

CERTIFICATION OF ENROLLMENT

**SECOND ENGROSSED SUBSTITUTE SENATE BILL 5171**

Chapter 349, Laws of 2011

62nd Legislature  
2011 Regular Session

OVERSEAS AND SERVICE VOTERS--FACILITATION

EFFECTIVE DATE: 01/01/12 - Except sections 10-12, 27, 28, and 30, which become effective 05/16/11; and section 21, which becomes effective 07/01/13.

Passed by the Senate April 14, 2011  
YEAS 46 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 9, 2011  
YEAS 94 NAYS 1

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE SENATE BILL 5171** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

Approved May 16, 2011, 2:13 p.m.

FILED

May 17, 2011

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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SECOND ENGROSSED SUBSTITUTE SENATE BILL 5171

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AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

State of Washington                      62nd Legislature                      2011 Regular Session

By Senate Government Operations, Tribal Relations Elections  
(originally sponsored by Senators Hobbs, Roach, Swecker, Pridemore,  
Shin, King, Kilmer, Hill, Keiser, and McAuliffe; by request of  
Secretary of State)

READ FIRST TIME 02/15/11.

1            AN ACT Relating to facilitating voting for service and overseas  
2 voters; amending RCW 29A.04.255, 29A.04.311, 29A.04.321, 29A.16.040,  
3 29A.24.040, 29A.24.050, 29A.24.131, 29A.24.141, 29A.24.171, 29A.24.181,  
4 29A.24.191, 29A.24.311, 29A.28.041, 29A.40.070, 29A.40.091, 29A.40.110,  
5 29A.56.030, 29A.60.190, 29A.60.190, 29A.60.240, 29A.64.011, 29A.64.030,  
6 29A.68.011, 29A.76.010, and 42.12.070; reenacting and amending RCW  
7 29A.04.330, 29A.36.010, and 42.12.040; repealing RCW 29A.04.310,  
8 29A.24.151, 29A.24.161, 29A.36.011, 29A.40.150, 29A.24.010, and  
9 29A.24.211; prescribing penalties; providing effective dates; providing  
10 an expiration date; and declaring an emergency.

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

12            **Sec. 1.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read  
13 as follows:

14            The secretary of state or a county auditor shall accept and file in  
15 his or her office electronic ((~~faesimile~~)) transmissions of the  
16 following documents:

- 17            (1) Declarations of candidacy;  
18            (2) County canvass reports;  
19            (3) Voters' pamphlet statements;

1 (4) Arguments for and against ballot measures that will appear in  
2 a voters' pamphlet;

3 (5) Requests for recounts;

4 (6) Certification of candidates and measures by the secretary of  
5 state;

6 (7) Direction by the secretary of state for the conduct of a  
7 (~~mandatory~~) recount;

8 (8) Requests for (~~absentee~~) ballots;

9 (9) Any other election related document authorized by rule adopted  
10 by the secretary of state under RCW (~~29A.04.610~~) 29A.04.611.

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

15 (~~If the original copy of a document must be signed and a copy of  
16 the document is filed by facsimile transmission under this section, the  
17 original copy must be subsequently filed with the official with whom  
18 the facsimile was filed. The original copy must be filed by a deadline  
19 established by the secretary by rule.)) The secretary may by rule  
20 require that the original of any document, a copy of which is filed by  
21 (~~facsimile~~) electronic transmission under this section, also be filed  
22 by a deadline established by the secretary by rule.~~

23 **Sec. 2.** RCW 29A.04.311 and 2006 c 344 s 1 are each amended to read  
24 as follows:

25 (~~Nominating~~) Primaries for general elections to be held in  
26 November, and the election of precinct committee officers, must be held  
27 on the (~~third~~) first Tuesday of the preceding August.

28 **Sec. 3.** RCW 29A.04.321 and 2009 c 413 s 2 are each amended to read  
29 as follows:

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

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

19 (2) A county legislative authority may call a special county  
20 election by presenting a resolution to the county auditor prior to the  
21 proposed election date. A special election called by the county  
22 legislative authority shall be held on one of the following dates as  
23 decided by such governing body:

24 (a) The second Tuesday in February;

25 (b) The third Tuesday in April until January 1, 2013;

26 (c) The fourth Tuesday in April on or after January 1, 2013;

27 ~~((e))~~ (d) The day of the primary as specified by RCW 29A.04.311;

28 or

29 ~~((d))~~ (e) The first Tuesday after the first Monday in November.

30 (3) A resolution calling for a special election on a date set forth  
31 in subsection (2)(a) ~~((and (b)))~~ through (c) of this section must be  
32 presented to the county auditor at least ~~((forty-five))~~ forty-six days  
33 prior to the election date. A resolution calling for a special  
34 election on a date set forth in subsection (2)~~((e) or)~~ (d) of this  
35 section must be presented to the county auditor ~~((at least eighty-four~~  
36 ~~days prior to the election date))~~ no later than the Friday immediately  
37 before the first day of regular candidate filing. A resolution calling

1 for a special election on a date set forth in subsection (2)(e) of this  
2 section must be presented to the county auditor no later than the day  
3 of the primary.

4 (4) In addition to the dates set forth in subsection (2)(a) through  
5 ~~((d))~~ (e) of this section, a special election to validate an excess  
6 levy or bond issue may be called at any time to meet the needs  
7 resulting from fire, flood, earthquake, or other act of God. Such  
8 county special election shall be noticed and conducted in the manner  
9 provided by law.

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

18 **Sec. 4.** RCW 29A.04.330 and 2009 c 413 s 4, 2009 c 144 s 3, and  
19 2009 c 413 s 3 are each reenacted and amended to read as follows:

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

23 This section shall not apply to:

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

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

29 (c) Consolidation proposals as provided for in RCW 28A.315.235 and  
30 nonhigh capital fund aid proposals as provided for in chapter 28A.540  
31 RCW; and

32 (d) Special flood control districts consisting of three or more  
33 counties.

34 (2) The county auditor, as ex officio supervisor of elections, upon  
35 request in the form of a resolution of the governing body of a city,  
36 town, or district, presented to the auditor prior to the proposed  
37 election date, may call a special election in such city, town, or

1 district, and for the purpose of such special election he or she may  
2 combine, unite, or divide precincts. Such a special election shall be  
3 held on one of the following dates as decided by the governing body:

4 (a) The second Tuesday in February;

5 (b) The third Tuesday in April until January 1, 2013;

6 (c) The fourth Tuesday in April on or after January 1, 2013;

7 ~~((+e))~~ (d) The day of the primary election as specified by RCW  
8 29A.04.311; or

9 ~~((+d))~~ (e) The first Tuesday after the first Monday in November.

