primary or election.

4 **Sec. 1607.** RCW 29.64.051 and 2001 c 225 s 9 are each reenacted to
5 read as follows:

6 LIMITATION ON RECOUNTS. After the original count, canvass, and
7 certification of results, the votes cast in any single precinct may not
8 be recounted and the results recertified more than twice.

9 **Sec. 1608.** RCW 29.64.060 and 2001 c 225 s 10 are each reenacted to
10 read as follows:

11 EXPENSES OF RECOUNT--CHARGES. The canvassing board shall determine
12 the expenses for conducting a recount of votes.

13 The cost of the recount shall be deducted from the amount deposited
14 by the applicant for the recount at the time of filing the request for
15 the recount, and the balance shall be returned to the applicant. If
16 the costs of the recount exceed the deposit, the applicant shall pay
17 the difference. No charges may be deducted by the canvassing board
18 from the deposit for a recount if the recount changes the result of the
19 nomination or election for which the recount was ordered.

20 **Sec. 1609.** RCW 29.64.080 and 2001 c 225 s 11 are each reenacted to
21 read as follows:

22 STATEWIDE MEASURES--MANDATORY RECOUNT--COST AT STATE EXPENSE. When
23 the official canvass of returns of any election reveals that the
24 difference in the number of votes cast for the approval of a statewide
25 measure and the number of votes cast for the rejection of such measure
26 is less than two thousand votes and also less than one-half of one
27 percent of the total number of votes cast on such measure, the
28 secretary of state shall direct that a recount of all votes cast on
29 such measure be made on such measure, in the manner provided by RCW
30 29.64.030 and 29.64.040, and the cost of such recount will be at state
31 expense.

32 **Sec. 1610.** RCW 29.64.090 and 1977 ex.s. c 144 s 5 are each amended
33 to read as follows:

34 STATEWIDE MEASURES--MANDATORY RECOUNT--FUNDS FOR ADDITIONAL

1 EXPENSES. Each county auditor shall file with the secretary of state
2 a statement listing only the additional expenses incurred whenever a
3 mandatory recount of the votes cast on a state measure is made as
4 provided in RCW 29.64.080. The secretary of state shall include in his
5 or her biennial budget request a provision for sufficient funds to
6 carry out the provisions of this section. Payments hereunder shall be
7 from appropriations specifically provided for such purpose by law.

8 **PART 17**

9 **CONTESTING AN ELECTION**

10 **Sec. 1701.** RCW 29.04.030 and 1977 ex.s. c 361 s 3 are each
11 reenacted to read as follows:

12 PREVENTION AND CORRECTION OF ELECTION FRAUDS AND ERRORS. Any
13 justice of the supreme court, judge of the court of appeals, or judge
14 of the superior court in the proper county shall, by order, require any
15 person charged with error, wrongful act, or neglect to forthwith
16 correct the error, desist from the wrongful act, or perform the duty
17 and to do as the court orders or to show cause forthwith why the error
18 should not be corrected, the wrongful act desisted from, or the duty or
19 order not performed, whenever it is made to appear to such justice or
20 judge by affidavit of an elector that:

21 (1) An error or omission has occurred or is about to occur in
22 printing the name of any candidate on official ballots; or

23 (2) An error other than as provided in subsections (1) and (3) of
24 this section has been committed or is about to be committed in printing
25 the ballots; or

26 (3) The name of any person has been or is about to be wrongfully
27 placed upon the ballots; or

28 (4) A wrongful act other than as provided for in subsections (1)
29 and (3) of this section has been performed or is about to be performed
30 by any election officer; or

31 (5) Any neglect of duty on the part of an election officer other
32 than as provided for in subsections (1) and (3) of this section has
33 occurred or is about to occur; or

34 (6) An error or omission has occurred or is about to occur in the
35 issuance of a certificate of election.

1 An affidavit of an elector under subsections (1) and (3) above when
2 relating to a primary election must be filed with the appropriate court
3 no later than the second Friday following the closing of the filing
4 period for nominations for such office and shall be heard and finally
5 disposed of by the court not later than five days after the filing
6 thereof. An affidavit of an elector under subsections (1) and (3) of
7 this section when relating to a general election must be filed with the
8 appropriate court no later than three days following the official
9 certification of the primary election returns and shall be heard and
10 finally disposed of by the court not later than five days after the
11 filing thereof. An affidavit of an elector under subsection (6) of
12 this section shall be filed with the appropriate court no later than
13 ten days following the issuance of a certificate of election.

14 **Sec. 1702.** RCW 29.65.010 and 1983 1st ex.s. c 30 s 6 are each
15 amended to read as follows:

16 COMMENCEMENT BY REGISTERED VOTER--CAUSES FOR. Any registered voter
17 may contest the right of any person declared elected to an office to be
18 issued a certificate of election for any of the following causes:

19 (1) For misconduct on the part of any member of any precinct
20 election board involved therein;

21 (2) Because the person whose right is being contested was not at
22 the time (~~he~~) the person was declared elected eligible to that
23 office;

24 (3) Because the person whose right is being contested was previous
25 to the election convicted of a felony by a court of competent
26 jurisdiction, (~~his~~) the conviction not having been reversed nor
27 (~~his~~) the person's civil rights restored after the conviction;

28 (4) Because the person whose right is being contested gave a bribe
29 or reward to a voter or to an inspector or judge of election for the
30 purpose of procuring (~~his~~) the election, or offered to do so;

31 (5) On account of illegal votes.

32 (a) Illegal votes include but are not limited to the following:

33 (i) More than one vote cast by a single voter;

34 (ii) A vote cast by a person disqualified under Article VI, section
35 3 of the state Constitution.

36 (b) Illegal votes do not include votes cast by improperly

1 registered voters who were not properly challenged (~~(pursuant to)~~)
2 under RCW 29.10.125 and 29.10.127.

3 All election contests (~~(shall)~~) must proceed under RCW 29.04.030.

4 **Sec. 1703.** RCW 29.65.020 and 1977 ex.s. c 361 s 102 are each
5 amended to read as follows:

6 AFFIDAVIT OF ERROR OR OMISSION--TIME FOR FILING--CONTENTS--
7 WITNESSES. An affidavit of an elector with respect to RCW 29.04.030(6)
8 must be filed with the appropriate court no later than ten days
9 following the issuance of a certificate of election and (~~(shall)~~) must
10 set forth specifically:

11 (1) The name of the contestant and that he or she is a registered
12 voter in the county, district or precinct, as the case may be, in which
13 the office is to be exercised;

14 (2) The name of the person whose right is being contested;

15 (3) The office;

16 (4) The particular causes of the contest.

17 No statement of contest (~~(shall)~~) may be dismissed for want of form
18 if the particular causes of contest are alleged with sufficient
19 certainty. The person charged with the error or omission (~~(shall)~~)
20 must be given the opportunity to call any witness, including the
21 candidate to whom he or she has issued or intends to issue the
22 certificate of election.

23 **Sec. 1704.** RCW 29.65.040 and 1977 ex.s. c 361 s 103 are each
24 amended to read as follows:

25 HEARING DATE--ISSUANCE OF CITATION--SERVICE. Upon such affidavit
26 being filed, (~~(it shall be the duty of)~~) the clerk (~~(to)~~) shall inform
27 the judge of the appropriate court, who may give notice, and order a
28 session of the court to be held at the usual place of holding (~~(said)~~)
29 the court, on some day to be named by (~~(him)~~) the judge, not less than
30 ten nor more than twenty days from the date of (~~(such)~~) the notice, to
31 hear and determine such contested election(~~(: PROVIDED, That)~~). If no
32 session (~~(be)~~) is called for the purpose, (~~(such)~~) the contest
33 (~~(shall)~~) must be determined at the first regular session of court
34 after (~~(such)~~) the statement is filed.

35 The clerk of the court shall also at the time issue a citation for
36 the person charged with the error or omission, to appear at the time

1 and place specified in the notice(~~(, which))~~). The citation (~~(shall))~~
2 must be delivered to the sheriff and be served upon the party in
3 person; or if (~~he~~) the person cannot be found, by leaving a copy
4 thereof at the house where (~~he~~) the person last resided.

5 **Sec. 1705.** RCW 29.65.050 and 1965 c 9 s 29.65.050 are each
6 reenacted to read as follows:

7 WITNESSES TO ATTEND--HEARING OF CONTEST--JUDGMENT. The clerk shall
8 issue subpoenas for witnesses in such contested election at the request
9 of either party, which shall be served by the sheriff or constable, as
10 other subpoenas, and the superior court shall have full power to issue
11 attachments to compel the attendance of witnesses who shall have been
12 duly subpoenaed to attend if they fail to do so.

13 The court shall meet at the time and place designated to determine
14 such contested election by the rules of law and evidence governing the
15 determination of questions of law and fact, so far as the same may be
16 applicable, and may dismiss the proceedings if the statement of the
17 cause or causes of contest is insufficient, or for want of prosecution.
18 After hearing the proofs and allegations of the parties, the court
19 shall pronounce judgment in the premises, either confirming or
20 annulling and setting aside such election, according to the law and
21 right of the case.

22 If in any such case it shall appear that another person than the
23 one returned has the highest number of legal votes, said court shall
24 declare such person duly elected.

25 **Sec. 1706.** RCW 29.65.055 and 1977 ex.s. c 361 s 104 are each
26 reenacted to read as follows:

27 COSTS, HOW AWARDED. If the proceedings are dismissed for
28 insufficiency, want of prosecution, or the election is by the court
29 confirmed, judgment shall be rendered against the party contesting such
30 election for costs, in favor of the party charged with error or
31 omission.

32 If such election is annulled and set aside, judgment for costs
33 shall be rendered against the party charged with the error or omission
34 and in favor of the party alleging the same.

1 **Sec. 1707.** RCW 29.65.060 and 1965 c 9 s 29.65.060 are each amended
2 to read as follows:

3 MISCONDUCT OF BOARD--IRREGULARITY MUST BE MATERIAL TO RESULT. No
4 irregularity or improper conduct in the proceedings of any election
5 board or any member (~~(thereof shall)~~) of the board amounts to such
6 malconduct as to annul or set aside any election unless the
7 irregularity or improper conduct was such as to procure the person
8 whose right to the office may be contested, to be declared duly elected
9 although (~~he~~) the person did not receive the highest number of legal
10 votes.

11 **Sec. 1708.** RCW 29.65.070 and 1965 c 9 s 29.65.070 are each
12 reenacted to read as follows:

13 MISCONDUCT OF BOARD--NUMBER OF VOTES AFFECTED--ENOUGH TO CHANGE
14 RESULT. When any election for an office exercised in and for a county
15 is contested on account of any malconduct on the part of any election
16 board, or any member thereof, the election shall not be annulled and
17 set aside upon any proof thereof, unless the rejection of the vote of
18 such precinct or precincts will change the result as to such office in
19 the remaining vote of the county.

20 **Sec. 1709.** RCW 29.65.080 and 1965 c 9 s 29.65.080 are each amended
21 to read as follows:

22 ILLEGAL VOTES--ALLEGATION OF IN STATEMENT OF CONTEST. When the
23 reception of illegal votes is alleged as a cause of contest, it (~~shall~~
24 ~~be~~) is sufficient to state generally that illegal votes were cast,
25 (~~which~~) that, if given to the person whose election is contested in
26 the specified precinct or precincts, will, if taken from (~~him~~) that
27 person, reduce the number of (~~his~~) the person's legal votes below the
28 number of legal votes given to some other person for the same office.

29 **Sec. 1710.** RCW 29.65.090 and 1965 c 9 s 29.65.090 are each amended
30 to read as follows:

31 ILLEGAL VOTES--LIST REQUIRED FOR TESTIMONY. No testimony (~~shall~~)
32 may be received as to any illegal votes unless the party contesting the
33 election delivers to the opposite party, at least three days before
34 trial, a written list of the number of illegal votes and by whom given,

1 ((which he)) that the contesting party intends to prove ((on such)) at
2 the trial. No testimony ((shall)) may be received as to any illegal
3 votes, except as to such as are specified in the list.

