

2 SHB 1291 - S COMM AMD

3 By Committee on State & Local Government

4 ADOPTED 4/15/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 29.04.050 and 1989 c 278 s 1 are each amended to read
8 as follows:

9 (1) Every voting precinct must be wholly within a single
10 congressional district, a single legislative district, and a single
11 district of a county legislative authority.

12 (2) Every voting precinct shall be composed, as nearly as
13 practicable, of contiguous and compact areas.

14 (3) Except as provided in this subsection, changes to the
15 boundaries of any precinct shall follow visible, physical features
16 delineated on the most current maps provided by the United States
17 census bureau. A change need not follow such visible, physical
18 features if (a) it is necessitated by an annexation or incorporation
19 and the proposed precinct boundary is identical to an exterior boundary
20 of the annexed or incorporated area which does not follow a visible,
21 physical feature; or (b) doing so would substantially impair election
22 administration in the involved area.

23 (4) After a change to precinct boundaries is adopted by the county
24 legislative authority, the county auditor shall send to the secretary
25 of state a copy of the legal description and a map or maps of the
26 changes and, if all or part of the changes do not follow visible,
27 physical features, a statement of the applicable exception under
28 subsection (3) of this section. For boundary changes made pursuant to
29 subsection (3)(b) of this section, the auditor shall include a
30 statement of the reasons why following visible, physical features would
31 have substantially impaired election administration.

32 (5) Every voting precinct within each county shall be designated
33 (~~consecutively~~) by number for the purpose of preparation of maps and
34 the tabulation of population for apportionment purposes. These
35 precincts may be identified with names or other numbers for other
36 election purposes.

1 (6) After a change to precinct boundaries in a city or town, the
2 county auditor shall send one copy of the map or maps delineating the
3 new precinct boundaries within that city or town to the city or town
4 clerk.

5 (7) Precinct maps are public records and shall be available for
6 inspection by the public during normal office hours in the offices
7 where they are kept. Copies shall be made available to the public for
8 a fee necessary to cover the cost of reproduction.

9 **Sec. 2.** RCW 29.04.120 and 1992 c 7 s 32 are each amended to read
10 as follows:

11 (1) Any person who uses registered voter data furnished under RCW
12 29.04.100 or 29.04.110 for the purpose of mailing or delivering any
13 advertisement or offer for any property, establishment, organization,
14 product, or service or for the purpose of mailing or delivering any
15 solicitation for money, services, or anything of value shall be guilty
16 of a felony punishable by imprisonment in a state correctional facility
17 for a period of not more than five years or a fine of not more than
18 ((five)) ten thousand dollars or both such fine and imprisonment, and
19 shall be liable to each person provided such advertisement or
20 solicitation, without the person's consent, for the nuisance value of
21 such person having to dispose of it, which value is herein established
22 at five dollars for each item mailed or delivered to the person's
23 residence: PROVIDED, That any person who mails or delivers any
24 advertisement, offer or solicitation for a political purpose shall not
25 be liable under this section, unless the person is liable under
26 subsection (2) of this section. For purposes of this subsection, two
27 or more attached papers or sheets or two or more papers which are
28 enclosed in the same envelope or container or are folded together shall
29 be deemed to constitute one item. Merely having a mailbox or other
30 receptacle for mail on or near the person's residence shall not be any
31 indication that such person consented to receive the advertisement or
32 solicitation. A class action may be brought to recover damages under
33 this section and the court may award a reasonable attorney's fee to any
34 party recovering damages under this section.

35 (2) It shall be the responsibility of each person furnished data
36 under RCW 29.04.100 or 29.04.110 to take reasonable precautions
37 designed to assure that the data is not used for the purpose of mailing
38 or delivering any advertisement or offer for any property,

1 establishment, organization, product or service or for the purpose of
2 mailing or delivering any solicitation for money, services, or anything
3 of value: PROVIDED, That such data may be used for any political
4 purpose. Where failure to exercise due care in carrying out this
5 responsibility results in the data being used for such purposes, then
6 such person shall be jointly and severally liable for damages under the
7 provisions of subsection (1) of this section along with any other
8 person liable under subsection (1) of this section for the misuse of
9 such data.