10 (3) A resolution calling for a special election on a date set forth  
11 in subsection (2)(a) ~~((and (b)))~~ through (c) of this section must be  
12 presented to the county auditor at least ~~((forty-five))~~ forty-six days  
13 prior to the election date. A resolution calling for a special  
14 election on a date set forth in subsection (2)~~((+e) or)~~ (d) of this  
15 section must be presented to the county auditor ~~((at least eighty-four~~  
16 ~~days prior to the election date))~~ no later than the Friday immediately  
17 before the first day of regular candidate filing. A resolution calling  
18 for a special election on a date set forth in subsection (2)(e) of this  
19 section must be presented to the county auditor no later than the day  
20 of the primary.

21 (4) In addition to subsection (2)(a) through ~~((+d))~~ (e) of this  
22 section, a special election to validate an excess levy or bond issue  
23 may be called at any time to meet the needs resulting from fire, flood,  
24 earthquake, or other act of God, except that no special election may be  
25 held between the first day for candidates to file for public office and  
26 the last day to certify the returns of the general election other than  
27 as provided in subsection (2)~~((+e) and)~~ (d) and (e) of this section.  
28 Such special election shall be conducted and notice thereof given in  
29 the manner provided by law.

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

34 **Sec. 5.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to  
35 read as follows:

36 The county legislative authority of each county in the state  
37 hereafter formed shall, at their first session, divide their respective

1 counties into election precincts and establish the boundaries of the  
2 precincts. The county auditor shall thereupon designate the voting  
3 place for each such precinct or whether the precinct is a vote by mail  
4 precinct.

5 (1) Precinct boundaries may be altered at any time as long as  
6 sufficient time exists prior to a given election for the necessary  
7 procedural steps to be honored. Except as permitted under subsection  
8 (5) of this section, no precinct (~~boundaries~~) changes may be  
9 (~~changed~~) made during the period starting (~~on the thirtieth~~)  
10 fourteen days prior to the first day for candidates to file for the  
11 primary election and ending with the day of the general election.

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

18 (3) Precincts in which voting machines or electronic voting devices  
19 are used may contain as many as nine hundred active registered voters.  
20 The number of poll-site ballot counting devices at each polling place  
21 is at the discretion of the auditor. The number of devices must be  
22 adequate to meet the expected voter turnout.

23 (4) On petition of twenty-five or more voters resident more than  
24 ten miles from any polling site, the county legislative authority shall  
25 establish a separate voting precinct therefor.

26 (5) The county auditor shall temporarily adjust precinct boundaries  
27 when a city or town annexes unincorporated territory to the city or  
28 town, or whenever unincorporated territory is incorporated as a city or  
29 town. The adjustment must be made as soon as possible after the  
30 approval of the annexation or incorporation. The temporary adjustment  
31 must be limited to the minimum changes necessary to accommodate the  
32 addition of the territory to the city or town, or to establish the  
33 eligible voters within the boundaries of the new city or town, and  
34 remains in effect only until precinct boundary modifications reflecting  
35 the annexation or incorporation are adopted by the county legislative  
36 authority.

37 (6) In determining the number of active registered voters for the

1 purposes of this section, persons who are ongoing absentee voters under  
2 RCW 29A.40.040 shall not be counted. Nothing in this subsection may be  
3 construed as altering the vote tallying requirements of RCW 29A.60.230.

4 **Sec. 6.** RCW 29A.24.040 and 2006 c 344 s 5 are each amended to read  
5 as follows:

6 A candidate may file his or her declaration of candidacy for an  
7 office by electronic means on a system specifically designed and  
8 authorized by a filing officer to accept filings.

9 (1) Filings that are received electronically must capture all  
10 information specified in RCW 29A.24.031 (1) through (4).

11 (2) Electronic filing may begin at 9:00 a.m. the first (~~Monday in~~  
12 ~~June~~) day of the filing period and continue through 4:00 p.m. the  
13 (~~following Friday~~) last day of the filing period.

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

18 **Sec. 7.** RCW 29A.24.050 and 2006 c 344 s 6 are each amended to read  
19 as follows:

20 Except where otherwise provided by this title, declarations of  
21 candidacy for the following offices shall be filed during regular  
22 business hours with the filing officer (~~no earlier than the first~~  
23 ~~Monday in June~~) beginning the Monday two weeks before Memorial day and  
24 (~~no later than~~) ending the following Friday in the year in which the  
25 office is scheduled to be voted upon:

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

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

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

1       **Sec. 8.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to  
2 read as follows:

3       A candidate may withdraw his or her declaration of candidacy at any  
4 time before the close of business on the (~~Thursday~~) Monday following  
5 the last day for candidates to file under RCW 29A.24.050 by filing,  
6 with the officer with whom the declaration of candidacy was filed, a  
7 signed request that his or her name not be printed on the ballot.  
8 There shall be no withdrawal period for declarations of candidacy filed  
9 during special filing periods held under this title. (~~The filing~~  
10 ~~officer may permit the withdrawal of a filing for the office of~~  
11 ~~precinct committee officer at the request of the candidate at any time~~  
12 ~~if no absentee ballots have been issued for that office and the ballots~~  
13 ~~for that precinct have not been printed. The filing officer may permit~~  
14 ~~the withdrawal of a filing for any elected office of a city, town, or~~  
15 ~~special district at the request of the candidate at any time before a~~  
16 ~~primary if the primary ballots for that city, town, or special district~~  
17 ~~have not been ordered.)) No filing fee may be refunded to any  
18 candidate who withdraws under this section. Notice of the deadline for  
19 withdrawal of candidacy and that the filing fee is not refundable shall  
20 be given to each candidate at the time he or she files.~~

21       **Sec. 9.** RCW 29A.24.141 and 2004 c 271 s 162 are each amended to  
22 read as follows:

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

28       **Sec. 10.** RCW 29A.24.171 and 2006 c 344 s 7 are each amended to  
29 read as follows:

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

36       ~~(1) A void in candidacy occurs:~~

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

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

7       ~~Candidacies validly filed within said three-day period shall appear~~  
8 ~~on the ballot as if made during the earlier filing period.)) (1) If,~~  
9 prior to the first day of the regular filing period, a vacancy occurs  
10 in an office that is not scheduled to appear on the general election  
11 ballot, leaving an unexpired term for which a successor must be elected  
12 at the next general election, filings for that office shall be accepted  
13 during the regular filing period. The filing officer shall provide  
14 notice of the vacancy and filing period to newspapers, radio, and  
15 television in the county, and online. The position shall appear on the  
16 primary and general election ballots unless no primary is required or  
17 unless a candidate for superior court judge is entitled to a  
18 certificate of election pursuant to Article 4, section 29 of the state  
19 Constitution.