4 **Sec. 1711.** RCW 29.65.100 and 1965 c 9 s 29.65.100 are each amended
5 to read as follows:

6 ILLEGAL VOTES--NUMBER OF VOTES AFFECTED--ENOUGH TO CHANGE RESULT.
7 No election ((shall)) may be set aside on account of illegal votes,
8 unless it appears that an amount of illegal votes has been given to the
9 person whose right is being contested, ((which)) that, if taken from
10 ((him)) that person, would reduce the number of ((his)) the person's
11 legal votes below the number of votes given to some other person for
12 the same office, after deducting therefrom the illegal votes ((which))
13 that may be shown to have been given to ((such)) the other person.

14 **Sec. 1712.** RCW 29.65.120 and 1965 c 9 s 29.65.120 are each
15 reenacted to read as follows:

16 NULLIFICATION OF ELECTION CERTIFICATE--WHEN EFFECTIVE. If an
17 election is set aside by the judgment of the superior court and if no
18 appeal is taken therefrom within ten days, the certificate issued shall
19 be thereby rendered void.

20 **PART 18**

21 **STATE INITIATIVE AND REFERENDUM**

22 NEW SECTION. **Sec. 1801.** VOTER REGISTRATION INFORMATION. The
23 cards required by RCW 29.07.090 must be kept on file in the office of
24 the secretary of state in the manner that will be most convenient for,
25 and for the sole purpose of, checking initiative and referendum
26 petitions. The secretary may maintain an automated file of voter
27 registration information for any county or counties in lieu of filing
28 or maintaining these voter registration cards if the automated file
29 includes all of the information from the cards including, but not
30 limited to, a retrievable facsimile of the signature of each voter of
31 that county or counties. The automated file may be used only for the
32 purpose authorized for the use of the cards.

1 **Sec. 1802.** RCW 29.79.010 and 1982 c 116 s 1 are each amended to
2 read as follows:

3 FILING PROPOSED MEASURES WITH SECRETARY OF STATE. If any legal
4 voter of the state, either individually or on behalf of an
5 organization, desires to petition the legislature to enact a proposed
6 measure, or submit a proposed initiative measure to the people, or
7 order that a referendum of all or part of any act, bill, or law, passed
8 by the legislature be submitted to the people, he or she shall file
9 with the secretary of state a ~~((typewritten))~~ legible copy of the
10 measure proposed, or the act or part of such act on which a referendum
11 is desired, accompanied by an affidavit that the ~~((proposer))~~ sponsor
12 is a legal voter and a filing fee prescribed under RCW 43.07.120(~~(, as~~
13 ~~now or hereafter amended))~~).

14 **Sec. 1803.** RCW 29.79.015 and 1982 c 116 s 2 are each amended to
15 read as follows:

16 REVIEW OF INITIATIVE MEASURES BY CODE REVISER'S OFFICE--CERTIFICATE
17 OF REVIEW REQUIRED FOR ASSIGNMENT OF SERIAL NUMBER. Upon receipt of
18 ~~((any petition proposing an initiative to the people or an initiative~~
19 ~~to the legislature, and prior to))~~ a proposed initiative measure, and
20 before giving it a serial number ~~((thereto))~~, the secretary of state
21 shall submit a copy thereof to the office of the code reviser and give
22 notice to the ~~((petitioner))~~ sponsor of such transmittal. Upon receipt
23 of the measure, the assistant code reviser to whom it has been assigned
24 may confer with the ~~((petitioner))~~ sponsor and shall within seven
25 working days from its receipt ~~((thereof))~~, review the proposal ~~((for~~
26 ~~matters of form and style, and such matters of substantive import as~~
27 ~~may be agreeable to the petitioner, and shall))~~ and recommend to the
28 ~~((petitioner))~~ sponsor such revision or alteration of the measure as
29 may be deemed necessary and appropriate. The recommendations of the
30 code reviser's office ~~((shall be))~~ are advisory only, and the
31 ~~((petitioner))~~ sponsor may accept or reject them in whole or in part.
32 The code reviser shall issue a certificate of review certifying that he
33 or she has reviewed the measure ~~((for form and style))~~ and that ~~((the))~~
34 any recommendations ~~((thereon, if any,))~~ have been communicated to the
35 ~~((petitioner, and such))~~ sponsor. The certificate ~~((shall issue))~~ must
36 be issued whether or not the ~~((petitioner))~~ sponsor accepts such
37 recommendations. Within fifteen working days after notification of

1 submittal of the (~~petition~~) proposed measure to the code reviser's
2 office, the (~~petitioner~~) sponsor, if he or she desires to proceed
3 with (~~his~~) sponsorship, shall file the measure together with the
4 certificate of review with the secretary of state for assignment of a
5 serial number, and the secretary of state shall (~~thereupon~~) then
6 submit to the code reviser's office a certified copy of the measure
7 filed. Upon (~~submitting~~) submission of the proposal to the secretary
8 of state for assignment of a serial number, the secretary of state
9 shall refuse to make such assignment unless the proposal is accompanied
10 by a certificate of review.

11 **Sec. 1804.** RCW 29.79.020 and 1987 c 161 s 1 are each amended to
12 read as follows:

13 TIME FOR FILING VARIOUS TYPES. Initiative measures proposed to be
14 submitted to the people must be filed with the secretary of state
15 within ten months prior to the election at which they are to be
16 submitted, and the signature petitions (~~therefor~~) must be filed with
17 the secretary of state not less than four months before the next
18 general statewide election.

19 Initiative measures proposed to be submitted to the legislature
20 must be filed with the secretary of state within ten months prior to
21 the next regular session of the legislature at which they are to be
22 submitted, and the signature petitions (~~therefor~~) must be filed with
23 the secretary of state not less than ten days before such regular
24 session of the legislature.

25 A referendum measure petition ordering that any act or part
26 (~~thereof~~) of an act passed by the legislature be referred to the
27 people must be filed with the secretary of state within ninety days
28 after the final adjournment of the legislative session at which the act
29 was passed. It may be submitted at the next general statewide election
30 or at a special election ordered by the legislature.

31 A proposed initiative or referendum measure may be filed no earlier
32 than the opening of the secretary of state's office for business
33 pursuant to RCW 42.04.060 on the first day filings are permitted, and
34 any initiative or referendum petition must be filed not later than the
35 close of business on the last business day in the specified period for
36 submission of signatures. If a filing deadline falls on a Saturday,

1 the office of the secretary of state (~~shall~~) must be open (~~on that~~
2 ~~Saturday~~) for the transaction of business under this section from 8:00
3 a.m. to 5:00 p.m. on that Saturday.

4 **Sec. 1805.** RCW 29.79.030 and 1982 c 116 s 3 are each amended to
5 read as follows:

6 NUMBERING--TRANSMITTAL TO ATTORNEY GENERAL. The secretary of state
7 shall give a serial number to each initiative, referendum bill, or
8 referendum measure, using a separate series for initiatives to the
9 legislature, initiatives to the people, referendum bills, and
10 referendum measures, and forthwith transmit one copy of the measure
11 proposed bearing its serial number to the attorney general. Thereafter
12 a measure shall be known and designated on all petitions, ballots, and
13 proceedings as "Initiative Measure No." "Referendum Bill No.
14" or "Referendum Measure No.(^)."

15 **Sec. 1806.** RCW 29.79.035 and 2000 c 197 s 1 are each reenacted to
16 read as follows:

17 BALLOT TITLE--FORMULATION, BALLOT DISPLAY. (1) The ballot title
18 for an initiative to the people, an initiative to the legislature, a
19 referendum bill, or a referendum measure consists of: (a) A statement
20 of the subject of the measure; (b) a concise description of the
21 measure; and (c) a question in the form prescribed in this section for
22 the ballot measure in question. The statement of the subject of a
23 measure must be sufficiently broad to reflect the subject of the
24 measure, sufficiently precise to give notice of the measure's subject
25 matter, and not exceed ten words. The concise description must contain
26 no more than thirty words, be a true and impartial description of the
27 measure's essential contents, clearly identify the proposition to be
28 voted on, and not, to the extent reasonably possible, create prejudice
29 either for or against the measure.

30 (2) For an initiative to the people, or for an initiative to the
31 legislature for which the legislature has not proposed an alternative,
32 the ballot title must be displayed on the ballot substantially as
33 follows:

34 "Initiative Measure No. . . . concerns (statement of subject).
35 This measure would (concise description). Should this measure
36 be enacted into law?"

1 Yes
2 No

3 (3) For an initiative to the legislature for which the legislature
4 has proposed an alternative, the ballot title must be displayed on the
5 ballot substantially as follows:

6 "Initiative Measure Nos. . . . and . . .B concern (statement of
7 subject).

8 Initiative Measure No. . . . would (concise description).

9 As an alternative, the legislature has proposed Initiative
10 Measure No. . . .B, which would (concise description).

11 1. Should either of these measures be enacted into law?

12
13 Yes
14 No

15 2. Regardless of whether you voted yes or no above, if one of
16 these measures is enacted, which one should it be?

17 Measure No.
18 or
19 Measure No.

20 (4) For a referendum bill submitted to the people by the
21 legislature, the ballot issue must be displayed on the ballot
22 substantially as follows:

23 "The legislature has passed Bill No. . . . concerning
24 (statement of subject). This bill would (concise description).

25 Should this bill be:

26 Approved
27 Rejected

1 (5) For a referendum measure by state voters on a bill the
2 legislature has passed, the ballot issue must be displayed on the
3 ballot substantially as follows:

4 "The legislature passed . . . Bill No. . . . concerning
5 (statement of subject) and voters have filed a sufficient
6 referendum petition on this bill. This bill would (concise
7 description). Should this bill be:

8 Approved
9 Rejected

10 (6) The legislature may specify the statement of subject or concise
11 description, or both, in a referendum bill that it refers to the
12 people. The legislature may specify the concise description for an
13 alternative it submits for an initiative to the legislature. If the
14 legislature fails to specify these matters, the attorney general shall
15 prepare the material that was not specified. The statement of subject
16 and concise description as so provided must be included as part of the
17 ballot title unless changed on appeal.

18 The attorney general shall specify the statement of subject and
19 concise description for an initiative to the people, an initiative to
20 the legislature, and a referendum measure. The statement of subject
21 and concise description as so provided must be included as part of the
22 ballot title unless changed on appeal.

23 **Sec. 1807.** RCW 29.79.040 and 2000 c 197 s 2 are each reenacted to
24 read as follows:

25 BALLOT TITLE AND SUMMARY--FORMULATION BY ATTORNEY GENERAL. Within
26 five days after the receipt of an initiative or referendum the attorney
27 general shall formulate the ballot title, or portion of the ballot
28 title that the legislature has not provided, required by RCW 29.79.035
29 and a summary of the measure, not to exceed seventy-five words, and
30 transmit the serial number for the measure, complete ballot title, and
31 summary to the secretary of state. Saturdays, Sundays, and legal
32 holidays are not counted in calculating the time limits in this
33 section.

1 **Sec. 1808.** RCW 29.79.050 and 2000 c 197 s 3 are each reenacted to
2 read as follows:

3 BALLOT TITLE AND SUMMARY--NOTICE. Upon the filing of the ballot
4 title and summary for a state initiative or referendum measure in the
5 office of secretary of state, the secretary of state shall notify by
6 telephone and by mail, and, if requested, by other electronic means,
7 the person proposing the measure, the prime sponsor of a referendum
8 bill or alternative to an initiative to the legislature, the chief
9 clerk of the house of representatives, the secretary of the senate, and
10 any other individuals who have made written request for such
11 notification of the exact language of the ballot title and summary.