10 **Sec. 3.** RCW 29.04.170 and 1980 c 35 s 7 are each amended to read
11 as follows:

12 (1) The legislature finds that certain laws are in conflict
13 governing the election of various local officials. The purpose of
14 (~~this legislation~~) chapter 126, Laws of 1979 ex. sess. is to provide
15 a common date for the assumption of office for all the elected
16 officials of counties, cities, towns, and special purpose districts
17 other than school districts where the ownership of property is not a
18 prerequisite of voting. A person elected to the office of school
19 director begins his or her term of office at the first official meeting
20 of the board of directors after certification of the election results.
21 It is also the purpose of (~~this legislation~~) chapter 126, Laws of
22 1979 ex. sess. to remove these conflicts and delete old statutory
23 language concerning such elections which is no longer necessary.

24 (2) For elective offices of counties, cities, towns, and special
25 purpose districts other than school districts where the ownership of
26 property is not a prerequisite of voting, the term of incumbents shall
27 end and the term of successors shall begin after the successor is
28 elected and qualified, and the term shall commence immediately after
29 December 31st following the election, except as follows:

30 (a) Where the term of office varies from this standard according to
31 statute; and

32 (b) If the election results have not been certified prior to
33 January 1st after the election, in which event the time of commencement
34 for the new term shall occur when the successor becomes qualified in
35 accordance with RCW 29.01.135.

36 (3) For elective offices governed by this section, the oath of
37 office shall be taken as the last step of qualification as defined in
38 RCW 29.01.135 but may be taken either:

1 (a) Up to ten days prior to the scheduled date of assuming office;
2 or

3 (b) At the last regular meeting of the governing body of the
4 applicable county, city, town, or special district held before the
5 winner is to assume office.

6 **Sec. 4.** RCW 29.07.010 and 1994 c 57 s 8 are each amended to read
7 as follows:

8 (1) In all counties, the county auditor shall be the chief
9 registrar of voters for every precinct within the county. The auditor
10 may appoint a registration assistant for each precinct or group of
11 precincts and shall appoint city or town clerks as registration
12 assistants to assist in registering persons residing in cities, towns,
13 and rural precincts within the county.

14 (2) In addition, the auditor may appoint a registration assistant
15 for each common school. The auditor may appoint a registration
16 assistant for each fire station. ~~((All common schools, fire stations,
17 and public libraries shall make voter registration application forms
18 available to the public.))~~

19 (3) A registration assistant must be a registered voter. Except
20 for city and town clerks, each registration assistant holds office at
21 the pleasure of the county auditor.

22 (4) The county auditor shall be the custodian of the official
23 registration records of that county. The county auditor shall ensure
24 that mail-in voter registration application forms are readily available
25 to the public at locations to include but not limited to the elections
26 office, and all common schools, fire stations, and public libraries.

27 **Sec. 5.** RCW 29.07.120 and 1994 c 57 s 16 are each amended to read
28 as follows:

29 ~~((On each Monday next following the registration of any voter
30 each))~~ Once each week the county auditor shall transmit all cards
31 required by RCW 29.07.090 ~~((received in the auditor's office during the
32 prior week))~~ to the secretary of state ~~((for filing))~~. The secretary
33 of state may exempt a county auditor who is providing electronic voter
34 registration and electronic voter signature information to the
35 secretary of state from the requirements of this section.

1 **Sec. 6.** RCW 29.07.260 and 1994 c 57 s 21 are each amended to read
2 as follows:

3 (1) A person may register to vote (~~(or)~~), transfer a voter
4 registration, or change his or her name for voter registration purposes
5 when he or she applies for or renews a driver's license or
6 identification card under chapter 46.20 RCW.