20       (2) If, on the first day of the regular filing period or later, a  
21 vacancy occurs in an office that is not scheduled to appear on the  
22 general election ballot, leaving an unexpired term, the election of the  
23 successor shall occur at the next succeeding general election that the  
24 office is allowed by law to have an election.

25       **Sec. 11.** RCW 29A.24.181 and 2006 c 344 s 8 are each amended to  
26 read as follows:

27       ~~((Filings for a nonpartisan office (other than judge of the supreme~~  
28 ~~court or superintendent of public instruction))) (1) If a void in~~  
29 candidacy occurs following the regular filing period and deadline to  
30 withdraw, but prior to the day of the primary, filings for that office  
31 shall be reopened for a period of three normal business days, such  
32 three-day period to be fixed by the ((election officer with whom such  
33 declarations of candidacy are filed and notice thereof given by  
34 notifying press, radio, and television in the county and by such other  
35 means as may now or hereafter be provided by law, when:

36       ~~(1) A void in candidacy for such nonpartisan office occurs on or~~

1 after the eleventh Tuesday prior to a primary but prior to the eleventh  
2 Tuesday before an election; or

3 (2) ~~A nominee for judge of the superior court eligible after a~~  
4 ~~contested primary for a certificate of election by Article 4, section~~  
5 ~~29, Amendment 41 of the state Constitution, dies or is disqualified~~  
6 ~~within the ten day period immediately following the last day allotted~~  
7 ~~for a candidate to withdraw; or~~

8 (3) ~~A vacancy occurs in any nonpartisan office on or after the~~  
9 ~~eleventh Tuesday prior to a primary but prior to the eleventh Tuesday~~  
10 ~~before an election leaving an unexpired term to be filled by an~~  
11 ~~election for which filings have not been held.~~

12 ~~The candidate receiving a plurality of the votes cast for that~~  
13 ~~office in the general election shall be deemed elected.)) filing~~  
14 ~~officer. The filing officer shall provide notice of the special filing~~  
15 ~~period to newspapers, radio, and television in the county, and online.~~  
16 ~~The candidate receiving a plurality of the votes cast for that office~~  
17 ~~in the general election is deemed elected.~~

18 (2) This section does not apply to voids in candidacy in the office  
19 of precinct committee officer, which are filled by appointment pursuant  
20 to RCW 29A.28.071.

21 **Sec. 12.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to  
22 read as follows:

23 A scheduled election shall be lapsed, the office deemed stricken  
24 from the ballot, no purported write-in votes counted, and no candidate  
25 certified as elected, when( (+

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

30 (2) ~~Except as otherwise specified in RCW 29A.24.181, a nominee for~~  
31 ~~judge of the superior court entitled to a certificate of election~~  
32 ~~pursuant to Article 4, section 29, Amendment 41 of the state~~  
33 ~~Constitution dies or is disqualified on or after the eleventh Tuesday~~  
34 ~~prior to a primary;~~

35 (3) ~~In other elections for nonpartisan office)) a void in candidacy~~  
36 ~~occurs ((or a vacancy occurs involving an unexpired term to be filled~~

1 ~~on or after the eleventh Tuesday prior to an election))~~ following the  
2 special three day filing period required by RCW 29A.24.181.

3 **Sec. 13.** RCW 29A.24.311 and 2004 c 271 s 117 are each amended to  
4 read as follows:

5 Any person who desires to be a write-in candidate and have such  
6 votes counted at a primary or election may file a declaration of  
7 candidacy with the officer designated in RCW 29A.24.070 not later than  
8 the day (~~before the primary or election~~) ballots must be mailed  
9 according to RCW 29A.40.070. Declarations of candidacy for write-in  
10 candidates must be accompanied by a filing fee in the same manner as  
11 required of other candidates filing for the office as provided in RCW  
12 29A.24.091.

13 Votes cast for write-in candidates who have filed such declarations  
14 of candidacy and write-in votes for persons appointed by major  
15 political parties pursuant to RCW 29A.28.021 need only specify the name  
16 of the candidate in the appropriate location on the ballot in order to  
17 be counted. Write-in votes cast for any other candidate, in order to  
18 be counted, must designate the office sought and position number or  
19 political party, if the manner in which the write-in is done does not  
20 make the office or position clear.

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

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

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

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

33 The declaration of candidacy shall be similar to that required by  
34 RCW 29A.24.031. No write-in candidate filing under this section may be  
35 included in any voter's pamphlet produced under chapter 29A.32 RCW  
36 unless that candidate qualifies to have his or her name printed on the  
37 general election ballot. The legislative authority of any jurisdiction

1 producing a local voter's pamphlet under chapter 29A.32 RCW may  
2 provide, by ordinance, for the inclusion of write-in candidates in such  
3 pamphlets.

4 **Sec. 14.** RCW 29A.28.041 and 2006 c 344 s 12 are each amended to  
5 read as follows:

6 (1) Whenever a vacancy occurs in the United States house of  
7 representatives or the United States senate from this state, the  
8 governor shall order a special election to fill the vacancy. Minor  
9 political party candidates and independent candidates may be nominated  
10 through the convention procedures provided in chapter 29A.20 RCW.

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~~  
13 ~~election-not-less-than-ninety-days-after-the-issuance-of-the-writ,~~  
14 ~~fixing-a-date-for-the-primary-for-nominating-major-political-party~~  
15 ~~candidates-for-the-special-vacancy-election-not-less-than-thirty-days~~  
16 ~~before-the-day-fixed-for-holding-the-special-vacancy-election,fixing~~  
17 ~~the-dates-for-the-special-filing-period,and-designating-the-term-or~~  
18 ~~part-of-the-term-for-which-the-vacancy-exists)) primary at least  
19 seventy days after issuance of the writ, and fixing a date for the  
20 election at least seventy days after the date of the primary. If the  
21 vacancy is in the office of United States representative, the writ of  
22 election shall specify the congressional district that is vacant.~~

23 (3) If the vacancy occurs less than (~~six~~) eight months before a  
24 state general election and before the (~~second-Friday-following-the~~)  
25 close of the filing period for that general election, the special  
26 primary, special vacancy election, and minor party and independent  
27 candidate nominating conventions must be held in concert with the state  
28 primary and state general election in that year.