12 **Sec. 1809.** RCW 29.79.060 and 2000 c 197 s 4 are each reenacted to
13 read as follows:

14 BALLOT TITLE AND SUMMARY--APPEAL TO SUPERIOR COURT. Any persons,
15 including the attorney general or either or both houses of the
16 legislature, dissatisfied with the ballot title or summary for a state
17 initiative or referendum may, within five days from the filing of the
18 ballot title in the office of the secretary of state appeal to the
19 superior court of Thurston county by petition setting forth the
20 measure, the ballot title or summary, and their objections to the
21 ballot title or summary and requesting amendment of the ballot title or
22 summary by the court. Saturdays, Sundays, and legal holidays are not
23 counted in calculating the time limits contained in this section.

24 A copy of the petition on appeal together with a notice that an
25 appeal has been taken shall be served upon the secretary of state, upon
26 the attorney general, and upon the person proposing the measure if the
27 appeal is initiated by someone other than that person. Upon the filing
28 of the petition on appeal or at the time to which the hearing may be
29 adjourned by consent of the appellant, the court shall accord first
30 priority to examining the proposed measure, the ballot title or
31 summary, and the objections to that ballot title or summary, may hear
32 arguments, and shall, within five days, render its decision and file
33 with the secretary of state a certified copy of such ballot title or
34 summary as it determines will meet the requirements of RCW 29.79.040.
35 The decision of the superior court shall be final. Such appeal shall
36 be heard without costs to either party.

1 ~~petition when he or she is not a legal voter, or makes any false~~
2 ~~statement on this petition may be punished by fine or imprisonment or~~
3 ~~both.)) The warning prescribed by RCW 29.79.115; followed by:~~

4 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

5 To the Honorable, Secretary of State of the State of
6 Washington:

7 We, the undersigned citizens and legal voters of the State of
8 Washington, respectfully direct that this petition and the proposed
9 measure known as Initiative Measure No. . . . and entitled (here set
10 forth the established ballot title of the measure), a full, true, and
11 correct copy of which is printed on the reverse side of this petition,
12 be transmitted to the legislature of the State of Washington at its
13 next ensuing regular session, and we respectfully petition the
14 legislature to enact said proposed measure into law; and each of us for
15 himself or herself says: I have personally signed this petition; I am
16 a legal voter of the State of Washington in the city (or town) and
17 county written after my name, my residence address is correctly stated,
18 and I have knowingly signed this petition only once.

19

((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
--(Here follow 20 numbered lines divided into columns as below.)				
1---	---	---	---	---
2---	---	---	---	---
3---	---	---	---	---
ete:))				

29 The petition must include a place for each petitioner to sign and
30 print his or her name, and the address, city, and county at which he or
31 she is registered to vote.

32 **Sec. 1813.** RCW 29.79.100 and 1982 c 116 s 10 are each amended to
33 read as follows:

34 PETITIONS TO PEOPLE--FORM. Petitions for proposing measures for

1 submission to the people for their approval or rejection at the next
2 ensuing general election(~~(, shall)~~) must be substantially in the
3 following form:

4 ((WARNING

5 ~~Every person who signs this petition with any other than his or her~~
6 ~~true name, knowingly signs more than one of these petitions, signs this~~
7 ~~petition when he or she is not a legal voter, or makes any false~~
8 ~~statement on this petition may be punished by fine or imprisonment or~~
9 ~~both.)) The warning prescribed by RCW 29.79.115; followed by:~~

10 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

11 To the Honorable, Secretary of State of the State of
12 Washington:

13 We, the undersigned citizens and legal voters of the State of
14 Washington, respectfully direct that the proposed measure known as
15 Initiative Measure No., entitled (here insert the established
16 ballot title of the measure), a full, true and correct copy of which is
17 printed on the reverse side of this petition, be submitted to the legal
18 voters of the State of Washington for their approval or rejection at
19 the general election to be held on the day of November,
20 (~~19.~~) (year); and each of us for himself or herself says: I have
21 personally signed this petition; I am a legal voter of the State of
22 Washington, in the city (or town) and county written after my name, my
23 residence address is correctly stated, and I have knowingly signed this
24 petition only once.

25

((Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
--(Here follow 20 numbered lines divided into columns as below.)				
1--	---	---	---	---
2--	---	---	---	---
3--	---	---	---	---
ete:))				

1 demanding any referendum of an act or part of an act of the legislature
2 (~~or any part thereof has secured upon any such referendum petition~~)
3 has obtained a number of signatures of legal voters equal to or
4 exceeding four percent of the votes cast for the office of governor at
5 the last regular gubernatorial election prior to the submission of the
6 signatures for verification, (~~he or they may submit~~) the petition
7 containing the signatures may be submitted to the secretary of state
8 for filing.

9 **Sec. 1817.** RCW 29.79.140 and 1965 c 9 s 29.79.140 are each
10 reenacted to read as follows:

11 PETITIONS--TIME FOR FILING. The time for submitting initiative or
12 referendum petitions to the secretary of state for filing is as
13 follows:

14 (1) A referendum petition ordering and directing that the whole or
15 some part or parts of an act passed by the legislature be referred to
16 the people for their approval or rejection at the next ensuing general
17 election or a special election ordered by the legislature, must be
18 submitted not more than ninety days after the final adjournment of the
19 session of the legislature which passed the act;

20 (2) An initiative petition proposing a measure to be submitted to
21 the people for their approval or rejection at the next ensuing general
22 election, must be submitted not less than four months before the date
23 of such election;

24 (3) An initiative petition proposing a measure to be submitted to
25 the legislature at its next ensuing regular session must be submitted
26 not less than ten days before the commencement of the session.

27 **Sec. 1818.** RCW 29.79.150 and 1982 c 116 s 13 are each amended to
28 read as follows:

29 PETITIONS--ACCEPTANCE OR REJECTION BY SECRETARY OF STATE. The
30 secretary of state may refuse to file any initiative or referendum
31 petition being submitted upon any of the following grounds:

32 (1) That the petition (~~is not in the form~~) does not contain the
33 information required by RCW 29.79.090, 29.79.100, or 29.79.110 (~~as now~~
34 ~~or hereafter amended~~)).

35 (2) That the petition clearly bears insufficient signatures.

1 (3) That the time within which the petition may be filed has
2 expired.

3 In case of such refusal, the secretary of state shall endorse on
4 the petition the word "submitted" and the date, and retain the petition
5 pending appeal.

6 If none of the grounds for refusal exists, the secretary of state
7 must accept and file the petition.

8 **Sec. 1819.** RCW 29.79.160 and 1965 c 9 s 29.79.160 are each amended
9 to read as follows:

10 PETITIONS--REVIEW OF REFUSAL TO ACCEPT AND FILE. If the secretary
11 of state refuses to file an initiative or referendum petition when
12 submitted (~~((to him))~~) for filing, the persons submitting it for filing
13 may, within ten days after (~~((his))~~) the refusal, apply to the superior
14 court of Thurston county for (~~((a citation))~~) an order requiring the
15 secretary of state to bring the petitions before the court, and for a
16 writ of mandate to compel (~~((him))~~) the secretary of state to file it.
17 The application (~~((shall))~~) takes precedence over other cases and matters
18 and (~~((shall))~~) must be speedily heard and determined.

19 If the court issues the citation, and determines that the petition
20 is legal in form and apparently contains the requisite number of
21 signatures and was submitted for filing within the time prescribed in
22 the Constitution, it shall issue its mandate requiring the secretary of
23 state to file it (~~((in his office))~~) as of the date of submission for
24 filing.

25 The decision of the superior court granting a writ of mandate
26 (~~((shall be))~~) is final.

27 **Sec. 1820.** RCW 29.79.170 and 1988 c 202 s 28 are each amended to
28 read as follows:

29 PETITIONS--REVIEW--APPELLATE REVIEW OF SUPERIOR COURT'S REFUSAL TO
30 ISSUE MANDATE. The decision of the superior court refusing to grant a
31 writ of mandate(~~((7))~~) may be reviewed by the supreme court within five
32 days after the decision of the superior court. The review (~~((shall))~~)
33 must be considered an emergency matter of public concern, and (~~((shall))~~)
34 be heard and determined with all convenient speed(~~((7 and))~~). If the
35 supreme court decides that the petitions are legal in form and
36 apparently contain the requisite number of signatures of legal voters,

1 and were filed within the time prescribed in the Constitution, it shall
2 issue its mandate directing the secretary of state to file the petition
3 (~~in his office~~) as of the date of submission.

4 **Sec. 1821.** RCW 29.79.180 and 1965 c 9 s 29.79.180 are each
5 reenacted to read as follows:

6 PETITIONS--DESTRUCTION ON FINAL REFUSAL. If no appeal is taken
7 from the refusal of the secretary of state to file a petition within
8 the time prescribed, or if an appeal is taken and the secretary of
9 state is not required to file the petition by the mandate of either the
10 superior or the supreme court, the secretary of state shall destroy it.

11 **Sec. 1822.** RCW 29.79.190 and 1982 c 116 s 14 are each reenacted to
12 read as follows:

13 PETITIONS--CONSOLIDATION INTO VOLUMES. If the secretary of state
14 accepts and files an initiative or referendum petition upon its being
15 submitted for filing or if he or she is required to file it by the
16 court, he or she shall, in the presence of the person submitting such
17 petition for filing if he or she desires to be present, arrange and
18 assemble the sheets containing the signatures into such volumes as will
19 be most convenient for verification and canvassing and shall
20 consecutively number the volumes and stamp the date of filing on each
21 volume.

22 **Sec. 1823.** RCW 29.79.200 and 1993 c 368 s 1 are each reenacted to
23 read as follows:

24 PETITIONS--VERIFICATION AND CANVASS OF SIGNATURES, OBSERVERS--
25 STATISTICAL SAMPLING--INITIATIVES TO LEGISLATURE, CERTIFICATION OF.
26 Upon the filing of an initiative or referendum petition, the secretary
27 of state shall proceed to verify and canvass the names of the legal
28 voters on the petition. The verification and canvass of signatures on
29 the petition may be observed by persons representing the advocates and
30 opponents of the proposed measure so long as they make no record of the
31 names, addresses, or other information on the petitions or related
32 records during the verification process except upon the order of the
33 superior court of Thurston county. The secretary of state may limit
34 the number of observers to not less than two on each side, if in his or
35 her opinion, a greater number would cause undue delay or disruption of

1 the verification process. Any such limitation shall apply equally to
2 both sides. The secretary of state may use any statistical sampling
3 techniques for this verification and canvass which have been adopted by
4 rule as provided by chapter 34.05 RCW. No petition will be rejected on
5 the basis of any statistical method employed, and no petition will be
6 accepted on the basis of any statistical method employed if such method
7 indicates that the petition contains fewer than the requisite number of
8 signatures of legal voters. If the secretary of state finds the same
9 name signed to more than one petition, he or she shall reject all but
10 the first such valid signature. For an initiative to the legislature,
11 the secretary of state shall transmit a certified copy of the proposed
12 measure to the legislature at the opening of its session and, as soon
13 as the signatures on the petition have been verified and canvassed, the
14 secretary of state shall send to the legislature a certificate of the
15 facts relating to the filing, verification, and canvass of the
16 petition.

17 **Sec. 1824.** RCW 29.79.210 and 1988 c 202 s 29 are each reenacted to
18 read as follows:

19 PETITIONS--COUNT OF SIGNATURES--REVIEW. Any citizen dissatisfied
20 with the determination of the secretary of state that an initiative or
21 referendum petition contains or does not contain the requisite number
22 of signatures of legal voters may, within five days after such
23 determination, apply to the superior court of Thurston county for a
24 citation requiring the secretary of state to submit the petition to
25 said court for examination, and for a writ of mandate compelling the
26 certification of the measure and petition, or for an injunction to
27 prevent the certification thereof to the legislature, as the case may
28 be. Such application and all proceedings had thereunder shall take
29 precedence over other cases and shall be speedily heard and determined.

30 The decision of the superior court granting or refusing to grant
31 the writ of mandate or injunction may be reviewed by the supreme court
32 within five days after the decision of the superior court, and if the
33 supreme court decides that a writ of mandate or injunction, as the case
34 may be, should issue, it shall issue the writ directed to the secretary
35 of state; otherwise, it shall dismiss the proceedings. The clerk of
36 the supreme court shall forthwith notify the secretary of state of the
37 decision of the supreme court.