7 (2) To register to vote (~~(or)~~), transfer ((a)) his or her voter
8 registration, or change his or her name for voter registration purposes
9 under this section, the applicant shall provide the following:

10 (a) His or her full name;

11 (b) Whether the address in the driver's license file is the same as
12 his or her residence for voting purposes;

13 (c) The address of the residence for voting purposes if it is
14 different from the address in the driver's license file;

15 (d) His or her mailing address if it is not the same as the address
16 in (c) of this subsection;

17 (e) Additional information on the geographic location of that
18 voting residence if it is only identified by route or box;

19 (f) The last address at which he or she was registered to vote in
20 this state;

21 (g) A declaration that he or she is a citizen of the United States;
22 and

23 (h) Any other information that the secretary of state determines is
24 necessary to establish the identity of the applicant and to prevent
25 duplicate or fraudulent voter registrations.

26 (3) The following warning shall appear in a conspicuous place on
27 the voter registration form:

28 "If you knowingly provide false information on this voter
29 registration form or knowingly make a false declaration about your
30 qualifications for voter registration you will have committed a class
31 C felony that is punishable by imprisonment for up to five years, or by
32 a fine of up to ten thousand dollars, or both imprisonment and fine."

33 (4) The applicant shall sign a portion of the form that can be used
34 as an initiative signature card for the verification of petition
35 signatures by the secretary of state and shall sign and attest to the
36 following oath:

37 "I declare that the facts on this voter registration form are true.
38 I am a citizen of the United States, I am not presently denied my civil

1 rights as a result of being convicted of a felony, I will have lived in
2 Washington at this address for thirty days before the next election at
3 which I vote, and I will be at least eighteen years old when I vote."

4 (5) The driver licensing agent shall record that the applicant has
5 requested to register to vote or transfer a voter registration.

6 **Sec. 7.** RCW 29.08.080 and 1993 c 434 s 8 are each amended to read
7 as follows:

8 The secretary of state shall furnish registration forms necessary
9 to carry out the registration of voters as provided by this chapter
10 without cost to the respective counties. ~~((However, costs incurred by
11 the secretary of state during 1994 and 1995 in the printing and
12 distribution of voter registration forms shall be reimbursed by the
13 counties. This cost shall be considered an election cost under RCW
14 29.13.045 and be prorated as part of the 1994 and 1995 general election
15 costs.))~~

16 **Sec. 8.** RCW 29.10.100 and 1994 c 57 s 43 are each amended to read
17 as follows:

18 ~~((On the Monday next following))~~ Once each week after the
19 cancellation of the registration of any voter or the change of name of
20 a voter, each county auditor ~~((must))~~ shall certify ~~((to))~~ all
21 cancellations or name changes ~~((made during the prior week))~~ to the
22 secretary of state. The certificate shall set forth the name of each
23 voter whose registration has been canceled or whose name was changed,
24 and the county, city or town, and precinct in which the voter was
25 registered.

26 **Sec. 9.** RCW 29.15.025 and 1993 c 317 s 10 are each amended to read
27 as follows:

28 (1) A person filing a declaration and affidavit of candidacy for an
29 office shall, at the time of filing, be a registered voter and possess
30 the qualifications specified by law for persons who may be elected to
31 the office.

32 (2) The name of a candidate for an office shall not appear on a
33 ballot for that office unless, except as provided in RCW 3.46.067 and
34 3.50.057, the candidate is, at the time the candidate's declaration and
35 affidavit of candidacy is filed, properly registered to vote in the
36 geographic area represented by the office. For the purposes of this

1 section, each geographic area in which registered voters may cast
2 ballots for an office is represented by that office. If a person
3 elected to an office must be nominated from a district or similar
4 division of the geographic area represented by the office, the name of
5 a candidate for the office shall not appear on a primary ballot for
6 that office unless the candidate is, at the time the candidate's
7 declaration and affidavit of candidacy is filed, properly registered to
8 vote in that district or division. The officer with whom declarations
9 and affidavits of candidacy must be filed under this title shall review
10 each such declaration filed regarding compliance with this subsection.