29 (4) If the vacancy occurs on or after the first day for filing  
30 under RCW 29A.24.050 and on or before the (~~second-Friday-following~~  
31 ~~the~~) close of the filing period, a special filing period of three  
32 normal business days shall be fixed by the governor and notice thereof  
33 given to all media, including press, radio, and television within the  
34 area in which the vacancy election is to be held, to the end that,  
35 insofar as possible, all interested persons will be aware of such  
36 filing period. (~~The-last-day-of-the-filing-period-shall-not-be-later~~  
37 ~~than-the-sixth-Tuesday-before-the-primary-at-which-major-political~~

1 ~~party candidates are to be nominated.))~~ The names of major political  
2 party candidates who have filed valid declarations of candidacy during  
3 this three-day period shall appear on the approaching primary ballot.  
4 The requirements of RCW 29A.20.131 do not apply to a minor political  
5 party or independent candidate convention held under this subsection.

6 (5) If the vacancy occurs later than the (~~second Friday following~~  
7 ~~the~~) close of the filing period, a special primary(~~(, special)~~) and  
8 vacancy election(~~(, and the minor party and independent candidate~~  
9 ~~conventions)~~) to fill the position shall be held after the next state  
10 general election but, in any event, no later than the ninetieth day  
11 following the November election.

12 **Sec. 15.** RCW 29A.36.010 and 2005 c 2 s 12 are each reenacted and  
13 amended to read as follows:

14 (~~On or before the day following the last day allowed for~~  
15 ~~candidates to withdraw under RCW 29A.24.130)~~ Not later than the  
16 Tuesday following the regular filing period, the secretary of state  
17 shall certify to each county auditor a list of the candidates who have  
18 filed declarations of candidacy in his or her office for the primary.  
19 For each office, the certificate shall include the name of each  
20 candidate, his or her address, and his or her party preference or  
21 independent designation as shown on filed declarations.

22 **Sec. 16.** RCW 29A.40.070 and 2006 c 344 s 13 are each amended to  
23 read as follows:

24 (1) Except where a recount or litigation (~~(under RCW 29A.68.011)~~)  
25 is pending, the county auditor (~~(shall have sufficient absentee ballots~~  
26 ~~available for absentee voters of that county, other than overseas~~  
27 ~~voters and service voters, at least twenty days before any primary,~~  
28 ~~general election, or special election. The county auditor)~~) must mail  
29 (~~(absentee)~~) ballots to each voter (~~(for whom the county auditor has~~  
30 ~~received a request nineteen days before the primary or election)~~) at  
31 least eighteen days before (~~(the)~~) each primary or election, and as  
32 soon as possible for all subsequent registration changes. (~~(For a~~  
33 ~~request for an absentee ballot received after the nineteenth day before~~  
34 ~~the primary or election, the county auditor shall make every effort to~~  
35 ~~mail ballots within one business day, and shall mail the ballots within~~  
36 ~~two business days)~~).

1           (2) ~~((At least thirty days before any primary, general election, or~~  
2 ~~special election, the county auditor shall mail ballots to all overseas~~  
3 ~~and service voters.))~~ Except where a recount or litigation is pending,  
4 the county auditor must mail ballots to each service and overseas voter  
5 at least thirty days before each special election and at least  
6 forty-five days before each primary or general election. A request for  
7 a ballot made by an overseas or service voter after that day must be  
8 processed immediately.

9           (3) A registered voter may obtain a replacement ballot if the  
10 ballot is destroyed, spoiled, lost, or not received by the voter. The  
11 voter may obtain the ballot by telephone request, by mail,  
12 electronically, or in person. The county auditor shall keep a record  
13 of each request for a replacement ballot.

14           (4) Each county auditor shall certify to the office of the  
15 secretary of state the dates the ballots ~~((prescribed in subsection (1)~~  
16 ~~of this section were available and))~~ were mailed, or the reason and  
17 date the ballots will be mailed if the ballots were not mailed timely.

18           ~~((4) If absentee ballots will not be available or mailed as~~  
19 ~~prescribed in subsection (1) of this section, the county auditor shall~~  
20 ~~immediately certify to the office of the secretary of state when~~  
21 ~~absentee ballots will be available and mailed. Copies of this~~  
22 ~~certification must be provided to the county canvassing board, the~~  
23 ~~press, jurisdictions with issues on the ballot in the election, and any~~  
24 ~~candidates.~~

25           ~~(5) If absentee ballots were not available or mailed as prescribed~~  
26 ~~in subsection (1) of this section, for a reason other than a recount or~~  
27 ~~litigation, the county auditor, in consultation with the certification~~  
28 ~~and training program of the office of the secretary of state, shall~~  
29 ~~submit a report to the office of the secretary of state outlining why~~  
30 ~~the deadline was missed and what corrective actions will be taken in~~  
31 ~~future elections to ensure that absentee ballots are available and~~  
32 ~~mailed as prescribed in subsection (1) of this section.~~

33           ~~(6))~~ Failure to ~~((have absentee ballots available and mailed))~~  
34 mail ballots as prescribed in ~~((subsection (1) of))~~ this section does  
35 not by itself provide a basis for an election contest or other legal  
36 challenge to the results of a primary, general election, or special  
37 election.

1       **Sec. 17.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to  
2 read as follows:

3       (1) The county auditor shall send each voter a ballot, a security  
4 envelope in which to seal the ballot after voting, a larger envelope in  
5 which to return the security envelope, a declaration that the voter  
6 must sign, and instructions on how to obtain information about the  
7 election, how to mark the ballot, and how to return ~~((it))~~ the ballot  
8 to the county auditor.