1 **Sec. 1825.** RCW 29.79.230 and 1965 c 9 s 29.79.230 are each amended
2 to read as follows:

3 INITIATIVES AND REFERENDUMS TO VOTERS--CERTIFICATES OF
4 SUFFICIENCY. If a referendum or initiative petition for submission of
5 a measure to the people is found sufficient, the secretary of state
6 shall at the time and in the manner that he or she certifies to the
7 county auditors of the various counties the names of candidates for
8 state and district officers certify to each county auditor the serial
9 numbers and ballot titles of the several initiative and referendum
10 measures to be voted upon at the next ensuing general election or
11 special election ordered by the legislature.

12 **Sec. 1826.** RCW 29.79.270 and 1965 c 9 s 29.79.270 are each
13 reenacted to read as follows:

14 REJECTED INITIATIVE TO LEGISLATURE TREATED AS REFERENDUM
15 BILL. Whenever any measure proposed by initiative petition for
16 submission to the legislature is rejected by the legislature or the
17 legislature takes no action thereon before the end of the regular
18 session at which it is submitted, the secretary of state shall certify
19 the serial number and ballot title thereof to the county auditors for
20 printing on the ballots at the next ensuing general election in like
21 manner as initiative measures for submission to the people are
22 certified.

23 **Sec. 1827.** RCW 29.79.280 and 1965 c 9 s 29.79.280 are each
24 reenacted to read as follows:

25 SUBSTITUTE FOR REJECTED INITIATIVE TREATED AS REFERENDUM BILL. If
26 the legislature, having rejected a measure submitted to it by
27 initiative petition, proposes a different measure dealing with the same
28 subject, the secretary of state shall give that measure the same number
29 as that borne by the initiative measure followed by the letter "B."
30 Such measure so designated as "Alternative Measure No. . . . B,"
31 together with the ballot title thereof, when ascertained, shall be
32 certified by the secretary of state to the county auditors for printing
33 on the ballots for submission to the voters for their approval or
34 rejection in like manner as initiative measures for submission to the
35 people are certified.

1 **Sec. 1901.** RCW 29.70.100 and 1984 c 13 s 4 are each reenacted to
2 read as follows:

3 COUNTIES, MUNICIPAL CORPORATIONS, AND SPECIAL PURPOSE DISTRICTS.

4 (1) It is the responsibility of each county, municipal corporation, and
5 special purpose district with a governing body comprised of internal
6 director, council, or commissioner districts not based on statutorily
7 required land ownership criteria to periodically redistrict its
8 governmental unit, based on population information from the most recent
9 federal decennial census.

10 (2) Within forty-five days after receipt of federal decennial
11 census information applicable to a specific local area, the commission
12 established in RCW 44.05.030 shall forward the census information to
13 each municipal corporation, county, and district charged with
14 redistricting under this section.

15 (3) No later than eight months after its receipt of federal
16 decennial census data, the governing body of the municipal corporation,
17 county, or district shall prepare a plan for redistricting its internal
18 or director districts.

19 (4) The plan shall be consistent with the following criteria:

20 (a) Each internal director, council, or commissioner district shall
21 be as nearly equal in population as possible to each and every other
22 such district comprising the municipal corporation, county, or special
23 purpose district.

24 (b) Each district shall be as compact as possible.

25 (c) Each district shall consist of geographically contiguous area.

26 (d) Population data may not be used for purposes of favoring or
27 disfavoring any racial group or political party.

28 (e) To the extent feasible and if not inconsistent with the basic
29 enabling legislation for the municipal corporation, county, or
30 district, the district boundaries shall coincide with existing
31 recognized natural boundaries and shall, to the extent possible,
32 preserve existing communities of related and mutual interest.

33 (5) During the adoption of its plan, the municipal corporation,
34 county, or district shall ensure that full and reasonable public notice
35 of its actions is provided. The municipal corporation, county, or
36 district shall hold at least one public hearing on the redistricting
37 plan at least one week before adoption of the plan.

1 (6)(a) Any registered voter residing in an area affected by the
2 redistricting plan may request review of the adopted local plan by the
3 superior court of the county in which he or she resides, within forty-
4 five days of the plan's adoption. Any request for review must specify
5 the reason or reasons alleged why the local plan is not consistent with
6 the applicable redistricting criteria. The municipal corporation,
7 county, or district may be joined as respondent. The superior court
8 shall thereupon review the challenged plan for compliance with the
9 applicable redistricting criteria set out in subsection (4) of this
10 section.

11 (b) If the superior court finds the plan to be consistent with the
12 requirements of this section, the plan shall take effect immediately.

13 (c) If the superior court determines the plan does not meet the
14 requirements of this section, in whole or in part, it shall remand the
15 plan for further or corrective action within a specified and reasonable
16 time period.

17 (d) If the superior court finds that any request for review is
18 frivolous or has been filed solely for purposes of harassment or delay,
19 it may impose appropriate sanctions on the party requesting review,
20 including payment of attorneys' fees and costs to the respondent
21 municipal corporation, county, or district.

22 **Sec. 1902.** RCW 29.15.026 and 1991 c 178 s 2 are each reenacted to
23 read as follows:

24 INFORMATION ON GEOGRAPHICAL BOUNDARIES. (1) The legislative
25 authority of each county and each city, town, and special purpose
26 district which lies entirely within the county shall provide the county
27 auditor accurate information describing its geographical boundaries and
28 the boundaries of its director, council, or commissioner districts and
29 shall ensure that the information provided to the auditor is kept
30 current.

31 (2) A city, town, or special purpose district that lies in more
32 than one county shall provide the secretary of state accurate
33 information describing its geographical boundaries and the boundaries
34 of its director, council, or commissioner districts and shall ensure
35 that the information provided to the secretary is kept current. The
36 secretary of state shall promptly transmit to each county in which a

1 city, town, or special purpose district is located information
2 regarding the boundaries of that jurisdiction which is provided to the
3 secretary.

4 **Sec. 1903.** RCW 29.10.060 and 1971 ex.s. c 202 s 27 are each
5 amended to read as follows:

6 CHANGE OF PRECINCT BOUNDARIES--TRANSFER OF REGISTRATION. If the
7 boundaries of any city, township, or rural precinct are changed in the
8 manner provided by law, the county auditor shall transfer the
9 registration cards of every registered voter whose place of residence
10 is affected thereby to the files of the proper precinct, noting thereon
11 the name or number of the new precinct, or change the addresses, the
12 precinct names or numbers, and the special district designations for
13 those registered voters on the voter registration lists of the county.
14 It shall not be necessary for any registered voter whose residence has
15 been changed from one precinct to another, by a change of boundary, to
16 apply to the registration officer for a transfer of registration. The
17 county auditor shall mail to each registrant in the new precinct a
18 notice that his or her precinct has been changed from to
19, and that thereafter ((he)) the registrant will be entitled
20 to vote in the new precinct, giving the name or number.

21 **Sec. 1904.** RCW 29.04.140 and 1989 c 278 s 2 are each amended to
22 read as follows:

23 MAPS AND CENSUS CORRESPONDENCE LISTS--APPORTIONMENT--DUTIES OF
24 SECRETARY OF STATE. (1) With regard to functions relating to census,
25 apportionment, and the establishment of legislative and congressional
26 districts, the secretary of state shall:

27 (a) (~~Adopt rules pursuant to chapter 34.05 RCW governing the~~
28 ~~preparation, maintenance, distribution, review, and filing of precinct~~
29 ~~maps under RCW 29.04.050;~~

30 ~~(b))~~ Coordinate and monitor precinct mapping functions of the
31 county auditors and county engineers;

32 ~~((e))~~ (b) Maintain official state base maps and correspondence
33 lists and maintain an index of all such maps and lists;

34 ~~((d))~~ (c) Furnish to the United States bureau of the census as
35 needed for the decennial census of population, current, accurate, and

1 easily readable versions of maps of all counties, cities, towns, and
2 other areas of this state, which indicate current precinct boundaries
3 together with copies of the census correspondence lists.

4 (2) The secretary of state shall serve as the state liaison with
5 the United States bureau of census on matters relating to the
6 preparation of maps and the tabulation of population for apportionment
7 purposes.

8 **PART 20**
9 **POLITICAL PARTIES**

10 **Sec. 2001.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each
11 amended to read as follows:

12 AUTHORITY--GENERALLY. (1) Each political party organization
13 (~~shall have the power to~~) may:

14 (~~(1)~~) (a) Make its own rules and regulations;

15 (~~(2) Call conventions;~~

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

17 ~~(4) Fill vacancies on the ticket;~~

18 ~~(5) Provide for the nomination of presidential electors;~~) and

19 (~~(6)~~) (b) Perform all functions inherent in such an
20 organization(~~(+)~~).

21 (~~PROVIDED, That~~) (2) Only major political parties (~~shall have~~
22 ~~the power to~~) may designate candidates to appear on the state primary
23 (~~(election)~~) ballot as provided in RCW 29.18.150 (~~as now or hereafter~~
24 ~~amended~~).

25 **Sec. 2002.** RCW 29.42.020 and 1987 c 295 s 11 are each amended to
26 read as follows:

27 STATE COMMITTEE. The state committee of each major political party
28 (~~shall~~) consists of one committeeman and one committeewoman from each
29 county elected by the county central committee at its organization
30 meeting. It (~~shall~~) must have a chair and vice-chair (~~who must be~~)
31 of opposite sexes. This committee shall meet during January of each
32 odd-numbered year for the purpose of organization at a time and place
33 designated by a (~~sufficient notice to all the newly elected state~~
34 ~~committeemen and committeewomen by the authorized officers of the~~
35 ~~retiring committee. For the purpose of this section a~~) notice mailed

1 at least one week (~~(prior to)~~) before the date of the meeting (~~(shall~~
2 ~~constitute sufficient notice)~~) to all the newly elected state
3 committeemen and committeewomen by the authorized officers of the
4 retiring committee. At its organizational meeting it shall elect its
5 chair and vice-chair, and such officers as its bylaws may provide, and
6 adopt bylaws, rules, and regulations. It (~~(shall have power to)~~) may:
7 (1) Call conventions at such time and place and under such
8 circumstances and for such purposes as the call to convention (~~(shall)~~)
9 designates. The manner, number, and procedure for selection of state
10 convention delegates (~~(shall be)~~) is subject to the committee's rules
11 and regulations duly adopted;
12 (2) Provide for the election of delegates to national conventions;
13 (3) Fill vacancies on the ticket for any federal or state office to
14 be voted on by the electors of more than one county;
15 (4) Provide for the nomination of presidential electors; and
16 (5) Perform all functions inherent in such an organization.
17 Notwithstanding any provision of this chapter, the committee
18 (~~(shall not set rules which shall govern)~~) may not adopt rules
19 governing the conduct of the actual proceedings at a party state
20 convention.

21 **Sec. 2003.** RCW 29.42.030 and 1987 c 295 s 12 are each amended to
22 read as follows:

23 COUNTY CENTRAL COMMITTEE--ORGANIZATION MEETINGS. The county
24 central committee of each major political party (~~(shall)~~) consists of
25 the precinct committee officers of the party from the several voting
26 precincts of the county. Following each state general election held in
27 even-numbered years, this committee shall meet for the purpose of
28 organization at an easily accessible location within the county,
29 subsequent to the certification of precinct committee officers by the
30 county auditor and no later than the second Saturday of the following
31 January. The authorized officers of the retiring committee shall cause
32 notice of the time and place of (~~(such)~~) the meeting to be mailed to
33 each precinct committee officer at least seventy-two hours (~~(prior to)~~)
34 before the date of the meeting.

35 At its organization meeting, the county central committee shall
36 elect a chair and vice-chair (~~(who must be)~~) of opposite sexes(~~(; it~~
37 ~~shall also elect a state committeeman and a state committeewoman)~~).