11 (3) This section does not apply to the office of a member of the
12 United States congress.

13 **Sec. 10.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read
14 as follows:

15 A filing fee of one dollar shall accompany each declaration of
16 candidacy for precinct committee officer; a filing fee of ten dollars
17 shall accompany the declaration of candidacy for any office with a
18 fixed annual salary of one thousand dollars or less; a filing fee equal
19 to one percent of the annual salary of the office at the time of filing
20 shall accompany the declaration of candidacy for any office with a
21 fixed annual salary of more than one thousand dollars per annum. No
22 filing fee need accompany a declaration of candidacy for any office for
23 which compensation is on a per diem or per meeting attended basis(~~(~~
24 ~~nor for the filing of any declaration of candidacy by a write-in~~
25 ~~candidate))~~).

26 A candidate who lacks sufficient assets or income at the time of
27 filing to pay the filing fee required by this section shall submit with
28 his or her declaration of candidacy a nominating petition. The
29 petition shall contain not less than a number of signatures of
30 registered voters equal to the number of dollars of the filing fee.
31 The signatures shall be of voters registered to vote within the
32 jurisdiction of the office for which the candidate is filing.

33 When the candidacy is for:

34 (1) A legislative or judicial office that includes territory from
35 more than one county, the fee shall be paid to the secretary of state
36 for equal division between the treasuries of the counties comprising
37 the district.

1 (2) A city or town office, the fee shall be paid to the county
2 auditor who shall transmit it to the city or town clerk for deposit in
3 the city or town treasury.

4 **Sec. 11.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read
5 as follows:

6 The names of the persons certified as nominees by the secretary of
7 state or the county canvassing board shall be printed on the ballot at
8 the ensuing election.

9 No name of any candidate whose nomination at a primary is required
10 by law shall be placed upon the ballot at a general or special election
11 unless it appears upon the certificate of either (1) the secretary of
12 state, or (2) the county canvassing board, or (3) a minor party
13 convention or the state or county central committee of a major
14 political party to fill a vacancy on its ticket under RCW 29.18.160.

15 Excluding the office of precinct committee officer or a temporary
16 elected position such as a charter review board member or freeholder,
17 a candidate's name shall not appear more than once upon a ballot for a
18 position regularly nominated or elected at the same election.

19 **Sec. 12.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read
20 as follows:

21 Any voter may apply, in writing, for status as an ongoing absentee
22 voter. Each qualified applicant shall automatically receive an
23 absentee ballot for each ensuing election for which he or she is
24 entitled to vote and need not submit a separate request for each
25 election. Ballots received from ongoing absentee voters shall be
26 validated, processed, and tabulated in the same manner as other
27 absentee ballots.

28 Status as an ongoing absentee voter shall be terminated upon any of
29 the following events:

- 30 (1) The written request of the voter;
31 (2) The death or disqualification of the voter;
32 (3) The cancellation of the voter's registration record; ((or))
33 (4) The return of an ongoing absentee ballot as undeliverable; or
34 (5) Upon placing a voter on inactive status under RCW 29.10.071.

35 **Sec. 13.** RCW 29.57.010 and 1985 c 205 s 1 are each amended to read
36 as follows:

1 The intent of this chapter is to ~~((implement Public Law 98-435~~
2 ~~which))~~ require~~((s))~~ state and local election officials~~((, wherever~~
3 ~~possible,))~~ to designate and use polling places in ~~((federal))~~ all
4 elections and permanent registration locations which are accessible to
5 elderly and handicapped persons. County auditors ~~((are encouraged to))~~
6 shall:

7 (1) Make modifications such as installation of temporary ramps or
8 relocation of polling places within buildings, where appropriate;

9 (2) Designate new, accessible polling places to replace those that
10 are inaccessible; and

11 (3) Continue to use polling places and voter registration locations
12 which are accessible to elderly and handicapped persons.

