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**SUBSTITUTE HOUSE BILL 1291**

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**State of Washington****56th Legislature****1999 Regular Session**

**By** House Committee on State Government (originally sponsored by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn)

Read first time 03/02/1999.

1       AN ACT Relating to election laws; amending RCW 29.04.050,  
2 29.04.120, 29.04.170, 29.07.010, 29.07.120, 29.07.260, 29.08.080,  
3 29.10.100, 29.15.025, 29.15.050, 29.30.101, 29.36.013, 29.57.010,  
4 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, and  
5 29.57.160; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and  
6 29.57.120.

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

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

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

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

15       (3) Except as provided in this subsection, changes to the  
16 boundaries of any precinct shall follow visible, physical features  
17 delineated on the most current maps provided by the United States  
18 census bureau. A change need not follow such visible, physical  
19 features if (a) it is necessitated by an annexation or incorporation

1 and the proposed precinct boundary is identical to an exterior boundary  
2 of the annexed or incorporated area which does not follow a visible,  
3 physical feature; or (b) doing so would substantially impair election  
4 administration in the involved area.

5 (4) After a change to precinct boundaries is adopted by the county  
6 legislative authority, the county auditor shall send to the secretary  
7 of state a copy of the legal description and a map or maps of the  
8 changes and, if all or part of the changes do not follow visible,  
9 physical features, a statement of the applicable exception under  
10 subsection (3) of this section. For boundary changes made pursuant to  
11 subsection (3)(b) of this section, the auditor shall include a  
12 statement of the reasons why following visible, physical features would  
13 have substantially impaired election administration.

14 (5) Every voting precinct within each county shall be designated  
15 ((consecutively)) by number for the purpose of preparation of maps and  
16 the tabulation of population for apportionment purposes. These  
17 precincts may be identified with names or other numbers for other  
18 election purposes.

19 (6) After a change to precinct boundaries in a city or town, the  
20 county auditor shall send one copy of the map or maps delineating the  
21 new precinct boundaries within that city or town to the city or town  
22 clerk.

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

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

29 (1) Any person who uses registered voter data furnished under RCW  
30 29.04.100 or 29.04.110 for the purpose of mailing or delivering any  
31 advertisement or offer for any property, establishment, organization,  
32 product, or service or for the purpose of mailing or delivering any  
33 solicitation for money, services, or anything of value shall be guilty  
34 of a felony punishable by imprisonment in a state correctional facility  
35 for a period of not more than five years or a fine of not more than  
36 ((five)) ten thousand dollars or both such fine and imprisonment, and  
37 shall be liable to each person provided such advertisement or  
38 solicitation, without the person's consent, for the nuisance value of

1 such person having to dispose of it, which value is herein established  
2 at five dollars for each item mailed or delivered to the person's  
3 residence: PROVIDED, That any person who mails or delivers any  
4 advertisement, offer or solicitation for a political purpose shall not  
5 be liable under this section, unless the person is liable under  
6 subsection (2) of this section. For purposes of this subsection, two  
7 or more attached papers or sheets or two or more papers which are  
8 enclosed in the same envelope or container or are folded together shall  
9 be deemed to constitute one item. Merely having a mailbox or other  
10 receptacle for mail on or near the person's residence shall not be any  
11 indication that such person consented to receive the advertisement or  
12 solicitation. A class action may be brought to recover damages under  
13 this section and the court may award a reasonable attorney's fee to any  
14 party recovering damages under this section.

15 (2) It shall be the responsibility of each person furnished data  
16 under RCW 29.04.100 or 29.04.110 to take reasonable precautions  
17 designed to assure that the data is not used for the purpose of mailing  
18 or delivering any advertisement or offer for any property,  
19 establishment, organization, product or service or for the purpose of  
20 mailing or delivering any solicitation for money, services, or anything  
21 of value: PROVIDED, That such data may be used for any political  
22 purpose. Where failure to exercise due care in carrying out this  
23 responsibility results in the data being used for such purposes, then  
24 such person shall be jointly and severally liable for damages under the  
25 provisions of subsection (1) of this section along with any other  
26 person liable under subsection (1) of this section for the misuse of  
27 such data.