1 **Sec. 2004.** RCW 29.42.040 and 1990 c 59 s 104 are each reenacted to
2 read as follows:

3 PRECINCT COMMITTEE OFFICER, ELIGIBILITY. Any member of a major
4 political party who is a registered voter in the precinct may upon
5 payment of a fee of one dollar file his or her declaration of candidacy
6 as prescribed under RCW 29.15.010 with the county auditor for the
7 office of precinct committee officer of his or her party in that
8 precinct. When elected the precinct committee officer shall serve so
9 long as the committee officer remains an eligible voter in that
10 precinct and until a successor has been elected at the next ensuing
11 state general election in the even-numbered year.

12 **Sec. 2005.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
13 read as follows:

14 PRECINCT COMMITTEE OFFICER--ELECTION--DECLARATION OF CANDIDACY,
15 FEE--TERM--VACANCY. The statutory requirements for filing as a
16 candidate at the primaries (~~shall~~) apply to candidates for precinct
17 committee officer, except that the filing period for this office alone
18 (~~shall be~~) is extended to and includes the Friday immediately
19 following the last day for political parties to fill vacancies in the
20 ticket as provided by RCW 29.18.150(~~, and~~). The office shall not be
21 voted upon at the primaries, but the names of all candidates must
22 appear under the proper party and office designations on the ballot for
23 the general (~~November~~) election for each even-numbered year, and the
24 one receiving the highest number of votes (~~shall~~) will be declared
25 elected(~~(: PROVIDED, That)~~). However, to be declared elected, a
26 candidate must receive at least ten percent of the number of votes cast
27 for the candidate of the candidate's party receiving the greatest
28 number of votes in the precinct. (~~Any person elected to the office of~~
29 ~~precinct committee officer who has not filed a declaration of candidacy~~
30 ~~shall pay the fee of one dollar to the county auditor for a certificate~~
31 ~~of election.)) The term of office of precinct committee officer~~
32 (~~shall be for~~) is two years, commencing upon completion of the
33 official canvass of votes by the county canvassing board of election
34 returns. (~~Should any vacancy occur in this office by reason of death,~~
35 ~~resignation, or disqualification of the incumbent, or because of~~
36 ~~failure to elect, the respective county chair of the county central~~
37 ~~committee shall be empowered to fill such vacancy by appointment:~~

1 ~~PROVIDED, HOWEVER, That in legislative districts having a majority of~~
2 ~~its precincts in a county with a population of one million or more,~~
3 ~~such appointment shall be made only upon the recommendation of the~~
4 ~~legislative district chair: PROVIDED, That the person so appointed~~
5 ~~shall have the same qualifications as candidates when filing for~~
6 ~~election to such office for such precinct: PROVIDED FURTHER, That when~~
7 ~~a vacancy in the office of precinct committee officer exists because of~~
8 ~~failure to elect at a state general election, such vacancy shall not be~~
9 ~~filled until after the organization meeting of the county central~~
10 ~~committee and the new county chair selected as provided by RCW~~
11 ~~29.42.030.))~~

12 **Sec. 2006.** RCW 29.42.070 and 1991 c 363 s 35 are each amended to
13 read as follows:

14 LEGISLATIVE DISTRICT CHAIR--ELECTION--TERM--REMOVAL. Within forty-
15 five days after the statewide general election in even-numbered years,
16 (~~or within thirty days following July 30, 1967, for the biennium~~
17 ~~ending with the 1968 general elections,~~) the county chair of each
18 major political party shall call separate meetings of all elected
19 precinct committee officers in each legislative district, a majority of
20 the precincts of which are within a county with a population of one
21 million or more for the purpose of electing a legislative district
22 chair in such district. The district chair shall hold office until the
23 next legislative district reorganizational meeting two years later, or
24 until a successor is elected.

25 The legislative district chair (~~can only~~) may be removed only by
26 the majority vote of the elected precinct committee officers in the
27 chair's district.

28 **PART 21**
29 **CRIMES AND PENALTIES**

30 **Subpart 21.1**
31 **General Provisions**

32 **Sec. 2101.** RCW 29.85.245 and 2001 c 41 s 12 are each amended to
33 read as follows:

34 ACTION AGAINST VOTING, REGISTRATION IRREGULARITIES. (1) A county

1 auditor who suspects a person of fraudulent voter registration, vote
2 tampering, or irregularities in voting shall transmit his or her
3 suspicions and observations without delay to the canvassing board.

4 (2) The county auditor shall make a good faith effort to contact
5 the person in question without delay. If the county auditor is unable
6 to contact the person, or if, after contacting the person, the auditor
7 still suspects fraudulent voter registration, vote tampering, or
8 irregularities in voting, the auditor shall refer the issue to the
9 county prosecuting attorney to determine if further action is
10 warranted.

11 (3) When a complaint providing information concerning fraudulent
12 voter registration, vote tampering, or irregularities in voting (~~are~~
13 ~~is~~) is presented to the office of the prosecuting attorney, that
14 office shall file charges in all cases where warranted.

15 **Sec. 2102.** RCW 29.82.210 and 1965 c 9 s 29.82.210 are each amended
16 to read as follows:

17 VIOLATIONS BY OFFICERS. Every officer who willfully violates (~~any~~
18 ~~of the provisions of this chapter~~) sections 1407 through 1423 of this
19 act, for the violation of which no penalty is (~~herein~~) prescribed in
20 this title or who willfully fails to comply with the provisions of this
21 chapter (~~shall be~~) is guilty of a gross misdemeanor.

22 **Sec. 2103.** RCW 29.38.070 and 2001 c 241 s 21 are each amended to
23 read as follows:

24 PENALTY. A person who willfully violates any provision of this
25 (~~chapter~~) title regarding the conduct of mail ballot primaries or
26 elections is guilty of a class C felony punishable under RCW 9A.20.021.

27 **Sec. 2104.** RCW 29.85.275 and 1991 c 81 s 19 are each reenacted to
28 read as follows:

29 POLITICAL ADVERTISING, REMOVING OR DEFACING. A person who removes
30 or defaces lawfully placed political advertising including yard signs
31 or billboards without authorization is guilty of a misdemeanor
32 punishable to the same extent as a misdemeanor that is punishable under
33 RCW 9A.20.021. The defacement or removal of each item constitutes a
34 separate violation.

1 (4) Knowingly causes himself or herself to be registered under two
2 or more different names;

3 (5) Knowingly causes himself or herself to be registered in two or
4 more counties;

5 (6) Offers to pay another person to assist in registering voters,
6 where payment is based on a fixed amount of money per voter
7 registration;

8 (7) Accepts payment for assisting in registering voters, where
9 payment is based on a fixed amount of money per voter registration; or

10 (8) Knowingly causes any person to be registered or causes any
11 registration to be transferred or canceled except as authorized under
12 this title,
13 is guilty of a class C felony punishable under RCW 9A.20.021.

14 **Sec. 2108.** RCW 29.85.249 and 2001 c 41 s 13 are each reenacted to
15 read as follows:

16 UNQUALIFIED REGISTRATION. A person who knows that he or she does
17 not possess the legal qualifications of a voter and who registers to
18 vote is guilty of a misdemeanor punishable under RCW 9A.20.021.

19 **Subpart 21.3**
20 **Petitions and Signatures**

21 **Sec. 2109.** RCW 29.79.480 and 1993 c 256 s 3 are each amended to
22 read as follows:

23 VIOLATIONS BY OFFICERS. Every officer who willfully violates any
24 of the provisions of (~~this chapter or~~) chapter 29A.--- (Part 18 of
25 this act) or 29.81 RCW, for the violation of which no penalty is herein
26 prescribed, or who willfully fails to comply with the provisions of
27 (~~this chapter or~~) chapter 29A.--- (Part 18 of this act) or 29.81 RCW,
28 (~~shall be~~) is guilty of a gross misdemeanor punishable to the same
29 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

30 **Sec. 2110.** RCW 29.82.220 and 1984 c 170 s 12 are each amended to
31 read as follows:

32 VIOLATIONS--CORRUPT PRACTICES. Every person is guilty of a gross
33 misdemeanor, who:

1 (1) For any consideration, compensation, gratuity, reward, or thing
2 of value or promise thereof, signs or declines to sign any recall
3 petition; or

4 (2) Advertises in any newspaper, magazine or other periodical
5 publication, or in any book, pamphlet, circular, or letter, or by means
6 of any sign, signboard, bill, poster, handbill, or card, or in any
7 manner whatsoever, that he or she will either for or without
8 compensation or consideration circulate, solicit, procure, or obtain
9 signatures upon, or influence or induce or attempt to influence or
10 induce persons to sign or not to sign any recall petition or vote for
11 or against any recall; or

12 (3) For pay or any consideration, compensation, gratuity, reward,
13 or thing of value or promise thereof, circulates, or solicits,
14 procures, or obtains or attempts to procure or obtain signatures upon
15 any recall petition; or

16 (4) Pays or offers or promises to pay, or gives or offers or
17 promises to give any consideration, compensation, gratuity, reward, or
18 thing of value to any person to induce him or her to sign or not to
19 sign, or to circulate or solicit, procure, or attempt to procure or
20 obtain signatures upon any recall petition, or to vote for or against
21 any recall; or

22 (5) By any other corrupt means or practice or by threats or
23 intimidation interferes with or attempts to interfere with the right of
24 any legal voter to sign or not to sign any recall petition or to vote
25 for or against any recall; or

26 (6) Receives, accepts, handles, distributes, pays out, or gives
27 away, directly or indirectly, any money, consideration, compensation,
28 gratuity, reward, or thing of value contributed by or received from any
29 person, firm, association, or corporation whose residence or principal
30 office is, or the majority of whose stockholders are nonresidents of
31 the state of Washington, for any service, work, or assistance of any
32 kind done or rendered for the purpose of aiding in procuring signatures
33 upon any recall petition or the adoption or rejection of any recall.

34 **Sec. 2111.** RCW 29.79.440 and 1993 c 256 s 2 are each amended to
35 read as follows:

36 VIOLATIONS BY SIGNERS. Every person who signs an initiative or
37 referendum petition with any other than his or her true name (~~shall~~

1 ~~be~~) is guilty of a class C felony punishable under RCW 9A.20.021.
2 Every person who knowingly signs more than one petition for the same
3 initiative or referendum measure or who signs an initiative or
4 referendum petition knowing that he or she is not a legal voter or who
5 makes a false statement as to his or her residence on any initiative or
6 referendum petition, (~~shall be~~) is guilty of a gross misdemeanor
7 punishable to the same extent as a gross misdemeanor that is punishable
8 under RCW 9A.20.021.

9 **Sec. 2112.** RCW 29.82.170 and 1984 c 170 s 11 are each amended to
10 read as follows:

11 VIOLATIONS BY SIGNERS--OFFICERS. Every person who signs a recall
12 petition with any other than his or her true name is guilty of a
13 felony. Every person who knowingly (1) signs more than one petition
14 for the same recall, (2) signs a recall petition when he or she is not
15 a legal voter, or (3) makes a false statement as to (~~his~~) residence
16 on any recall petition is guilty of a gross misdemeanor. Every
17 registration officer who makes any false report or certificate on any
18 recall petition is guilty of a gross misdemeanor.

19 **Sec. 2113.** RCW 29.79.490 and 1993 c 256 s 4 are each amended to
20 read as follows:

21 VIOLATIONS--CORRUPT PRACTICES. Every person (~~shall be~~) is guilty
22 of a gross misdemeanor who:

23 (1) For any consideration or gratuity or promise thereof, signs or
24 declines to sign any initiative or referendum petition; or

25 (2) Provides or receives consideration for soliciting or procuring
26 signatures on an initiative or referendum petition if any part of the
27 consideration is based upon the number of signatures solicited or
28 procured, or offers to provide or agrees to receive such consideration
29 any of which is based on the number of signatures solicited or
30 procured; or

31 (3) Gives or offers any consideration or gratuity to any person to
32 induce him or her to sign or not to sign or to vote for or against any
33 initiative or referendum measure; or

34 (4) Interferes with or attempts to interfere with the right of any
35 voter to sign or not to sign an initiative or referendum petition or

1 with the right to vote for or against an initiative or referendum
2 measure by threats, intimidation, or any other corrupt means or
3 practice; or

4 (5) Receives, handles, distributes, pays out, or gives away,
5 directly or indirectly, money or any other thing of value contributed
6 by or received from any person, firm, association, or corporation whose
7 residence or principal office is, or the majority of whose members or
8 stockholders have their residence outside, the state of Washington, for
9 any service rendered for the purpose of aiding in procuring signatures
10 upon any initiative or referendum petition or for the purpose of aiding
11 in the adoption or rejection of any initiative or referendum measure(~~(+~~
12 ~~PROVIDED, That~~)). This subsection ((shall)) does not apply to or
13 prohibit any activity ((which)) that is properly reported in accordance
14 with the applicable provisions of chapter 42.17 RCW.