9       (2) ~~The ((instructions that accompany a ballot for a partisan~~  
10 ~~primary must include instructions for voting the applicable ballot~~  
11 ~~style, as provided in chapter 29A.36 RCW. The voter's name and address~~  
12 ~~must be printed on the larger return envelope, which must also contain~~  
13 ~~a declaration by the voter reciting his or her qualifications and~~  
14 ~~stating that he or she)) voter must swear under penalty of perjury that~~  
15 he or she meets the qualifications to vote, and has not voted in any  
16 other jurisdiction at this election~~((, together with a summary of the~~  
17 ~~penalties for any violation of any of the provisions of this chapter))~~.  
18 The declaration must clearly inform the voter that it is illegal to  
19 vote if he or she is not a United States citizen; it is illegal to vote  
20 if he or she has been convicted of a felony and has not had his or her  
21 voting rights restored; and~~((, except as otherwise provided by law,))~~  
22 it is illegal to cast a ballot or sign a return envelope on behalf of  
23 another voter. ~~The ((return envelope must provide space for the))~~  
24 voter ~~((to))~~ must indicate the date on which the ballot was voted and  
25 ~~((for the voter to))~~ sign the ~~((oath))~~ declaration. ~~((It))~~ The ballot  
26 materials must also contain a space so that the voter may include a  
27 telephone number. ~~((A summary of the applicable penalty provisions of~~  
28 ~~this chapter must be printed on the return envelope immediately~~  
29 ~~adjacent to the space for the voter's signature. The signature of the~~  
30 ~~voter on the return envelope must affirm and attest to the statements~~  
31 ~~regarding the qualifications of that voter and to the validity of the~~  
32 ~~ballot. The return envelope may provide secrecy for the voter's~~  
33 ~~signature and optional telephone number.))~~

34       (3) For overseas and service voters, the signed declaration on the  
35 return envelope constitutes the equivalent of a voter registration for  
36 the election or primary for which the ballot has been issued. Return  
37 envelopes for overseas and service voters must enable the ballot to be

1 returned postage free if mailed through the United States postal  
2 service, United States armed forces postal service, or the postal  
3 service of a United States foreign embassy under 39 U.S.C. 3406.

4 (4) The voter must be instructed to either return the ballot to the  
5 county auditor (~~((by whom it was issued))~~) no later than 8:00 p.m. the  
6 day of the election or primary, or (~~((attach sufficient first-class~~  
7 ~~postage, if applicable, and))~~) mail the ballot to the (~~((appropriate))~~)  
8 county auditor with a postmark no later than the day of the election or  
9 primary (~~((for which the ballot was issued.~~

10 ~~If the county auditor chooses to forward ballots, he or she must~~  
11 ~~include with the ballot a clear explanation of the qualifications~~  
12 ~~necessary to vote in that election and must also advise a voter with~~  
13 ~~questions about his or her eligibility to contact the county auditor.~~  
14 ~~This explanation may be provided on the ballot envelope, on an enclosed~~  
15 ~~insert, or printed directly on the ballot itself. If the information~~  
16 ~~is not included, the envelope must clearly indicate that the ballot is~~  
17 ~~not to be forwarded and that return postage is guaranteed)).~~ Service  
18 and overseas voters must be provided with instructions and a secrecy  
19 cover sheet for returning the ballot and signed declaration by fax or  
20 e-mail. A voted ballot and signed declaration returned by fax or e-  
21 mail must be received by 8:00 p.m. on the day of the election or  
22 primary.

23 **Sec. 18.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to  
24 read as follows:

25 (1) The opening and subsequent processing of return envelopes for  
26 any primary or election may begin upon receipt. The tabulation of  
27 absentee ballots must not commence until after 8:00 p.m. on the day of  
28 the primary or election.

29 (2) All received (~~((absentee))~~) return envelopes must be placed in  
30 secure locations from the time of delivery to the county auditor until  
31 their subsequent opening. After opening the return envelopes, the  
32 county canvassing board shall place all of the ballots in secure  
33 storage until (~~((after 8:00 p.m. of the day of the primary or election))~~)  
34 processing. (~~((Absentee ballots that are to be tabulated on an~~  
35 ~~electronic vote tallying system))~~) Ballots may be taken from the inner  
36 envelopes and all the normal procedural steps may be performed to  
37 prepare these ballots for tabulation.

1           (3) (~~Before opening a returned absentee ballot,~~) The canvassing  
2 board, or its designated representatives, shall examine the postmark(~~(~~  
3 statement,) on the return envelope and signature on the (~~return~~  
4 ~~envelope that contains the security envelope and absentee ballot~~)  
5 declaration before processing the ballot. The ballot must either be  
6 received no later than 8:00 p.m. on the day of the primary or election,  
7 or must be postmarked no later than the day of the primary or election.  
8 All personnel assigned to verify signatures must receive training on  
9 statewide standards for signature verification. Personnel shall verify  
10 that the voter's signature on the (~~return envelope~~) ballot  
11 declaration is the same as the signature of that voter in the  
12 registration files of the county. Verification may be conducted by an  
13 automated verification system approved by the secretary of state.  
14 (~~For any absentee ballot,~~) A variation between the signature of the  
15 voter on the (~~return envelope~~) ballot declaration and the signature  
16 of that voter in the registration files due to the substitution of  
17 initials or the use of common nicknames is permitted so long as the  
18 surname and handwriting are clearly the same.

19           (4) (~~For registered voters casting absentee ballots~~) If the  
20 postmark is missing or illegible, the date on the (~~return envelope~~)  
21 ballot declaration to which the voter has attested determines the  
22 validity, as to the time of voting, for that (~~absentee~~) ballot (~~if~~  
23 ~~the postmark is missing or is illegible~~). For overseas voters and  
24 service voters, the date on the (~~return envelope~~) declaration to  
25 which the voter has attested determines the validity, as to the time of  
26 voting, for that (~~absentee~~) ballot. Any overseas voter or service  
27 voter may return the signed declaration and voted ballot by fax or e-  
28 mail by 8:00 p.m. on the day of the primary or election, and the county  
29 auditor must use established procedures to maintain the secrecy of the  
30 ballot.

31           **Sec. 19.** RCW 29A.56.030 and 2006 c 344 s 15 are each amended to  
32 read as follows:

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

36           (1) By direction of the secretary of state, who in the secretary's

1 sole discretion has determined that the candidate's candidacy is  
2 generally advocated or is recognized in national news media; or

3 (2) If members of the political party of the candidate have  
4 presented a petition for nomination of the candidate that has attached  
5 to the petition a sheet or sheets containing the signatures of at least  
6 one thousand registered voters who declare themselves in the petition  
7 as being affiliated with the same political party as the presidential  
8 candidate. The petition shall be filed with the secretary of state not  
9 later than ~~((sixty))~~ seventy-five days before the presidential  
10 preference primary. The signature sheets shall also contain the  
11 residence address and name or number of the precinct of each registered  
12 voter whose signature appears thereon and shall be certified in the  
13 manner prescribed in RCW 29A.72.230 and 29A.72.240.

