

CERTIFICATION OF ENROLLMENT

SENATE BILL 5408

Chapter 38, Laws of 2007

60th Legislature
2007 Regular Session

PRIMARY ELECTION BALLOTS

EFFECTIVE DATE: 07/22/07

Passed by the Senate February 23, 2007
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 3, 2007
YEAS 96 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved April 13, 2007, 10:57 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5408** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 13, 2007

**Secretary of State
State of Washington**

SENATE BILL 5408

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield; by request of Secretary of State

Read first time 01/18/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to primary election ballots; and amending RCW
2 29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

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

4 **Sec. 1.** RCW 29A.04.008 and 2005 c 243 s 1 are each amended to read
5 as follows:

6 As used in this title:

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

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

11 (b) A facsimile of the contents of a particular ballot whether
12 printed on a paper ballot or ballot card or as part of a voting machine
13 or voting device;

14 (c) A physical or electronic record of the choices of an individual
15 voter in a particular primary, general election, or special election;
16 or

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

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

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

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

13 (5) "Provisional ballot" means a ballot issued at the polling place
14 on election day by the precinct election board to a voter who would
15 otherwise be denied an opportunity to vote a regular ballot, for any
16 reason authorized by the Help America Vote Act, including but not
17 limited to the following:

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

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

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

24 (d) Any other reason allowed by law;

25 (6) "Party ballot" means a primary election ballot specific to a
26 particular major political party that lists all (~~partisan offices to
27 be voted on at that primary, and the candidates for those offices~~)
28 candidates for partisan office who affiliate with that same major
29 political party, as well as the nonpartisan races and ballot measures
30 to be voted on at that primary;

31 (7) "Nonpartisan ballot" means a primary election ballot that lists
32 all nonpartisan races and ballot measures to be voted on at that
33 primary.

34 **Sec. 2.** RCW 29A.36.104 and 2004 c 271 s 126 are each amended to
35 read as follows:

36 Partisan primaries must be conducted using either:

1 (1) A consolidated ballot format that includes a (~~major political~~
2 ~~party identification~~) check-off box (~~that allows a voter to select~~
3 ~~from a list of the major political parties the~~) for each major
4 political party (~~with which the voter chooses to affiliate~~). The
5 consolidated ballot must include all partisan races, nonpartisan races,
6 and ballot measures to be voted on at that primary; or

7 (2) A physically separate ballot format that includes both party
8 ballots and a nonpartisan ballot. A party ballot must be specific to
9 a particular major political party and (~~may~~) include (~~only the~~
10 ~~partisan offices to be voted on at that primary and~~) the names of
11 candidates for (~~those~~) partisan offices who designated that same
12 major political party in their declarations of candidacy, as well as
13 all nonpartisan races and ballot measures to be voted on at that
14 primary. The nonpartisan ballot must include (~~all~~) only the
15 nonpartisan races and ballot measures to be voted on at that primary.

16 **Sec. 3.** RCW 29A.36.106 and 2004 c 271 s 127 are each amended to
17 read as follows:

18 (1) If the consolidated ballot format is used, the major political
19 party identification check-off box must appear on the primary ballot
20 before all offices and ballot measures. Clear and concise instructions
21 to the voter must be prominently displayed immediately before the list
22 of major political parties, and must include:

23 (a) A statement that, for partisan offices, the voter may only vote
24 for candidates of one political party;

25 (b) A question asking the voter to indicate the major political
26 party with which the voter chooses to affiliate;

27 (~~(b)~~) (c) A statement that, for a major political party
28 candidate, only votes cast by voters who choose to affiliate with that
29 same major political party will be tabulated and reported;

30 (~~(c)~~) (d) A statement that votes cast for a major political party
31 candidate by a voter who chooses to affiliate with a different major
32 political party will not be tabulated or reported;

33 (~~(d)~~ A statement that votes cast for a major political party
34 candidate by a voter who fails to select a major political party
35 affiliation will not be tabulated or reported;))

36 (e) A statement that votes cast for a major political party

1 candidate by a voter who selects more than one major political party
2 with which to affiliate will not be tabulated or reported; and

3 (f) A statement that (~~(the party identification option))~~ party
4 affiliation will not affect votes cast for candidates for nonpartisan
5 offices, or for or against ballot measures.

6 (2) If the physically separate ballot format is used, clear and
7 concise instructions to the voter must be prominently displayed, and
8 must include:

9 (a) A statement that, for partisan offices, the voter may only vote
10 for candidates of one political party;

11 (b) A statement explaining that only one (~~(party ballot and one~~
12 ~~nonpartisan))~~ ballot may be voted;

13 (~~(b)~~) (c) A statement explaining that if more than one party
14 ballot is voted, none of the (~~(party ballots))~~ partisan races will be
15 tabulated or reported;

16 (~~(c) A statement explaining that a voter's affiliation with a~~
17 ~~major political party will be inferred from the act of voting the party~~
18 ~~ballot for that major political party;~~) and

19 (d) A statement explaining that (~~(every eligible registered voter~~
20 ~~may vote a nonpartisan ballot, regardless of any party affiliation on~~
21 ~~the part of the voter))~~ the nonpartisan ballot only lists nonpartisan
22 races and ballot measures and does not list partisan races.

23 **Sec. 4.** RCW 29A.52.151 and 2004 c 271 s 142 are each amended to
24 read as follows:

25 (1) Under a consolidated ballot format:

26 (a) (~~(Votes))~~ A voter's affiliation with a major political party is
27 inferred from either selecting only that party in the check-off box, or
28 voting only for candidates of that political party in partisan races;

29 (b) A vote cast for a major political party candidate will only be
30 tabulated and reported if cast by (~~(voters))~~ a voter who (~~(choose to))~~
31 affiliated with that same major political party;

32 (~~(b) Votes))~~ (c) A vote cast for a major political party candidate
33 by a voter who (~~(chooses to))~~ affiliated with a different major
34 political party may not be tabulated or reported;

35 (~~(c) Votes cast for a major political party candidate by a voter~~
36 ~~who fails to select a major political party affiliation may not be~~
37 ~~tabulated or reported;~~)

1 (d) (~~Votes~~) A vote cast for a major political party candidate by
2 a voter who (~~selects~~) affiliated with more than one major political
3 party (~~with which to affiliate~~) may not be tabulated or reported; and

4 (e) (~~Votes~~) A vote properly cast may not be affected by votes
5 improperly cast for other races.

6 (2) Under a physically separate ballot format:

7 (a) Only one party ballot and one nonpartisan ballot may be voted;

8 (b) If more than one party ballot is voted, none of the ballots
9 (~~will~~) may be tabulated or reported;

10 (c) A voter's affiliation with a major political party (~~will be~~)
11 is inferred from the act of voting the party ballot for that major
12 political party; and

13 (d) Every eligible registered voter may vote a nonpartisan ballot.

Passed by the Senate February 23, 2007.

Passed by the House April 3, 2007.

Approved by the Governor April 13, 2007.

Filed in Office of Secretary of State April 13, 2007.