15 A gross misdemeanor under this section is punishable to the same
16 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

17 **Sec. 2114.** RCW 29.15.080 and 1984 c 142 s 8 are each reenacted to
18 read as follows:

19 PETITIONS--PENALTIES FOR IMPROPERLY SIGNING. The following apply
20 to persons signing nominating petitions prescribed by RCW 29.15.060:

21 (1) A person who signs a petition with any other than his or her
22 name shall be guilty of a misdemeanor.

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

27 **Sec. 2115.** RCW 29.15.110 and 1965 c 9 s 29.18.080 are each amended
28 to read as follows:

29 DUPLICATION OF NAMES--CONSPIRACY--CRIMINAL AND CIVIL LIABILITY.

30 Any person who with intent to mislead or confuse the electors conspires
31 with another person who has a surname similar to an incumbent seeking
32 reelection to the same office, or to an opponent for the same office
33 whose political reputation has been well established, by persuading
34 such other person to file for such office with no intention of being
35 elected, but to defeat the incumbent or the well known opponent,
36 (~~(shall be)) is~~ is guilty of a felony. In addition (~~(thereto such person~~

1 ~~or persons shall be~~), all conspirators are subject to a suit for civil
2 damages, the amount of which (~~shall~~) may not exceed the salary
3 (~~which~~) that the injured person would have received had he or she
4 been elected or reelected.

5 **Sec. 2116.** RCW 29.79.500 and 1993 c 256 s 1 are each reenacted to
6 read as follows:

7 PAID PETITION SOLICITORS--FINDING. The legislature finds that
8 paying a worker, whose task it is to secure the signatures of voters on
9 initiative or referendum petitions, on the basis of the number of
10 signatures the worker secures on the petitions encourages the
11 introduction of fraud in the signature gathering process. Such a form
12 of payment may act as an incentive for the worker to encourage a person
13 to sign a petition which the person is not qualified to sign or to sign
14 a petition for a ballot measure even if the person has already signed
15 a petition for the measure. Such payments also threaten the integrity
16 of the initiative and referendum process by providing an incentive for
17 misrepresenting the nature or effect of a ballot measure in securing
18 petition signatures for the measure.

19 **Subpart 21.4**
20 **Filing for Office, Declarations, and Nominations**

21 NEW SECTION. **Sec. 2117.** FILING FOR OFFICE, DECLARATIONS, AND
22 NOMINATIONS. Every person who:

23 (1) Knowingly provides false information on his or her declaration
24 of candidacy or petition of nomination; or

25 (2) Conceals or fraudulently defaces or destroys a certificate that
26 has been filed with an elections officer under chapter 29.24 RCW or a
27 declaration of candidacy or petition of nomination that has been filed
28 with an elections officer, or any part of such a certificate,
29 declaration, or petition,
30 is guilty of a class C felony punishable under RCW 9A.20.021.

31 **Sec. 2118.** RCW 29.15.100 and 1965 c 9 s 29.18.070 are each amended
32 to read as follows:

33 DUPLICATION OF, USE OF NONEXISTENT OR UNTRUE NAMES, AS FELONY. A

1 person is guilty of a felony who files a declaration of candidacy for
2 any public office of:

- 3 (1) A nonexistent or fictitious person; or
- 4 (2) The name of any person not his or her true name; or
- 5 (3) A name similar to that of an incumbent seeking reelection to
6 the same office with intent to confuse and mislead the electors by
7 taking advantage of the public reputation of the incumbent; or
- 8 (4) A surname similar to one who has already filed for the same
9 office, and whose political reputation is widely known, with intent to
10 confuse and mislead the electors by capitalizing on the public
11 reputation of the candidate who had previously filed.

12 **Subpart 21.5**
13 **Ballots**

14 **Sec. 2119.** RCW 29.85.040 and 1991 c 81 s 3 are each reenacted to
15 read as follows:

16 **BALLOTS--UNLAWFUL APPROPRIATION, PRINTING, OR DISTRIBUTION.** Any
17 person who is retained or employed by any officer authorized by the
18 laws of this state to procure the printing of any official ballot or
19 who is engaged in printing official ballots is guilty of a gross
20 misdemeanor if the person knowingly:

- 21 (1) Appropriates any official ballot to himself or herself; or
- 22 (2) Gives or delivers any official ballot to or permits any
23 official ballot to be taken by any person other than the officer
24 authorized by law to receive it; or
- 25 (3) Prints or causes to be printed any official ballot: (a) In any
26 other form than that prescribed by law or as directed by the officer
27 authorized to procure the printing thereof; or (b) with any other names
28 thereon or with the names spelled otherwise than as directed by such
29 officer, or the names or printing thereon arranged in any other way
30 than that authorized and directed by law.

31 A gross misdemeanor under this section is punishable to the same
32 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

33 **Sec. 2120.** RCW 29.85.020 and 1991 c 81 s 2 are each reenacted to
34 read as follows:

35 **UNAUTHORIZED EXAMINATION OF BALLOTS, ELECTION MATERIALS--REVEALING**

1 INFORMATION. (1) It is a gross misdemeanor for a person to examine, or
2 assist another to examine, any voter record, ballot, or any other state
3 or local government official election material if the person, without
4 lawful authority, conducts the examination:

5 (a) For the purpose of identifying the name of a voter and how the
6 voter voted; or

7 (b) For the purpose of determining how a voter, whose name is known
8 to the person, voted; or

9 (c) For the purpose of identifying the name of the voter who voted
10 in a manner known to the person.

11 (2) Any person who reveals to another information which the person
12 ascertained in violation of subsection (1) of this section is guilty of
13 a gross misdemeanor.

14 (3) A gross misdemeanor under this section is punishable to the
15 same extent as a gross misdemeanor that is punishable under RCW
16 9A.20.021.

17 **Subpart 21.6**
18 **Polling Place**

19 **Sec. 2121.** RCW 29.51.020 and 1991 c 81 s 20 are each reenacted to
20 read as follows:

21 ACTS PROHIBITED IN VICINITY OF POLLING PLACE--PROHIBITED PRACTICES
22 AS TO BALLOTS. (1) On the day of any primary or general or special
23 election, no person may, within a polling place, or in any public area
24 within three hundred feet of any entrance to such polling place:

25 (a) Suggest or persuade or attempt to suggest or persuade any voter
26 to vote for or against any candidate or ballot measure;

27 (b) Circulate cards or handbills of any kind;

28 (c) Solicit signatures to any kind of petition; or

29 (d) Engage in any practice which interferes with the freedom of
30 voters to exercise their franchise or disrupts the administration of
31 the polling place.

32 (2) No person may obstruct the doors or entries to a building in
33 which a polling place is located or prevent free access to and from any
34 polling place. Any sheriff, deputy sheriff, or municipal law
35 enforcement officer shall prevent such obstruction, and may arrest any
36 person creating such obstruction.

1 (3) No person may:

2 (a) Except as provided in RCW 29.54.037, remove any ballot from the
3 polling place before the closing of the polls; or

4 (b) Solicit any voter to show his or her ballot.

5 (4) No person other than an inspector or judge of election may
6 receive from any voter a voted ballot or deliver a blank ballot to such
7 elector.

8 (5) Any violation of this section is a gross misdemeanor,
9 punishable to the same extent as a gross misdemeanor that is punishable
10 under RCW 9A.20.021, and the person convicted may be ordered to pay the
11 costs of prosecution.

12 **Sec. 2122.** RCW 29.51.030 and 1965 c 9 s 29.51.030 are each amended
13 to read as follows:

14 ELECTIONEERING BY ELECTION OFFICERS. Any election officer who does
15 any electioneering on primary or election day, (~~shall be~~) is guilty
16 of a misdemeanor, and upon conviction (~~shall~~) must be fined in any
17 sum not exceeding one hundred dollars and pay the costs of prosecution.

18 **Sec. 2123.** RCW 29.51.221 and 1990 c 59 s 49 are each reenacted to
19 read as follows:

20 REFUSING TO LEAVE VOTING BOOTH. Deliberately impeding other voters
21 from casting their votes by refusing to leave a voting booth or voting
22 device is a misdemeanor and is subject to the penalties provided in
23 chapter 9A.20 RCW. The precinct election officers may provide
24 assistance in the manner provided by RCW 29.51.200 to any voter who
25 requests it.

26 **Sec. 2124.** RCW 29.85.010 and 1991 c 81 s 1 are each reenacted to
27 read as follows:

28 BALLOTS--REMOVING FROM POLLING PLACE. Any person who, without
29 lawful authority, removes a ballot from a polling place is guilty of a
30 gross misdemeanor punishable to the same extent as a gross misdemeanor
31 that is punishable under RCW 9A.20.021.

32 **Sec. 2125.** RCW 29.85.110 and 1991 c 81 s 9 are each amended to
33 read as follows:

34 TAMPERING WITH POLLING PLACE MATERIALS. Any person who willfully

1 defaces, removes, or destroys any of the supplies or materials
2 ((which)) that the person knows are intended both for use in a polling
3 place and for enabling a voter to prepare his or her ballot is guilty
4 of a class C felony punishable under RCW 9A.20.021.

5 **Sec. 2126.** RCW 29.85.260 and 1991 c 81 s 18 are each amended to
6 read as follows:

7 VOTING MACHINES, DEVICES--TAMPERING WITH--EXTRA KEYS. Any person
8 who tampers with or damages or attempts to damage any voting machine or
9 device to be used or being used in a primary or special or general
10 election, or who prevents or attempts to prevent the correct operation
11 of such machine or device, or any unauthorized person who makes or has
12 in his or her possession a key to a voting machine or device to be used
13 or being used in a primary or special or general election, ((shall be))
14 is guilty of a class C felony punishable under RCW 9A.20.021.

15 **Subpart 21.7**
16 **Voting**

17 **Sec. 2127.** RCW 29.85.051 and 1991 c 81 s 4 are each reenacted to
18 read as follows:

19 DECEPTIVE, INCORRECT VOTE RECORDING. A person is guilty of a gross
20 misdemeanor who knowingly:

21 (1) Deceives any voter in recording his or her vote by providing
22 incorrect or misleading recording information or by providing faulty
23 election equipment or records; or

24 (2) Records the vote of any voter in a manner other than as
25 designated by the voter.

26 Such a gross misdemeanor is punishable to the same extent as a
27 gross misdemeanor that is punishable under RCW 9A.20.021.

28 **Sec. 2128.** RCW 29.85.060 and 1991 c 81 s 5 are each reenacted to
29 read as follows:

30 HINDERING OR BRIBING VOTER. Any person who uses menace, force,
31 threat, or any unlawful means towards any voter to hinder or deter such
32 a voter from voting, or directly or indirectly offers any bribe,
33 reward, or any thing of value to a voter in exchange for the voter's

1 vote for or against any person or ballot measure, or authorizes any
2 person to do so, is guilty of a class C felony punishable under RCW
3 9A.20.021.

4 **Sec. 2129.** RCW 29.85.070 and 1991 c 81 s 6 are each reenacted to
5 read as follows:

6 INFLUENCING VOTER TO WITHHOLD VOTE. Any person who in any way,
7 directly or indirectly, by menace or unlawful means, attempts to
8 influence any person in refusing to give his or her vote in any primary
9 or special or general election is guilty of a gross misdemeanor
10 punishable to the same extent as a gross misdemeanor that is punishable
11 under RCW 9A.20.021.