14 The secretary of state shall place the name of the candidate on the  
15 ballot unless the candidate, at least ~~((fifty-two))~~ sixty-seven days  
16 before the presidential preference primary, executes and files with the  
17 secretary of state an affidavit stating without qualification that he  
18 or she is not now and will not become a candidate for the office of  
19 president of the United States at the forthcoming presidential  
20 election. The secretary of state shall certify the names of all  
21 candidates who will appear on the presidential preference primary  
22 ballot to the respective county auditors on or before the fourth  
23 Tuesday in April of each presidential election year.

24 **Sec. 20.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to  
25 read as follows:

26 (1) Except as provided by subsection ~~((+3))~~ (2) of this section,  
27 ~~((fifteen))~~ fourteen days after a primary or special election and  
28 twenty-one days after a general election, the county canvassing board  
29 shall complete the canvass and certify the results. The county  
30 canvassing board must complete the canvass and certify the results of  
31 the April 17, 2012, special election ten days after election day. Each  
32 ~~((absentee))~~ ballot that was returned before ~~((the-closing-of-the~~  
33 ~~polls))~~ 8:00 p.m. on the day of the special election, general election,  
34 or primary, and each ~~((absentee))~~ ballot bearing a postmark on or  
35 before the date of the ~~((primary-or))~~ special election, general  
36 election, or primary and received ~~((on-or-before-the-date-on-which-the~~

1 ~~primary or election is certified))~~ no later than the day before  
2 certification, must be included in the canvass report.

3 ~~(2) ((At the request of a caucus of the state legislature, the~~  
4 ~~county auditor shall transmit copies of all unofficial returns of state~~  
5 ~~and legislative primaries or elections prepared by or for the county~~  
6 ~~canvassing board to either the secretary of the senate or the chief~~  
7 ~~clerk of the house of representatives.~~

8 ~~(3))~~ On or before the thirtieth day after an election conducted  
9 under the instant runoff voting method for the pilot project authorized  
10 by RCW 29A.53.020, the canvassing board shall complete the canvass and  
11 certify the results.

12 **Sec. 21.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to  
13 read as follows:

14 ~~((1) Fifteen))~~ Fourteen days after a primary or special election  
15 and twenty-one days after a general election, the county canvassing  
16 board shall complete the canvass and certify the results. Each  
17 ~~((absentee))~~ ballot that was returned before ~~((the closing of the~~  
18 ~~polls))~~ 8:00 p.m. on the day of the special election, general election,  
19 or primary, and each ~~((absentee))~~ ballot bearing a postmark on or  
20 before the date of the ~~((primary or))~~ special election, general  
21 election, or primary and received ~~((on or before the date on which the~~  
22 ~~primary or election is certified))~~ no later than the day before  
23 certification, must be included in the canvass report.

24 ~~((2) At the request of a caucus of the state legislature, the~~  
25 ~~county auditor shall transmit copies of all unofficial returns of state~~  
26 ~~and legislative primaries or elections prepared by or for the county~~  
27 ~~canvassing board to either the secretary of the senate or the chief~~  
28 ~~clerk of the house of representatives.))~~

29 **Sec. 22.** RCW 29A.60.240 and 2003 c 111 s 1524 are each amended to  
30 read as follows:

31 The secretary of state shall, as soon as possible but in any event  
32 not later than ~~((the third Tuesday))~~ seventeen days following the  
33 primary, canvass and certify the returns of all primary elections as to  
34 candidates for state offices, United States senators and  
35 representatives in Congress, and all other candidates whose district  
36 extends beyond the limits of a single county.

1       **Sec. 23.** RCW 29A.64.011 and 2004 c 271 s 177 are each amended to  
2 read as follows:

3       An officer of a political party or any person for whom votes were  
4 cast in a primary who (~~was not declared nominated~~) did not qualify  
5 for the general election may file a written application for a recount  
6 of the votes or a portion of the votes cast at that primary for all  
7 persons for whom votes were cast for (~~nomination to~~) that office.

8       An officer of a political party or any person for whom votes were  
9 cast at any election may file a written application for a recount of  
10 the votes or a portion of the votes cast at that election for all  
11 candidates for election to that office.

12       Any group of five or more registered voters may file a written  
13 application for a recount of the votes or a portion of the votes cast  
14 upon any question or issue. They shall designate one of the members of  
15 the group as chair and shall indicate the voting residence of each  
16 member of the group.

17       An application for a recount of the votes cast for an office or on  
18 a ballot measure must be filed with the officer with whom filings are  
19 made for the jurisdiction.

20       An application for a recount must specify whether the recount will  
21 be done manually or by the vote tally system. A recount done by the  
22 vote tally system must use programming that recounts and reports only  
23 the office or ballot measure in question. The county shall also  
24 provide for a test of the logic and accuracy of that program.

25       An application for a recount must be filed within (~~three~~) two  
26 business days after the county canvassing board or secretary of state  
27 has declared the official results of the primary or election for the  
28 office or issue for which the recount is requested.

29       This chapter applies to the recounting of votes cast by paper  
30 ballots and to the recounting of votes recorded on ballots counted by  
31 a vote tally system.

32       **Sec. 24.** RCW 29A.64.030 and 2005 c 243 s 20 are each amended to  
33 read as follows:

34       An application for a recount shall state the office for which a  
35 recount is requested and whether the request is for all or only a  
36 portion of the votes cast in that jurisdiction of that office. The  
37 person filing an application for a manual recount shall, at the same

1 time, deposit with the county canvassing board or secretary of state,  
2 in cash or by certified check, a sum equal to twenty-five cents for  
3 each ballot cast in the jurisdiction or portion of the jurisdiction for  
4 which the recount is requested as security for the payment of any costs  
5 of conducting the recount. If the application is for a machine  
6 recount, the deposit must be equal to fifteen cents for each ballot.  
7 These charges shall be determined by the county canvassing board or  
8 boards under RCW 29A.64.081.

