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HOUSE BILL 2469

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State of Washington                      64th Legislature                      2016 Regular Session

By Representatives Bergquist, Van Werven, S. Hunt, and Moscoso

Read first time 01/13/16. Referred to Committee on State Government.

1            AN ACT Relating to candidate filing fee petitions; amending RCW  
2 29A.04.611, 29A.24.091, and 29A.24.101; adding a new section to  
3 chapter 29A.04 RCW; and providing an effective date.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 29A.04  
6 RCW to read as follows:

7            "Electronic signature" has the same meaning as in RCW 19.360.030.

8            **Sec. 2.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to  
9 read as follows:

10           The secretary of state as chief election officer shall make  
11 reasonable rules in accordance with chapter 34.05 RCW not  
12 inconsistent with the federal and state election laws to effectuate  
13 any provision of this title and to facilitate the execution of its  
14 provisions in an orderly, timely, and uniform manner relating to any  
15 federal, state, county, city, town, and district elections. To that  
16 end the secretary shall assist local election officers by devising  
17 uniform forms and procedures.

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

- 1 (1) The maintenance of voter registration records;
- 2 (2) The preparation, maintenance, distribution, review, and  
3 filing of precinct maps;
- 4 (3) Standards for the design, layout, and production of ballots;
- 5 (4) The examination and testing of voting systems for  
6 certification;
- 7 (5) The source and scope of independent evaluations of voting  
8 systems that may be relied upon in certifying voting systems for use  
9 in this state;
- 10 (6) Standards and procedures for the acceptance testing of voting  
11 systems by counties;
- 12 (7) Standards and procedures for testing the programming of vote  
13 tallying software for specific primaries and elections;
- 14 (8) Standards and procedures for the preparation and use of each  
15 type of certified voting system including procedures for the  
16 operation of counting centers where vote tallying systems are used;
- 17 (9) Standards and procedures to ensure the accurate tabulation  
18 and canvassing of ballots;
- 19 (10) Consistency among the counties of the state in the  
20 preparation of ballots, the operation of vote tallying systems, and  
21 the canvassing of primaries and elections;
- 22 (11) Procedures to ensure the secrecy of a voter's ballot when a  
23 small number of ballots are counted;
- 24 (12) The use of substitute devices or means of voting when a  
25 voting device is found to be defective, the counting of votes cast on  
26 the defective device, the counting of votes cast on the substitute  
27 device, and the documentation that must be submitted to the county  
28 auditor regarding such circumstances;
- 29 (13) Procedures for the transportation of sealed containers of  
30 voted ballots or sealed voting devices;
- 31 (14) The acceptance and filing of documents via electronic  
32 transmission;
- 33 (15) Voter registration applications and records;
- 34 (16) The use of voter registration information in the conduct of  
35 elections;
- 36 (17) The coordination, delivery, and processing of voter  
37 registration records accepted by driver licensing agents or the  
38 department of licensing;

- 1 (18) The coordination, delivery, and processing of voter  
2 registration records accepted by agencies designated by the governor  
3 to provide voter registration services;
- 4 (19) Procedures to receive and distribute voter registration  
5 applications by mail;
- 6 (20) Procedures for a voter to change his or her voter  
7 registration address within a county by telephone;
- 8 (21) Procedures for a voter to change the name under which he or  
9 she is registered to vote;
- 10 (22) Procedures for canceling dual voter registration records and  
11 for maintaining records of persons whose voter registrations have  
12 been canceled;
- 13 (23) Procedures for the electronic transfer of voter registration  
14 records between county auditors and the office of the secretary of  
15 state;
- 16 (24) Procedures and forms for declarations of candidacy;
- 17 (25) Procedures and requirements for the acceptance and filing of  
18 declarations of candidacy by electronic means;
- 19 (26) Procedures for the circumstance in which two or more  
20 candidates have a name similar in sound or spelling so as to cause  
21 confusion for the voter;
- 22 (27) Filing for office;
- 23 (28) The order of positions and offices on a ballot;
- 24 (29) Sample ballots;
- 25 (30) Independent evaluations of voting systems;
- 26 (31) The testing, approval, and certification of voting systems;
- 27 (32) The testing of vote tallying software programming;
- 28 (33) Standards and procedures to prevent fraud and to facilitate  
29 the accurate processing and canvassing of ballots, including  
30 standards for the approval and implementation of hardware and  
31 software for automated signature verification systems;
- 32 (34) Standards and procedures to guarantee the secrecy of  
33 ballots;
- 34 (35) Uniformity among the counties of the state in the conduct of  
35 elections;
- 36 (36) Standards and procedures to accommodate overseas voters and  
37 service voters;
- 38 (37) The tabulation of paper ballots;
- 39 (38) The accessibility of voting centers;

1 (39) The aggregation of precinct results if reporting the results  
2 of a single precinct could jeopardize the secrecy of a person's  
3 ballot;

4 (40) Procedures for conducting a statutory recount;

