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SENATE BILL 5267

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State of Washington

54th Legislature

1995 Regular Session

By Senators Sheldon, Haugen and Wood

Read first time 01/17/95. Referred to Committee on Government Operations.

1 AN ACT Relating to write-in candidates; and amending RCW 29.04.180  
2 and 29.54.085.

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

4 **Sec. 1.** RCW 29.04.180 and 1990 c 59 s 100 are each amended to read  
5 as follows:

6 Any person who desires to be a write-in candidate and have such  
7 votes counted at a primary or election may, if the jurisdiction of the  
8 office sought is entirely within one county, file a declaration of  
9 candidacy with the county auditor not later than the day before the  
10 primary or election. If the jurisdiction of the office sought  
11 encompasses more than one county the declaration of candidacy shall be  
12 filed with the secretary of state not later than the day before the  
13 primary or election. Declarations of candidacy for write-in candidates  
14 must be accompanied by a filing fee in the same manner as required of  
15 other candidates filing for the office as provided in RCW 29.15.050.

16 Votes cast for write-in candidates who have filed such declarations  
17 of candidacy and write-in votes for persons appointed by political  
18 parties pursuant to RCW 29.18.160 need only specify the name of the  
19 candidate in the appropriate location on the ballot in order to be

1 counted. Write-in votes cast for any other candidate, in order to be  
2 counted, must designate the office sought and position number or  
3 political party, if applicable.

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

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

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

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

16 The declaration of candidacy shall be similar to that required by  
17 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be  
18 included in any voter's pamphlet produced under chapter 29.80 RCW  
19 unless that candidate qualifies to have his or her name printed on the  
20 general election ballot. The legislative authority of any jurisdiction  
21 producing a local voter's pamphlet under chapter 29.81A RCW may  
22 provide, by ordinance, for the inclusion of write-in candidates in such  
23 pamphlets.

24 **Sec. 2.** RCW 29.54.085 and 1990 c 59 s 33 are each amended to read  
25 as follows:

26 (1) The ballots picked up from the precincts during the polling  
27 hours may be counted before the polls have closed. Election returns  
28 from the count of these ballots must be held in secrecy until the polls  
29 have been closed as provided by RCW 29.54.018.

30 (2) Write-in votes shall not be tallied separately for a write-in  
31 candidate who has not filed as a write-in candidate under RCW  
32 29.04.180, unless the number of such votes for a write-in candidate  
33 would result in the nomination or election of that candidate.

34 (3) Upon breaking the seals and opening the ballot containers from  
35 the precincts, all voted ballots shall be manually inspected for  
36 damage, write-in votes, and incorrect or incomplete marks. If it is  
37 found that any ballot is damaged so that it cannot properly be counted  
38 by the vote tallying system, a true duplicate copy shall be made of the

1 damaged ballot in the presence of witnesses and substituted for the  
2 damaged ballot. All damaged ballots shall be kept by the county  
3 auditor until sixty days after the primary or election.

4 ((+3)) (4) The returns produced by the vote tallying system, to  
5 which have been added the counts of questioned ballots, write-in votes,  
6 and absentee votes, constitute the official returns of the primary or  
7 election in that county.

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