9 The county canvassing board shall determine the date, time, and  
10 place or places at which the recount will be conducted. Not less than  
11 (~~two days~~) one day before the date of the recount, the county auditor  
12 shall (~~mail a notice of the time and place of the recount to~~) notify  
13 the applicant or affected parties and, if the recount involves an  
14 office, to any person for whom votes were cast for that office of the  
15 date, time, and place of the recount. (~~The county auditor shall also~~  
16 ~~notify the affected parties by either telephone, fax, e-mail, or other~~  
17 ~~electronic means at the time of mailing. At least three attempts must~~  
18 ~~be made over a two-day period to notify the affected parties or until~~  
19 ~~the affected parties have received the notification. Each attempt to~~  
20 ~~notify affected parties must request a return response indicating that~~  
21 ~~the notice has been received.)) Each person entitled to receive notice  
22 of the recount may attend, witness the recount, and be accompanied by  
23 counsel.~~

24 Proceedings of the canvassing board are public under chapter 42.30  
25 RCW. Subject to reasonable and equitable guidelines adopted by the  
26 canvassing board, all interested persons may attend and witness a  
27 recount.

28 **Sec. 25.** RCW 29A.68.011 and 2007 c 374 s 3 are each amended to  
29 read as follows:

30 Any justice of the supreme court, judge of the court of appeals, or  
31 judge of the superior court in the proper county shall, by order,  
32 require any person charged with error, wrongful act, or neglect to  
33 forthwith correct the error, desist from the wrongful act, or perform  
34 the duty and to do as the court orders or to show cause forthwith why  
35 the error should not be corrected, the wrongful act desisted from, or  
36 the duty or order not performed, whenever it is made to appear to such  
37 justice or judge by affidavit of an elector that:

1 (1) An error or omission has occurred or is about to occur in  
2 printing the name of any candidate on official ballots; or

3 (2) An error other than as provided in subsections (1) and (3) of  
4 this section has been committed or is about to be committed in printing  
5 the ballots; or

6 (3) The name of any person has been or is about to be wrongfully  
7 placed upon the ballots; or

8 (4) A wrongful act other than as provided for in subsections (1)  
9 and (3) of this section has been performed or is about to be performed  
10 by any election officer; or

11 (5) Any neglect of duty on the part of an election officer other  
12 than as provided for in subsections (1) and (3) of this section has  
13 occurred or is about to occur; or

14 (6) An error or omission has occurred or is about to occur in the  
15 official certification of the election.

16 An affidavit of an elector under subsections (1) and (3) of this  
17 section when relating to a primary election must be filed with the  
18 appropriate court no later than (~~the second Friday~~) two days  
19 following the closing of the filing period (~~for nominations~~) for such  
20 office and shall be heard and finally disposed of by the court not  
21 later than five days after the filing thereof. An affidavit of an  
22 elector under subsections (1) and (3) of this section when relating to  
23 a general election must be filed with the appropriate court no later  
24 than three days following the official certification of the primary  
25 election returns and shall be heard and finally disposed of by the  
26 court not later than five days after the filing thereof. An affidavit  
27 of an elector under subsection (6) of this section shall be filed with  
28 the appropriate court no later than ten days following the official  
29 certification of the election as provided in RCW 29A.60.190,  
30 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after  
31 the official certification of the amended abstract as provided in RCW  
32 29A.64.061.

33 **Sec. 26.** RCW 29A.76.010 and 2003 c 111 s 1901 are each amended to  
34 read as follows:

35 (1) It is the responsibility of each county, municipal corporation,  
36 and special purpose district with a governing body comprised of  
37 internal director, council, or commissioner districts not based on

1 statutorily required land ownership criteria to periodically redistrict  
2 its governmental unit, based on population information from the most  
3 recent federal decennial census.

4 (2) Within forty-five days after receipt of federal decennial  
5 census information applicable to a specific local area, the commission  
6 established in RCW 44.05.030 shall forward the census information to  
7 each municipal corporation, county, and district charged with  
8 redistricting under this section.

9 (3) No later than eight months after its receipt of federal  
10 decennial census data, the governing body of the municipal corporation,  
11 county, or district shall prepare a plan for redistricting its internal  
12 or director districts.

13 (4) The plan shall be consistent with the following criteria:

14 (a) Each internal director, council, or commissioner district shall  
15 be as nearly equal in population as possible to each and every other  
16 such district comprising the municipal corporation, county, or special  
17 purpose district.

18 (b) Each district shall be as compact as possible.

19 (c) Each district shall consist of geographically contiguous area.

20 (d) Population data may not be used for purposes of favoring or  
21 disfavoring any racial group or political party.

22 (e) To the extent feasible and if not inconsistent with the basic  
23 enabling legislation for the municipal corporation, county, or  
24 district, the district boundaries shall coincide with existing  
25 recognized natural boundaries and shall, to the extent possible,  
26 preserve existing communities of related and mutual interest.

27 (5) During the adoption of its plan, the municipal corporation,  
28 county, or district shall ensure that full and reasonable public notice  
29 of its actions is provided. The municipal corporation, county, or  
30 district shall hold at least one public hearing on the redistricting  
31 plan at least one week before adoption of the plan.

32 (6)(a) Any registered voter residing in an area affected by the  
33 redistricting plan may request review of the adopted local plan by the  
34 superior court of the county in which he or she resides, within  
35 (~~forty-five~~) fifteen days of the plan's adoption. Any request for  
36 review must specify the reason or reasons alleged why the local plan is  
37 not consistent with the applicable redistricting criteria. The  
38 municipal corporation, county, or district may be joined as respondent.

1 The superior court shall thereupon review the challenged plan for  
2 compliance with the applicable redistricting criteria set out in  
3 subsection (4) of this section.

4 (b) If the superior court finds the plan to be consistent with the  
5 requirements of this section, the plan shall take effect immediately.

6 (c) If the superior court determines the plan does not meet the  
7 requirements of this section, in whole or in part, it shall remand the  
8 plan for further or corrective action within a specified and reasonable  
9 time period.

10 (d) If the superior court finds that any request for review is  
11 frivolous or has been filed solely for purposes of harassment or delay,  
12 it may impose appropriate sanctions on the party requesting review,  
13 including payment of attorneys' fees and costs to the respondent  
14 municipal corporation, county, or district.