12 **Sec. 2130.** RCW 29.85.090 and 1991 c 81 s 7 are each reenacted to
13 read as follows:

14 SOLICITATION OF BRIBE BY VOTER. Any person who solicits, requests,
15 or demands, directly or indirectly, any reward or thing of value or the
16 promise thereof in exchange for his or her vote or in exchange for the
17 vote of any other person for or against any candidate or for or against
18 any ballot measure to be voted upon at a primary or special or general
19 election is guilty of a gross misdemeanor punishable to the same extent
20 as a gross misdemeanor that is punishable under RCW 9A.20.021.

21 **Sec. 2131.** RCW 29.85.210 and 1991 c 81 s 13 are each reenacted to
22 read as follows:

23 REPEATERS. Any person who votes or attempts to vote more than once
24 at any primary or general or special election is guilty of a gross
25 misdemeanor, punishable to the same extent as a gross misdemeanor that
26 is punishable under RCW 9A.20.021.

27 **Sec. 2132.** RCW 29.85.220 and 1991 c 81 s 14 are each reenacted to
28 read as follows:

29 REPEATERS--UNQUALIFIED PERSONS--OFFICERS CONNIVING WITH. Any
30 precinct election officer who knowingly permits any voter to cast a
31 second vote at any primary or general or special election, or knowingly
32 permits any person not a qualified voter to vote at any primary or
33 general or special election, is guilty of a class C felony punishable
34 under RCW 9A.20.021.

1 **Sec. 2133.** RCW 29.85.240 and 1991 c 81 s 17 are each amended to
2 read as follows:

3 UNQUALIFIED PERSONS VOTING. Any person who knows that he or she
4 does not possess the legal qualifications of a voter and who votes at
5 any primary or special or general election authorized by law to be held
6 in this state for any office whatever (~~(shall be)~~) is guilty of a class
7 C felony punishable under RCW 9A.20.021.

8 **Sec. 2134.** RCW 29.51.230 and 1965 c 9 s 29.51.230 are each amended
9 to read as follows:

10 UNLAWFUL ACTS BY VOTERS. It (~~(shall be)~~) is unlawful for a voter
11 to:

12 (1) (~~Show his ballot after it is marked to any person in such a~~
13 ~~way as to reveal the contents thereof or the name of any candidate for~~
14 ~~whom he has marked his vote;~~

15 (2)) Receive a ballot from any person other than the election
16 officer having charge of the ballots;

17 (3)) (2) Vote or offer to vote any ballot except one (~~that he~~
18 ~~has~~) received from the election officer having charge of the ballots;

19 (4) Place any mark upon his ballot by which it may afterward be
20 identified as the one voted by him;

21 (5)) (3) Fail to return to the election officers any ballot (~~he~~)
22 received from an election officer.

23 A violation of any provision of this section (~~(shall be)~~) is a
24 misdemeanor, punishable by a fine not exceeding one hundred dollars,
25 plus costs of prosecution.

26 **Sec. 2135.** RCW 29.51.215 and 1981 c 34 s 2 are each amended to
27 read as follows:

28 DISABLED VOTERS. Any person violating any provision of RCW
29 29.51.200(~~, as now or hereafter amended, shall~~) will be punished as
30 for a misdemeanor.

31 **Sec. 2136.** RCW 29.36.370 and 2001 c 241 s 14 are each amended to
32 read as follows:

33 ABSENTEE BALLOT PENALTY--GENERAL PENALTY. A person who willfully
34 violates any provision of (~~this~~) chapter 29A.-- RCW (Part 10 of this
35 act) regarding the assertion or declaration of qualifications to

1 receive or cast an absentee ballot or unlawfully casts a vote by
2 absentee ballot is guilty of a class C felony punishable under RCW
3 9A.20.021. Except as provided in this chapter (~~(29.85-RCW)~~), a person
4 who willfully violates any other provision of (~~this~~) chapter 29A.--
5 RCW (Part 10 of this act) is guilty of a misdemeanor.

6 **Subpart 21.8**

7 **Canvassing and Certifying**

8 **Sec. 2137.** RCW 29.85.100 and 1991 c 81 s 8 are each amended to
9 read as follows:

10 CERTIFICATES OF NOMINATION AND ELECTION--DECLARATIONS OF
11 CANDIDACY--PETITIONS OF NOMINATION--FRAUDS AND FALSEHOODS. Every
12 person who:

13 (1) Knowingly and falsely issues a certificate of nomination or
14 election; or

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

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

19 ~~(4) Conceals or fraudulently defaces or destroys a certificate~~
20 ~~which has been filed with an elections officer under chapter 29.24 RCW~~
21 ~~or a declaration of candidacy or petition of nomination which has been~~
22 ~~filed with an elections officer, or any part of such a certificate,~~
23 ~~declaration, or petition)),~~

24 is guilty of a class C felony punishable under RCW 9A.20.021.

25 **Sec. 2138.** RCW 29.85.170 and 1991 c 81 s 10 are each reenacted to
26 read as follows:

27 OFFICERS--VIOLATIONS GENERALLY. Every person charged with the
28 performance of any duty under the provisions of any law of this state
29 relating to elections, including primaries, or the provisions of any
30 charter or ordinance of any city or town of this state relating to
31 elections who willfully neglects or refuses to perform such duty, or
32 who, in the performance of such duty, or in his or her official
33 capacity, knowingly or fraudulently violates any of the provisions of
34 law relating to such duty, is guilty of a class C felony punishable
35 under RCW 9A.20.021 and shall forfeit his or her office.

1 SPECIAL ELECTION FOR DISAPPROVAL. (1) Within seven days after any
2 recommendation by the president of the United States of a site in the
3 state of Washington to be a high-level nuclear waste repository under
4 42 U.S.C. Sec. 10136, the governor shall set the date for a special
5 statewide election to vote on disapproval of the selection of such
6 site. The special election shall be no more than fifty days after the
7 date of the recommendation of the president of the United States.

8 (2) If either the governor or the legislature submits a notice of
9 disapproval to the United States Congress within twenty-one days of the
10 date of the recommendation by the president of the United States, then
11 the governor is authorized to cancel the special election pursuant to
12 subsection (1) of this section.

13 **Sec. 2203.** RCW 29.91.030 and 1986 ex.s. c 1 s 5 are each reenacted
14 to read as follows:

15 COSTS OF ELECTION. The state of Washington shall assume the costs
16 of any special election called under RCW 29.91.020 in the same manner
17 as provided in RCW 29.13.047 and 29.13.048.

18 **Sec. 2204.** RCW 29.91.040 and 1986 ex.s. c 1 s 6 are each reenacted
19 to read as follows:

20 SPECIAL ELECTION--NOTIFICATION OF AUDITORS--APPLICATION OF ELECTION
21 LAWS. The secretary of state shall promptly notify the county auditors
22 of the date of the special election and certify to them the text of the
23 ballot title for this special election. The general election laws
24 shall apply to the election required by RCW 29.91.020 to the extent
25 that they are not inconsistent with this chapter. Statutory deadlines
26 relating to certification, canvassing, and the voters' pamphlet may be
27 modified for the election held pursuant to RCW 29.91.020 by the
28 secretary of state through emergency rules adopted under RCW 29.04.080.

29 **Sec. 2205.** RCW 29.91.050 and 1986 ex.s. c 1 s 7 are each reenacted
30 to read as follows:

31 BALLOT TITLE. The ballot title for the special election called
32 under RCW 29.91.020 shall be "Shall the Governor be required to notify
33 Congress of Washington's disapproval of the President's recommendation
34 of [name of site] as a national high-level nuclear waste repository?"

1 qualified and the term of the councilmember to be elected at large
2 shall be two years and until their successors are elected and
3 qualified. The terms of the councilmembers shall be so staggered that
4 three ward councilmembers and the councilmember at large shall be
5 elected at each regular election. The term of the mayor, attorney,
6 treasurer, and comptroller shall be four years and until their
7 successors are elected and qualified and assume office in accordance
8 with RCW 29.04.170.

9 **Sec. 2303.** RCW 43.07.310 and 1992 c 163 s 2 are each amended to
10 read as follows:

11 DIVISION OF ELECTIONS--DUTIES. The secretary of state, through the
12 division of elections, is responsible for the following duties, as
13 prescribed by Title 29 RCW:

14 (1) The filing, verification of signatures, and certification of
15 state initiative, referendum, and recall petitions;

16 (2) The production and distribution of a state voters' (~~and~~
17 ~~candidates~~) pamphlet;

18 (3) The examination, testing, and certification of voting
19 equipment, voting devices, and vote-tallying systems;

20 (4) The administration, canvassing, and certification of the
21 presidential primary, state primaries, and state general elections;

22 (5) The administration of motor voter and other voter registration
23 and voter outreach programs;

24 (6) The training, testing, and certification of state and local
25 elections personnel as established in RCW 29.60.030;

26 (7) The training of state and local party observers required by RCW
27 29.60.040;

28 (8) The conduct of postelection reviews as established in RCW
29 29.60.070; and

30 (9) Other duties that may be prescribed by the legislature.

31 **PART 24**
32 **MISCELLANEOUS**

33 NEW SECTION. **Sec. 2401.** RECODIFICATION. The following sections
34 are recodified in the order in which they appear in parts 1 through 22

1 of this act as new chapters and sections of a new elections title of
2 the Revised Code of Washington, to be designated as Title 29A RCW:

3 RCW 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043,
4 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065,
5 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110,
6 29.01.113, 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135,
7 29.01.136, 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170,
8 29.01.180, 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140,
9 29.04.025, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091,
10 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047,
11 29.13.048, 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060,
12 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030,
13 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011,
14 29.08.010, 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220,
15 29.10.081, 29.07.092, 29.07.160, 29.07.152, 29.07.030, 29.07.230,
16 29.07.070, 29.07.140, 29.07.080, 29.07.090, 29.08.080, 29.08.040,
17 29.07.025, 29.07.430, 29.07.440, 29.07.260, 29.07.270, 29.10.020,
18 29.10.040, 29.10.170, 29.10.051, 29.10.090, 29.10.097, 29.10.100,
19 29.10.110, 29.10.180, 29.10.185, 29.10.015, 29.10.071, 29.10.220,
20 29.10.075, 29.10.200, 29.10.210, 29.10.230, 29.04.250, 29.07.130,
21 29.04.100, 29.04.110, 29.04.120, 29.04.150, 29.04.160, 29.04.240,
22 29.10.125, 29.10.127, 29.10.130, 29.10.140, 29.10.150, 29.33.020,
23 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.145,
24 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.340, 29.33.350,
25 29.33.360, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040,
26 29.04.050, 29.04.055, 29.48.005, 29.48.007, 29.57.040, 29.57.070,
27 29.57.100, 29.57.050, 29.57.150, 29.27.090, 29.15.025, 29.13.050,
28 29.04.170, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035,
29 29.24.040, 29.24.045, 29.24.055, 29.24.060, 29.24.070, 29.15.130,
30 29.15.140, 29.15.010, 29.15.044, 29.15.020, 29.15.090, 29.15.030,
31 29.15.040, 29.15.050, 29.15.060, 29.15.070, 29.15.125, 29.15.120,
32 29.15.160, 29.15.210, 29.15.220, 29.15.170, 29.15.180, 29.15.190,
33 29.15.200, 29.15.230, 29.04.180, 29.04.190, 29.18.150, 29.18.160,
34 29.68.070, 29.68.080, 29.68.100, 29.68.130, 29.81.210, 29.04.035,
35 29.81.220, 29.81.230, 29.27.076, 29.81.240, 29.81.250, 29.81.260,
36 29.81.280, 29.81.290, 29.81.300, 29.81.310, 29.81A.010, 29.81A.020,
37 29.81A.030, 29.81A.040, 29.81A.050, 29.81A.060, 29.81A.070, 29.81A.080,
38 29.27.020, 29.27.057, 29.27.061, 29.27.065, 29.27.0653, 29.27.0655,

