
HOUSE BILL 2530

State of Washington

66th Legislature

2020 Regular Session

By Representatives Gregerson, Thai, Hudgins, Peterson, and Tarleton

Read first time 01/15/20. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to making necessary changes to move the primary
2 election date to May; amending RCW 29A.04.311, 29A.04.321,
3 29A.04.330, 29A.24.050, 42.52.180, 42.52.185, and 29A.60.190;
4 reenacting and amending RCW 42.17A.560; and providing an effective
5 date.

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

7 **Sec. 1.** RCW 29A.04.311 and 2011 c 349 s 2 are each amended to
8 read as follows:

9 Primaries for general elections to be held in November, and the
10 election of precinct committee officers, must be held on the
11 (~~first~~) third Tuesday of the preceding (~~August~~) May.

12 **Sec. 2.** RCW 29A.04.321 and 2015 c 146 s 1 are each amended to
13 read as follows:

14 (1) All state, county, city, town, and district general elections
15 for the election of federal, state, legislative, judicial, county,
16 city, town, and district officers, and for the submission to the
17 voters of the state, county, city, town, or district of any measure
18 for their adoption and approval or rejection, shall be held on the
19 first Tuesday after the first Monday of November, in the year in
20 which they may be called. A statewide general election shall be held

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

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

27 ~~((d))~~ (c) The first Tuesday after the first Monday in November.

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

38 (4) In addition to the dates set forth in subsection (2) (a)
39 through ~~((d))~~ (c) of this section, a special election to validate
40 an excess levy or bond issue may be called at any time to meet the

1 needs resulting from fire, flood, earthquake, or other act of God.
2 Such county special election shall be noticed and conducted in the
3 manner provided by law.

4 (5) This section shall supersede the provisions of any and all
5 other statutes, whether general or special in nature, having
6 different dates for such city, town, and district elections, the
7 purpose of this section being to establish mandatory dates for
8 holding elections. This section shall not be construed as fixing the
9 time for holding primary elections, or elections for the recall of
10 any elective public officer.

11 **Sec. 3.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
12 read as follows:

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

16 This section shall not apply to:

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

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

22 (c) Consolidation proposals as provided for in RCW 28A.315.235
23 and nonhigh capital fund aid proposals as provided for in chapter
24 28A.540 RCW; and

25 (d) Special flood control districts consisting of three or more
26 counties.

27 (2) The county auditor, as ex officio supervisor of elections,
28 upon request in the form of a resolution of the governing body of a
29 city, town, or district, presented to the auditor prior to the
30 proposed election date, shall call a special election in such city,
31 town, or district, and for the purpose of such special election he or
32 she may combine, unite, or divide precincts. Such a special election
33 shall be held on one of the following dates as decided by the
34 governing body:

35 (a) The second Tuesday in February;

36 (b) The ~~((fourth Tuesday in April;~~

37 ~~(e) The))~~ day of the primary election as specified by RCW
38 29A.04.311; or

39 ~~((d))~~ (c) The first Tuesday after the first Monday in November.

1 (3) A resolution calling for a special election on a date set
2 forth in (~~subsection (2) (a) and (b) of~~) this section must be
3 presented to the county auditor at least sixty days prior to the
4 election date. (~~A resolution calling for a special election on a
5 date set forth in subsection (2) (c) of this section must be presented
6 to the county auditor no later than the Friday immediately before the
7 first day of regular candidate filing. A resolution calling for a
8 special election on a date set forth in subsection (2) (d) of this
9 section must be presented to the county auditor no later than the day
10 of the primary.~~)

11 (4) In addition to subsection (2) (a) through (~~(d)~~) (c) of this
12 section, a special election to validate an excess levy or bond issue
13 may be called at any time to meet the needs resulting from fire,
14 flood, earthquake, or other act of God, except that no special
15 election may be held between the first day for candidates to file for
16 public office and the last day to certify the returns of the general
17 election other than as provided in subsection (2) (~~(e) and (d)~~) (b)
18 and (c) of this section. Such special election shall be conducted and
19 notice thereof given in the manner provided by law.