13 **Sec. 14.** RCW 29.57.070 and 1985 c 205 s 3 are each amended to read
14 as follows:

15 No later than April 1st of each even-numbered year ~~((until and~~
16 ~~including 1994))~~, each county auditor shall ~~((report))~~ submit to the
17 secretary of state~~((, on the form provided by the secretary of state,))~~
18 a list showing the number of ~~((all))~~ polling places in the county~~((,))~~
19 and specifying any that have been found inaccessible. The auditor
20 shall indicate the reasons for inaccessibility, and what efforts have
21 been made pursuant to this chapter to locate alternative polling places
22 or to make the existing facilities temporarily accessible. ~~((Each~~
23 ~~county auditor shall notify the secretary of state of any changes in~~
24 ~~polling place locations before the next state general election,~~
25 ~~including any changes required due to alteration of precinct~~
26 ~~boundaries.))~~

27 If a county auditor's list shows, for two consecutive reporting
28 periods, that no polling places have been found inaccessible, the
29 auditor need not submit further reports unless the secretary of state
30 specifically reinstates the requirement for that county. Notice of
31 reinstatement must be in writing and delivered at least sixty days
32 before the reporting date.

33 **Sec. 15.** RCW 29.57.090 and 1985 c 205 s 5 are each amended to read
34 as follows:

35 The secretary of state shall establish procedures to assure that,
36 in any ~~((state))~~ primary or ~~((state general))~~ election ~~((in an even-~~
37 ~~numbered year))~~, any handicapped or elderly voter assigned to an

1 inaccessible polling place will, upon advance request of that voter,
2 either be permitted to vote at an alternative accessible polling place
3 not overly inconvenient to that voter or be provided with an
4 alternative means of casting a ballot on the day of the primary or
5 election. The county auditor shall make any accommodations in voting
6 procedures necessary to allow the use of alternative polling places by
7 elderly or handicapped voters under this section.

8 **Sec. 16.** RCW 29.57.100 and 1985 c 205 s 6 are each amended to read
9 as follows:

10 Each polling place (~~(for a state primary or state general election~~
11 ~~in an even numbered year shall)~~) must be accessible unless:

12 (1) The (~~secretary of state has reviewed that polling place,~~)
13 county auditor has determined that it is inaccessible, that no
14 alternative accessible polling place is available, that no temporary
15 modification of that polling place or any alternative polling place is
16 possible, and that the county auditor has complied with the procedures
17 established under RCW 29.57.090; or

18 (2) The secretary of state determines that a state of emergency
19 exists that would otherwise interfere with the efficient administration
20 of (~~that~~) the primary or election.

21 **Sec. 17.** RCW 29.57.130 and 1985 c 205 s 9 are each amended to read
22 as follows:

23 (1) Each county auditor shall provide voting and registration
24 instructions, printed in large type, to be conspicuously displayed at
25 each polling place and permanent registration facility.

26 (2) The (~~secretary of state~~) county auditor shall make
27 information available for deaf persons throughout the state by
28 telecommunications.

29 **Sec. 18.** RCW 29.57.140 and 1985 c 205 s 10 are each amended to
30 read as follows:

31 The (~~secretary of state~~) county auditor shall provide public
32 notice of the availability of registration and voting aids, assistance
33 to elderly and handicapped persons (~~(under RCW 29.51.200 and 42 U.S.C.~~
34 ~~Section 1973aa-6)~~), and procedures for voting by absentee ballot
35 calculated to reach elderly and handicapped persons not later than
36 public notice of the closing of registration for (~~the state~~) a

1 primary (~~and state general~~) or election (~~in each even numbered~~
2 ~~year~~)).

