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HOUSE BILL 1197

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Pennington and Hurst

Read first time 01/19/1999. Referred to Committee on State Government.

1            AN ACT Relating to elections; amending RCW 29.15.025, 29.01.140,  
2 and 29.85.100; and adding a new section to chapter 29.85 RCW.

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

4            **Sec. 1.** RCW 29.15.025 and 1993 c 317 s 10 are each amended to read  
5 as follows:

6            (1) A person filing a declaration and affidavit of candidacy for an  
7 office (~~shall~~) must, at the time of filing, possess the  
8 qualifications specified by law for persons who may be elected to the  
9 office and, except as provided in RCW 3.46.067 and 3.50.057, must have  
10 been properly registered to vote in the geographic area represented by  
11 the office for at least one year before the date of filing the  
12 declaration and affidavit of candidacy.

13            (2) The name of a candidate for an office shall not appear on a  
14 ballot for that office unless, except as provided in RCW 3.46.067 and  
15 3.50.057, the candidate (~~is~~) has been, at the time the candidate's  
16 declaration and affidavit of candidacy is filed, properly registered to  
17 vote in the geographic area represented by the office for at least one  
18 year before the date of filing the declaration and affidavit of  
19 candidacy. (~~For the purposes of this section, each geographic area in~~

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

11 (3) For purposes of this section, the term "geographic area" means  
12 the county, city, town, or district represented by the office or, where  
13 wards or similar divisions within a larger geographic area are used for  
14 nomination or election purposes, the ward or similar division  
15 represented by the office. The time an eighteen year old resided in  
16 the geographic area immediately before registering to vote must be  
17 included in computing the one-year period under subsections (1) and (2)  
18 of this section.

19 (4) This section does not apply to the office of a member of the  
20 United States Congress.

21 **Sec. 2.** RCW 29.01.140 and 1971 ex.s. c 178 s 1 are each amended to  
22 read as follows:

23 "Residence" for the purpose of registering and voting means a  
24 person's permanent address where he or she physically resides and  
25 maintains his or her abode(~~(: PROVIDED, That))~~ and domicile. However,  
26 no person gains residence by reason of his or her presence or loses his  
27 or her residence by reason of his or her absence:

28 (1) While employed in the civil or military service of the state or  
29 of the United States;

30 (2) While engaged in the navigation of the waters of this state or  
31 the United States or the high seas;

32 (3) While a student at any institution of learning;

33 (4) While confined in any public prison.

34 Absence from the state on business (~~(shall))~~ does not affect the  
35 question of residence of any person unless the right to vote has been  
36 claimed or exercised elsewhere.

1       **Sec. 3.** RCW 29.85.100 and 1991 c 81 s 8 are each amended to read  
2 as follows:

3       Every person who:

4       (1) Knowingly and falsely issues a certificate of nomination or  
5 election; or

6       (2) Knowingly provides false information on a certificate which  
7 must be filed with an elections officer under chapter 29.24 RCW; or

8       (3) Knowingly provides false information on his or her declaration  
9 and affidavit of candidacy or petition of nomination for an office; or

10       (4) Conceals or fraudulently defaces or destroys a certificate  
11 which has been filed with an elections officer under chapter 29.24 RCW  
12 or a declaration of candidacy or petition of nomination which has been  
13 filed with an elections officer, or any part of such a certificate,  
14 declaration, or petition, is guilty of a class C felony punishable  
15 under RCW 9A.20.021.

16       NEW SECTION. **Sec. 4.** A new section is added to chapter 29.85 RCW  
17 to read as follows:

18       Regular law enforcement officers of the jurisdiction where a crime  
19 established under this title allegedly has occurred, including the  
20 sheriff, deputy sheriffs, police chief, police officers, town marshal,  
21 and deputy town marshals, are responsible for investigating these  
22 alleged crimes.

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