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

25 **Sec. 4.** RCW 29A.24.050 and 2011 c 349 s 7 are each amended to
26 read as follows:

27 Except where otherwise provided by this title, declarations of
28 candidacy for the following offices shall be filed during regular
29 business hours with the filing officer beginning the fourth Monday
30 (~~two weeks before Memorial day~~) in February and ending the
31 following Friday in the year in which the office is scheduled to be
32 voted upon:

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

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

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

3 **Sec. 5.** RCW 42.52.180 and 2017 c 7 s 2 are each amended to read
4 as follows:

5 (1) No state officer or state employee may use or authorize the
6 use of facilities of an agency, directly or indirectly, for the
7 purpose of assisting a campaign for election of a person to an office
8 or for the promotion of or opposition to a ballot proposition.
9 Knowing acquiescence by a person with authority to direct, control,
10 or influence the actions of the state officer or state employee using
11 public resources in violation of this section constitutes a violation
12 of this section. Facilities of an agency include, but are not limited
13 to, use of stationery, postage, machines, and equipment, use of state
14 employees of the agency during working hours, vehicles, office space,
15 publications of the agency, and clientele lists of persons served by
16 the agency.

17 (2) This section shall not apply to the following activities:

18 (a) Action taken at an open public meeting by members of an
19 elected legislative body to express a collective decision, or to
20 actually vote upon a motion, proposal, resolution, order, or
21 ordinance, or to support or oppose a ballot proposition as long as
22 (i) required notice of the meeting includes the title and number of
23 the ballot proposition, and (ii) members of the legislative body or
24 members of the public are afforded an approximately equal opportunity
25 for the expression of an opposing view;

26 (b) A statement by an elected official in support of or in
27 opposition to any ballot proposition at an open press conference or
28 in response to a specific inquiry. For the purposes of this
29 subsection, it is not a violation of this section for an elected
30 official to respond to an inquiry regarding a ballot proposition, to
31 make incidental remarks concerning a ballot proposition in an
32 official communication, or otherwise comment on a ballot proposition
33 without an actual, measurable expenditure of public funds. The ethics
34 boards shall adopt by rule a definition of measurable expenditure;

35 (c) The maintenance of official legislative web sites throughout
36 the year, regardless of pending elections. The web sites may contain
37 any discretionary material which was also specifically prepared for
38 the legislator in the course of his or her duties as a legislator,
39 including newsletters and press releases. The official legislative

1 web sites of legislators seeking reelection or election to any office
2 shall not be altered, other than during a special legislative
3 session, beginning (~~on the first day of the declaration of candidacy~~
4 ~~filing period specified in RCW 29A.24.050~~) two weeks after the end
5 of the regular legislative session through the date of certification
6 of the general election of the election year. The web site shall not
7 be used for campaign purposes;

8 (d) Activities that are part of the normal and regular conduct of
9 the office or agency; and

10 (e) De minimis use of public facilities by statewide elected
11 officials and legislators incidental to the preparation or delivery
12 of permissible communications, including written and verbal
13 communications initiated by them of their views on ballot
14 propositions that foreseeably may affect a matter that falls within
15 their constitutional or statutory responsibilities.

16 (3) As to state officers and employees, this section operates to
17 the exclusion of RCW 42.17A.555.

18 **Sec. 6.** RCW 42.52.185 and 2017 c 7 s 3 are each amended to read
19 as follows:

20 (1) During the period beginning on December 1st of the year
21 before a general election for a state legislator's election to office
22 and continuing through the date of certification of the general
23 election, the legislator may not mail, either by regular mail or
24 email, to a constituent at public expense a letter, newsletter,
25 brochure, or other piece of literature, except for routine
26 legislative correspondence, such as scheduling, and as follows:

27 (a) The legislator may mail two mailings of newsletters to
28 constituents. All newsletters within each mailing of newsletters must
29 be identical as to their content but not as to the constituent name
30 or address. Both mailings must be mailed (~~before the first day of~~
31 ~~the declaration of candidacy filing period specified in RCW~~
32 ~~29A.24.050~~) no later than three weeks after the end of the regular
33 legislative session.