1	29.27.066,	29.27.0665,	29.27.067,	29.30.005,	29.30.010,	29.30.020,
2	29.30.025,	29.30.040,	29.30.060,	29.30.081,	29.30.085,	29.30.086,
3	29.30.095,	29.30.101,	29.30.111,	29.30.130,	29.36.210,	29.36.220,
4	29.36.230,	29.36.240,	29.36.250,	29.36.260,	29.36.270,	29.36.280,
5	29.36.290,	29.36.300,	29.36.310,	29.36.320,	29.36.340,	29.36.350,
6	29.36.360,	29.51.010,	29.51.125,	29.51.180,	29.51.190,	29.54.037,
7	29.48.010,	29.13.080,	29.51.240,	29.51.185,	29.48.030,	29.07.170,
8	29.48.035,	29.57.130,	29.48.020,	29.48.070,	29.48.090,	29.48.100,
9	29.51.150,	29.51.050,	29.51.060,	29.51.100,	29.51.070,	29.51.200,
10	29.54.018,	29.51.250,	29.54.010,	29.54.015,	29.07.180,	29.48.080,
11	29.48.045,	29.54.093,	29.51.115,	29.51.155,	29.45.010,	29.45.020,
12	29.45.030,	29.45.040,	29.45.050,	29.45.060,	29.45.065,	29.45.070,
13	29.45.080,	29.45.090,	29.45.100,	29.45.110,	29.45.120,	29.38.010,
14	29.38.020,	29.38.030,	29.38.040,	29.38.050,	29.38.060,	29.15.150,
15	29.18.010,	29.18.120,	29.18.200,	29.21.010,	29.21.015,	29.21.070,
16	29.21.410,	29.27.030,	29.27.050,	29.27.072,	29.27.074,	29.27.080,
17	29.27.100,	29.27.110,	29.19.010,	29.19.020,	29.19.030,	29.19.045,
18	29.19.055,	29.19.080,	29.82.010,	29.82.015,	29.82.021,	29.82.023,
19	29.82.025,	29.82.030,	29.82.040,	29.82.060,	29.82.080,	29.82.090,
20	29.82.100,	29.82.105,	29.82.110,	29.82.120,	29.82.130,	29.82.140,
21	29.82.160,	29.71.010,	29.71.020,	29.71.030,	29.71.040,	29.71.050,
22	29.27.140,	29.74.010,	29.74.020,	29.74.030,	29.74.040,	29.74.050,
23	29.74.060,	29.74.070,	29.74.080,	29.74.100,	29.74.110,	29.74.120,
24	29.74.130,	29.74.140,	29.74.150,	29.13.040,	29.62.180,	29.54.042,
25	29.54.050,	29.54.060,	29.54.097,	29.54.105,	29.54.121,	29.54.170,
26	29.51.175,	29.54.075,	29.54.085,	29.27.120,	29.62.030,	29.62.020,
27	29.54.025,	29.36.330,	29.62.040,	29.62.050,	29.62.080,	29.62.090,
28	29.62.100,	29.62.120,	29.62.130,	29.64.010,	29.64.015,	29.64.020,
29	29.64.030,	29.64.035,	29.64.040,	29.64.051,	29.64.060,	29.64.080,
30	29.64.090,	29.04.030,	29.65.010,	29.65.020,	29.65.040,	29.65.050,
31	29.65.055,	29.65.060,	29.65.070,	29.65.080,	29.65.090,	29.65.100,
32	29.65.120,	29.79.010,	29.79.015,	29.79.020,	29.79.030,	29.79.035,
33	29.79.040,	29.79.050,	29.79.060,	29.79.070,	29.79.080,	29.79.090,
34	29.79.100,	29.79.110,	29.79.115,	29.79.120,	29.79.140,	29.79.150,
35	29.79.160,	29.79.170,	29.79.180,	29.79.190,	29.79.200,	29.79.210,
36	29.79.230,	29.79.270,	29.79.280,	29.79.290,	29.79.300,	29.70.100,
37	29.15.026,	29.10.060,	29.04.140,	29.42.010,	29.42.020,	29.42.030,
38	29.42.040,	29.42.050,	29.42.070,	29.85.245,	29.82.210,	29.38.070,

1 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480,
2 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110,
3 29.79.500, 29.15.100, 29.85.040, 29.85.020, 29.51.020, 29.51.030,
4 29.51.221, 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060,
5 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230,
6 29.51.215, 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230,
7 29.91.010, 29.91.020, 29.91.030, 29.91.040, 29.91.050, and 29.91.060.

8 The code reviser shall correct any cross-references to the
9 recodified sections.

10 NEW SECTION. **Sec. 2402.** RCW 29.13.023 and 29.13.024 are each
11 recodified as sections in chapter 35.22 RCW.

12 NEW SECTION. **Sec. 2403.** EXPIRATION. RCW 29.04.250 and 2002 c 21
13 s 2 and section 245 of this act expire January 1, 2005.

14 NEW SECTION. **Sec. 2404.** REPEALER. The following acts or parts of
15 acts are each repealed:

16 (1) RCW 9.81.100 (Public office--Candidate must file affidavit) and
17 1951 c 254 s 16;

18 (2) RCW 29.01.010 (City clerk) and 1965 c 9 s 29.01.010;

19 (3) RCW 29.01.020 (City council) and 1965 c 9 s 29.01.020;

20 (4) RCW 29.01.030 (City precinct) and 1965 c 9 s 29.01.030;

21 (5) RCW 29.01.040 (Constituency) and 1965 c 9 s 29.01.040;

22 (6) RCW 29.01.087 (Local voters' pamphlet) and 1984 c 106 s 2;

23 (7) RCW 29.01.150 (Rural precinct) and 1965 c 9 s 29.01.150;

24 (8) RCW 29.04.210 (Ballots, voting systems--Rules by secretary of
25 state) and 1990 c 59 s 7;

26 (9) RCW 29.04.235 (Electronic facsimile documents--Rules) and 1991
27 c 186 s 2;

28 (10) RCW 29.07.100 (Registration assistance by city and town
29 clerks) and 1994 c 57 s 14, 1971 ex.s. c 202 s 13, & 1965 c 9 s
30 29.07.100;

31 (11) RCW 29.07.115 (Registration records--Weekly transmittal) and
32 1994 c 57 s 15 & 1971 ex.s. c 202 s 23;

33 (12) RCW 29.07.120 (Registrar's cards--Weekly transmittal--
34 Exemption) and 1999 c 298 s 5, 1994 c 57 s 16, 1971 ex.s. c 202 s 16,
35 & 1965 c 9 s 29.07.120;

1 (13) RCW 29.07.240 (Computer file of voter registration records--
2 Rules--Assistance) and 1974 ex.s. c 127 s 14;
3 (14) RCW 29.07.280 (Forwarding of forms to voter's county) and 1990
4 c 143 s 3;
5 (15) RCW 29.07.290 (Records--Correction, sorting, transmittal) and
6 1990 c 143 s 4;
7 (16) RCW 29.07.300 (Delivery of files to auditors--Address changes)
8 and 1994 c 57 s 23 & 1990 c 143 s 5;
9 (17) RCW 29.07.310 (Driver licensing and voter registration--Duties
10 of secretary of state) and 1990 c 143 s 10;
11 (18) RCW 29.07.320 (Driver licensing and voter registration--
12 Funding) and 1990 c 143 s 11;
13 (19) RCW 29.07.420 (Designation of agencies providing registration
14 services) and 1994 c 57 s 26;
15 (20) RCW 29.07.450 (Duties of secretary of state) and 1994 c 57 s
16 29;
17 (21) RCW 29.08.020 (Duties of county auditor--Application of
18 remainder of title) and 1993 c 434 s 2;
19 (22) RCW 29.08.050 (Declaration and warning) and 1994 c 57 s 31 &
20 1993 c 434 s 5;
21 (23) RCW 29.08.070 (Form--Adoption, contents) and 1993 c 434 s 7;
22 (24) RCW 29.08.090 (Violations of chapter) and 1993 c 434 s 9;
23 (25) RCW 29.08.900 (Effective date--1993 c 434) and 1993 c 434 s
24 13;
25 (26) RCW 29.13.021 (First class commission cities with charters
26 providing triennial elections) and 1983 c 3 s 43, 1979 ex.s. c 126 s
27 10, & 1965 c 9 s 29.13.021;
28 (27) RCW 29.13.060 (Elections in certain first class school
29 districts) and 1996 c 202 s 1, 1991 c 363 s 32, 1990 c 33 s 563, & 1989
30 c 10 s 7;
31 (28) RCW 29.15.046 (Electronic filing--Rules) and 2002 c 140 s 3;
32 (29) RCW 29.15.240 (Rejection of ineligible persons) and 1993 c 1
33 s 7;
34 (30) RCW 29.15.800 (Rules by secretary of state) and 1990 c 59 s
35 97;
36 (31) RCW 29.19.900 (Severability--1989 c 4) and 1989 c 4 s 12;
37 (32) RCW 29.36.900 (Captions not law--2001 c 241) and 2001 c 241 s
38 26;

1 (33) RCW 29.51.173 (Effect of term limitations on write-in voting)
2 and 1993 c 1 s 6;
3 (34) RCW 29.57.170 (Implementing rules) and 1985 c 205 s 13;
4 (35) RCW 29.62.010 (Rules for canvassing--Statement of returns--
5 Resolving ties) and 1990 c 59 s 62 & 1965 c 9 s 29.62.010;
6 (36) RCW 29.62.015 (County canvassing board--Membership, delegation
7 of authority, public meetings) and 1995 c 139 s 1;
8 (37) RCW 29.64.070 (Rules) and 1991 c 81 s 38 & 1965 c 9 s
9 29.64.070;
10 (38) RCW 29.64.900 (Short title--Construction) and 1965 c 9 s
11 29.64.900;
12 (39) RCW 29.68.015 (United States house of representatives--Term
13 limits) and 1993 c 1 s 4;
14 (40) RCW 29.68.016 (United States senate--Term limits) and 1993 c
15 1 s 5;
16 (41) RCW 29.68.120 (Vacancy in congress--Canvass of primary and
17 special vacancy election--Certification of nominees) and 1985 c 45 s 6,
18 1983 c 3 s 46, 1973 2nd ex.s. c 36 s 7, & 1965 c 9 s 29.68.120;
19 (42) RCW 29.74.090 (Election of convention delegates--
20 Qualifications of voters) and 1965 c 9 s 29.74.090;
21 (43) RCW 29.79.250 (Referendum bills by legislature--Serial
22 numbering) and 1965 c 9 s 29.79.250;
23 (44) RCW 29.81.270 (Deadlines) and 1999 c 260 s 7;
24 (45) RCW 29.81.320 (Procedural rules) and 1999 c 260 s 12;
25 (46) RCW 29.81A.900 (Effective date--1984 c 106) and 1984 c 106 s
26 14;
27 (47) RCW 29.81A.901 (Severability--1984 c 106) and 1984 c 106 s 13;
28 (48) RCW 29.91.900 (Transmission of copies of act--1986 ex.s. c 1)
29 and 1986 ex.s. c 1 s 10;
30 (49) RCW 29.91.901 (Referral to electorate--Ballot title--1986
31 ex.s. c 1) and 1986 ex.s. c 1 s 11;
32 (50) RCW 29.98.050 (Emergency--1965 c 9) and 1965 c 9 s 29.98.050;
33 and
34 (51) RCW 43.01.015 (Governor, lieutenant governor--Terms limited)
35 and 1993 c 1 s 2.

1 NEW SECTION. **Sec. 2405.** EFFECTIVE DATE. This act takes effect
2 July 1, 2004.

 Passed by the Senate April 22, 2003.

 Passed by the House April 16, 2003.

 Approved by the Governor May 7, 2003.

 Filed in Office of Secretary of State May 7, 2003.