5 (41) Procedures for filling vacancies in congressional offices if  
6 the general statutory time requirements for availability of ballots,  
7 certification, canvassing, and related procedures cannot be met;

8 (42) Procedures for the statistical sampling of signatures for  
9 purposes of verifying and canvassing signatures on initiative,  
10 referendum, and recall election petitions;

11 (43) Standards and deadlines for submitting material to the  
12 office of the secretary of state for the voters' pamphlet;

13 (44) Deadlines for the filing of ballot titles for referendum  
14 bills and constitutional amendments if none have been provided by the  
15 legislature;

16 (45) Procedures for the publication of a state voters' pamphlet;

17 (46) Procedures for conducting special elections regarding  
18 nuclear waste sites if the general statutory time requirements for  
19 availability of ballots, certification, canvassing, and related  
20 procedures cannot be met;

21 (47) Procedures for conducting partisan primary elections;

22 (48) Standards and procedures for the proper conduct of voting on  
23 accessible voting devices;

24 (49) Standards for voting technology and systems used by the  
25 state or any political subdivision to be accessible for individuals  
26 with disabilities, including nonvisual accessibility for the blind  
27 and visually impaired, in a manner that provides the same opportunity  
28 for access and participation, including privacy and independence, as  
29 other voters;

30 (50) All data formats for transferring voter registration data on  
31 electronic or machine-readable media for the purpose of administering  
32 the statewide voter registration list required by the Help America  
33 Vote Act (P.L. 107-252);

34 (51) Defining the interaction of electronic voter registration  
35 election management systems employed by each county auditor to  
36 maintain a local copy of each county's portion of the official state  
37 list of registered voters;

38 (52) Provisions and procedures to implement the state-based  
39 administrative complaint procedure as required by the Help America  
40 Vote Act (P.L. 107-252);

1 (53) Facilitating the payment of local government grants to local  
2 government election officers or vendors; (~~and~~)

3 (54) Standards for the verification of signatures on ballot  
4 declarations; and

5 (55) In accordance with standards, guidelines, or policies  
6 established by the chief information officer as required in RCW  
7 19.360.020, the format, standards, and procedures for the acceptance  
8 and verification of electronic signatures on an electronic filing fee  
9 petition authorized under RCW 29A.24.091.

10 **Sec. 3.** RCW 29A.24.091 and 2009 c 106 s 2 are each amended to  
11 read as follows:

12 (1) A filing fee of ten dollars shall accompany the declaration  
13 of candidacy for any office with a fixed annual salary of one  
14 thousand dollars or less; a filing fee equal to one percent of the  
15 annual salary of the office at the time of filing shall accompany the  
16 declaration of candidacy for any office with a fixed annual salary of  
17 more than one thousand dollars per annum. No filing fee need  
18 accompany a declaration of candidacy for precinct committee officer  
19 or any office for which compensation is on a per diem or per meeting  
20 attended basis.

21 ~~((A candidate who lacks sufficient assets or income at the time~~  
22 ~~of filing to pay the filing fee required by this section shall)) (2)~~

23 In lieu of a filing fee, any candidate may submit with his or her  
24 declaration of candidacy a filing fee petition. The petition shall  
25 contain not less than a number of signatures of registered voters  
26 equal to the number of dollars of the filing fee. The signatures  
27 shall be of voters registered to vote within the jurisdiction of the  
28 office for which the candidate is filing.

29 (3) A candidate filing a declaration of candidacy with the  
30 secretary of state under RCW 29A.24.070 may file electronically a  
31 filing fee petition containing electronic signatures. An electronic  
32 signature of a legal voter has the same force and effect as a  
33 signature affixed by hand, as long as the signature conforms to the  
34 standards and procedures established in rule by the secretary of  
35 state.

36 (4) When the candidacy is for:

37 ~~((1))~~ (a) A statewide office, the United States senate, or the  
38 United States house of representatives, the fee shall be paid to the  
39 secretary of state;

1       ~~((2))~~ (b) A legislative or judicial office that includes  
2 territory from more than one county, the fee shall be paid to the  
3 secretary of state for equal division between the treasuries of the  
4 counties comprising the district;

5       ~~((3))~~ (c) A legislative or judicial office that includes  
6 territory from only one county, the fee shall be paid to the county  
7 auditor;

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

11       **Sec. 4.** RCW 29A.24.101 and 2013 c 11 s 32 are each amended to  
12 read as follows:

13       (1) The filing fee petition authorized by RCW 29A.24.091 must be  
14 printed on sheets of uniform color and size, must include a place for  
15 each individual to sign and print his or her name and the address,  
16 city, and county at which he or she is registered to vote, and must  
17 contain no more than twenty numbered lines.

18       (2) The filing fee petition must be in substantially the  
19 following form:

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

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

26       (3) Filing fee petitions filed electronically with electronic  
27 signatures must meet standards established in rule by the secretary  
28 of state.

29       NEW SECTION.   **Sec. 5.** Sections 3 and 4 of this act take effect  
30 January 1, 2017.

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