34 (b) The legislator may mail an individual letter to (i) an
35 individual constituent who has contacted the legislator regarding the
36 subject matter of the letter during the legislator's current term of
37 office; (ii) an individual constituent who holds a governmental
38 office with jurisdiction over the subject matter of the letter; or
39 (iii) an individual constituent who has received an award or honor of

1 extraordinary distinction of a type that is sufficiently infrequent
2 to be noteworthy to a reasonable person, including, but not limited
3 to: (A) An international or national award such as the Nobel prize or
4 the Pulitzer prize; (B) a state award such as Washington scholar; (C)
5 an Eagle Scout award; and (D) a Medal of Honor.

6 (c) In those cases where constituents have specifically indicated
7 that they would like to be contacted to receive regular or periodic
8 updates on legislative matters or been added to a distribution list
9 and provided regular opportunities to unsubscribe from that mailing
10 list, legislators may provide such updates by email throughout the
11 legislative session and up until (~~the first day of the declaration~~
12 ~~of candidacy filing period specified in RCW 29A.24.050~~) two weeks
13 after the end of the regular legislative session. Legislators may
14 also provide these updates by email during any special legislative
15 session.

16 (2) A violation of this section constitutes use of the facilities
17 of a public office for the purpose of assisting a campaign under RCW
18 42.52.180.

19 (3) The house of representatives and senate shall specifically
20 limit expenditures per member for the total cost of mailings. Those
21 costs include, but are not limited to, production costs, printing
22 costs, and postage costs. The limits imposed under this subsection
23 apply only to the total expenditures on mailings per member and not
24 to any categorical cost within the total.

25 (4) For purposes of this section:

26 (a) "Legislator" means a legislator who is a "candidate," as
27 defined in RCW 42.17A.005, for any public office; and

28 (b) Persons residing outside the legislative district represented
29 by the legislator are not considered to be constituents, but
30 students, military personnel, or others temporarily employed outside
31 of the district who normally reside in the district are considered to
32 be constituents.

33 **Sec. 7.** RCW 42.17A.560 and 2006 c 348 s 5 and 2006 c 344 s 31
34 are each reenacted and amended to read as follows:

35 (1) During the period beginning on the thirtieth day before the
36 date a regular legislative session convenes and continuing through
37 the (~~date of final adjournment, and during the period beginning on~~
38 ~~the date a special legislative session convenes and continuing~~
39 ~~through the date that session adjourns~~) date on which the

1 declaration of candidacy filing period specified in RCW 29A.24.050
2 begins, no state official or a person employed by or acting on behalf
3 of a state official or state legislator may solicit or accept
4 contributions to a public office fund, to a candidate or authorized
5 committee, or to retire a campaign debt. Contributions received
6 through the mail after the thirtieth day before a regular legislative
7 session may be accepted if the contribution is postmarked prior to
8 the thirtieth day before the session.

9 (2) During the period beginning on the date on which the
10 declaration of candidacy filing period specified in RCW 29A.24.050
11 begins and continuing through the date the regular legislative
12 session adjourns, and during the period beginning on the date a
13 special legislative session convenes and continuing through the date
14 that session adjourns, no state official or a person employed by or
15 acting on behalf of a state official or state legislator may solicit
16 or accept contributions to a public office fund, to a candidate or
17 authorized committee, or to retire a campaign debt, from:

18 (a) A lobbyist that is registered under RCW 42.17A.600;

19 (b) A lobbyist's employer that is required to report under RCW
20 42.17A.630; or

21 (c) A political committee that is sponsored by a person listed in
22 (a) or (b) of this subsection.

23 (3) This section does not apply to activities authorized in RCW
24 43.07.370.

25 **Sec. 8.** RCW 29A.60.190 and 2019 c 7 s 5 are each amended to read
26 as follows:

27 Ten days after a special election held in February (~~or April~~),
28 ten days after a presidential primary held pursuant to chapter 29A.56
29 RCW, fourteen days after a primary, or twenty-one days after a
30 general election, the county canvassing board shall complete the
31 canvass and certify the results. Each ballot that was returned before
32 8:00 p.m. on the day of the special election, general election,
33 primary, or presidential primary, and each ballot bearing a postmark
34 on or before the date of the special election, general election,
35 primary, or presidential primary and received no later than the day
36 before certification, must be included in the canvass report.

1 NEW SECTION. **Sec. 9.** This act takes effect January 1, 2021.

--- **END** ---