15 **Sec. 27.** RCW 42.12.040 and 2006 c 344 s 29 and 2005 c 2 s 15 are  
16 each reenacted and amended to read as follows:

17 (1) If a vacancy occurs in any partisan elective office in the  
18 executive or legislative branches of state government or in any  
19 partisan county elective office before the ~~((eleventh Tuesday prior to  
20 the primary for the next general election following the occurrence of  
21 the vacancy,))~~ first day of the regular filing period, the position  
22 must be open for filing during the regular filing period as provided in  
23 RCW 29A.24.171 and a successor shall be elected ~~((to that office at  
24 that))~~ at the general election. Except during the last year of the  
25 term of office, if such a vacancy occurs on or after the ~~((eleventh  
26 Tuesday prior to the primary for that general election))~~ first day of  
27 the regular filing period, the election of the successor shall occur at  
28 the next succeeding general election. The elected successor shall hold  
29 office for the remainder of the unexpired term. This section shall not  
30 apply to any vacancy occurring in a charter county which has charter  
31 provisions inconsistent with this section.

32 (2) If a vacancy occurs in any legislative office or in any  
33 partisan county office after the general election in a year that the  
34 position appears on the ballot and before the start of the next term,  
35 the term of the successor who is of the same party as the incumbent may  
36 commence once he or she has qualified as defined in RCW 29A.04.133 and  
37 shall continue through the term for which he or she was elected.

1       **Sec. 28.** RCW 42.12.070 and 1994 c 223 s 1 are each amended to read  
2 as follows:

3       A vacancy on an elected nonpartisan governing body of a special  
4 purpose district where property ownership is not a qualification to  
5 vote, a town, or a city other than a first-class city or a charter code  
6 city, shall be filled as follows unless the provisions of law relating  
7 to the special district, town, or city provide otherwise:

8       (1) Where one position is vacant, the remaining members of the  
9 governing body shall appoint a qualified person to fill the vacant  
10 position.

11       (2) Where two or more positions are vacant and two or more members  
12 of the governing body remain in office, the remaining members of the  
13 governing body shall appoint a qualified person to fill one of the  
14 vacant positions, the remaining members of the governing body and the  
15 newly appointed person shall appoint another qualified person to fill  
16 another vacant position, and so on until each of the vacant positions  
17 is filled with each of the new appointees participating in each  
18 appointment that is made after his or her appointment.

19       (3) If less than two members of a governing body remain in office,  
20 the county legislative authority of the county in which all or the  
21 largest geographic portion of the city, town, or special district is  
22 located shall appoint a qualified person or persons to the governing  
23 body until the governing body has two members.

24       (4) If a governing body fails to appoint a qualified person to fill  
25 a vacancy within ninety days of the occurrence of the vacancy, the  
26 authority of the governing body to fill the vacancy shall cease and the  
27 county legislative authority of the county in which all or the largest  
28 geographic portion of the city, town, or special district is located  
29 shall appoint a qualified person to fill the vacancy.

30       (5) If the county legislative authority of the county fails to  
31 appoint a qualified person within one hundred eighty days of the  
32 occurrence of the vacancy, the county legislative authority or the  
33 remaining members of the governing body of the city, town, or special  
34 district may petition the governor to appoint a qualified person to  
35 fill the vacancy. The governor may appoint a qualified person to fill  
36 the vacancy after being petitioned if at the time the governor fills  
37 the vacancy the county legislative authority has not appointed a  
38 qualified person to fill the vacancy.

1 (6) As provided in (~~RCW 29.15.190 and 29.21.410~~) chapter 29A.24  
2 RCW, each person who is appointed shall serve until a qualified person  
3 is elected at the next election at which a member of the governing body  
4 normally would be elected (~~that occurs twenty eight or more days after~~  
5 ~~the occurrence of the vacancy~~). If needed, special filing periods  
6 shall be authorized as provided in (~~RCW 29.15.170 and 29.15.180~~)  
7 chapter 29A.24 RCW for qualified persons to file for the vacant office.  
8 A primary shall be held to (~~nominate~~) qualify candidates if  
9 sufficient time exists to hold a primary and more than two candidates  
10 file for the vacant office. Otherwise, a primary shall not be held and  
11 the person receiving the greatest number of votes shall be elected.  
12 The person elected shall take office immediately and serve the  
13 remainder of the unexpired term.

14 If an election for the position that became vacant would otherwise  
15 have been held at this general election date, only one election to fill  
16 the position shall be held and the person elected to fill the  
17 succeeding term for that position shall take office immediately when  
18 qualified as defined in RCW (~~29.01.135~~) 29A.04.133 and shall service  
19 both the remainder of the unexpired term and the succeeding term.

20 NEW SECTION. Sec. 29. The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 29A.04.310 (Primaries) and 2005 c 2 s 8, 2003 c 111 s 143,  
23 1977 ex.s. c 361 s 29, 1965 ex.s. c 103 s 6, & 1965 c 9 s 29.13.070;

24 (2) RCW 29A.24.151 (Notice of void in candidacy) and 2004 c 271 s  
25 163;

26 (3) RCW 29A.24.161 (Filings to fill void in candidacy--How made)  
27 and 2004 c 271 s 164;

28 (4) RCW 29A.36.011 (Certifying primary candidates) and 2004 c 271  
29 s 124; and

30 (5) RCW 29A.40.150 (Overseas, service voters) and 2009 c 415 s 12,  
31 2006 c 206 s 7, 2005 c 245 s 1, 2003 c 111 s 1015, 1993 c 417 s 7, 1987  
32 c 346 s 19, & 1983 1st ex.s. c 71 s 8.

33 NEW SECTION. Sec. 30. The following acts or parts of acts are  
34 each repealed:

35 (1) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
36 filing period) and 2005 c 2 s 10 & 2003 c 111 s 621; and

1 (2) RCW 29A.24.211 (Vacancy in partisan elective office--Special  
2 filing period) and 2006 c 344 s 10 & 2004 c 271 s 116.

3 NEW SECTION. **Sec. 31.** Section 21 of this act takes effect July 1,  
4 2013.

5 NEW SECTION. **Sec. 32.** Section 20 of this act expires July 1,  
6 2013.

7 NEW SECTION. **Sec. 33.** Except for sections 10 through 12, 21, 27,  
8 28, and 30 of this act, this act takes effect January 1, 2012.

9 NEW SECTION. **Sec. 34.** Sections 10 through 12, 27, 28, and 30 of  
10 this act are necessary for the immediate preservation of the public  
11 peace, health, or safety, or support of the state government and its  
12 existing public institutions, and take effect immediately.

Passed by the Senate April 14, 2011.  
Passed by the House April 9, 2011.  
Approved by the Governor May 16, 2011.  
Filed in Office of Secretary of State May 17, 2011.