3 **Sec. 19.** RCW 29.57.150 and 1985 c 205 s 11 are each amended to
4 read as follows:

5 Each county auditor shall include a notice of the accessibility of
6 polling places in the notice of election published under RCW 29.27.030
7 and 29.27.080 (~~for the state primary and state general election in~~
8 ~~each even numbered year~~)).

9 **Sec. 20.** RCW 29.57.160 and 1985 c 205 s 12 are each amended to
10 read as follows:

11 (1) County auditors shall seek alternative polling places or other
12 low-cost alternatives including, but not limited to, procedural changes
13 and assistance from local disabled groups, service organizations, and
14 other private sources before incurring costs for modifications under
15 this chapter (~~and Public Law 98-435~~)).

16 (2) (~~In a state primary or state general election in an even-~~
17 ~~numbered year,~~) The cost of those modifications to buildings or other
18 facilities, including signs designating handicapped accessible parking
19 and entrances, that are necessary to permit the use of those facilities
20 for polling places under this chapter (~~and Public Law 98-435~~) or any
21 procedures established under RCW 29.57.090 shall be treated as election
22 costs and prorated under RCW 29.13.045.

23 **Sec. 21.** RCW 29.62.090 and 1990 c 262 s 1 are each amended to read
24 as follows:

25 (1) Immediately after the official results of a state primary or
26 general election in a county are ascertained, the county auditor or
27 other election officer shall make an abstract of the number of
28 registered voters in each precinct and of all the votes cast in the
29 county at such state primary or general election for and against state
30 measures and for each candidate for federal, state, and legislative
31 office or for any other office which the secretary of state is required
32 by law to canvass. The abstract shall be entered on blanks furnished
33 by the secretary of state or on compatible computer printouts approved
34 by the secretary of state, and transmitted to the secretary of state no
35 later than the next business day following the certification by the
36 county canvassing board.

1 (2) After each general election (~~in an even-numbered year~~), the
2 county auditor or other election officer shall provide to the secretary
3 of state a report of the number of absentee ballots cast in each
4 precinct for and against state measures and for each candidate for
5 federal, state, and legislative office or for any other office which
6 the secretary of state is required by law to canvass. The report may
7 be included in the abstract required by this section or may be
8 transmitted to the secretary of state separately, but in no event later
9 than March 31 of the year following the election. Absentee ballot
10 results may be incorporated into votes cast at the polls for each
11 precinct or may be reported separately on a precinct-by-precinct basis.

12 (3) If absentee ballot results are not incorporated into votes cast
13 at the polls, the county auditor or other election official may
14 aggregate results from more than one precinct if the auditor, pursuant
15 to rules adopted by the secretary of state, finds that reporting a
16 single precinct's absentee ballot results would jeopardize the secrecy
17 of a person's ballot. To the extent practicable, precincts for which
18 absentee results are aggregated shall be contiguous.

19 NEW SECTION. **Sec. 22.** The following acts or parts of acts are
20 each repealed:

- 21 (1) RCW 29.57.030 and 1985 c 205 s 2 & 1979 ex.s. c 64 s 3;
22 (2) RCW 29.57.080 and 1985 c 205 s 4;
23 (3) RCW 29.57.110 and 1985 c 205 s 7; and
24 (4) RCW 29.57.120 and 1985 c 205 s 8."

25 **SHB 1291** - S COMM AMD
26 By Committee on State & Local Government

27 ADOPTED 4/15/99

28 On page 1, line 1 of the title, after "laws;" strike remainder of
29 the title and insert "amending RCW 29.04.050, 29.04.120, 29.04.170,
30 29.07.010, 29.07.120, 29.07.260, 29.08.080, 29.10.100, 29.15.025,
31 29.15.050, 29.30.101, 29.36.013, 29.57.010, 29.57.070, 29.57.090,
32 29.57.100, 29.57.130, 29.57.140, 29.57.150, 29.57.160, and 29.62.090;
33 and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120."

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