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

30 (1) The legislature finds that certain laws are in conflict  
31 governing the election of various local officials. The purpose of  
32 ((this legislation)) chapter 126, Laws of 1979 ex. sess. is to provide  
33 a common date for the assumption of office for all the elected  
34 officials of counties, cities, towns, and special purpose districts  
35 other than school districts where the ownership of property is not a  
36 prerequisite of voting. A person elected to the office of school  
37 director begins his or her term of office at the first official meeting  
38 of the board of directors after certification of the election results.

1 It is also the purpose of ((this legislation)) chapter 126, Laws of  
2 1979 ex. sess. to remove these conflicts and delete old statutory  
3 language concerning such elections which is no longer necessary.

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

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

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

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

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

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

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

26 (1) In all counties, the county auditor shall be the chief  
27 registrar of voters for every precinct within the county. The auditor  
28 may appoint a registration assistant for each precinct or group of  
29 precincts and shall appoint city or town clerks as registration  
30 assistants to assist in registering persons residing in cities, towns,  
31 and rural precincts within the county.

32 (2) In addition, the auditor may appoint a registration assistant  
33 for each common school. The auditor may appoint a registration  
34 assistant for each fire station. ((All common schools, fire stations,  
35 and public libraries shall make voter registration application forms  
36 available to the public.))

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

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

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

11       ((On each Monday next following the registration of any voter  
12 each)) Once each week the county auditor shall transmit all cards  
13 required by RCW 29.07.090 ((received in the auditor's office during the  
14 prior week)) to the secretary of state ((for filing)). The secretary  
15 of state may exempt a county auditor who is providing electronic voter  
16 registration and electronic voter signature information to the  
17 secretary of state from the requirements of this section.

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

20       (1) A person may register to vote ((or))\_ transfer a voter  
21 registration, or change his or her name for voter registration purposes  
22 when he or she applies for or renews a driver's license or  
23 identification card under chapter 46.20 RCW.

24       (2) To register to vote ((or))\_ transfer ((a)) his or her voter  
25 registration, or change his or her name for voter registration purposes  
26 under this section, the applicant shall provide the following:

27       (a) His or her full name;

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

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

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

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

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

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

2 and

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

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

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

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

17       "I declare that the facts on this voter registration form are true.  
18 I am a citizen of the United States, I am not presently denied my civil  
19 rights as a result of being convicted of a felony, I will have lived in  
20 Washington at this address for thirty days before the next election at  
21 which I vote, and I will be at least eighteen years old when I vote."

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

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

26       The secretary of state shall furnish registration forms necessary  
27 to carry out the registration of voters as provided by this chapter  
28 without cost to the respective counties. ((However, costs incurred by  
29 the secretary of state during 1994 and 1995 in the printing and  
30 distribution of voter registration forms shall be reimbursed by the  
31 counties. This cost shall be considered an election cost under RCW  
32 29.13.045 and be prorated as part of the 1994 and 1995 general election  
33 costs.))

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

1       ((On the Monday next following)) Once each week after the  
2 cancellation of the registration of any voter or the change of name of  
3 a voter, each county auditor ((must)) shall certify ((to)) all  
4 cancellations or name changes ((made during the prior week)) to the  
5 secretary of state. The certificate shall set forth the name of each  
6 voter whose registration has been canceled or whose name was changed,  
7 and the county, city or town, and precinct in which the voter was  
8 registered.

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

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

15       (2) The name of a candidate for an office shall not appear on a  
16 ballot for that office unless, except as provided in RCW 3.46.067 and  
17 3.50.057, the candidate is, at the time the candidate's declaration and  
18 affidavit of candidacy is filed, properly registered to vote in the  
19 geographic area represented by the office. For the purposes of this  
20 section, each geographic area in which registered voters may cast  
21 ballots for an office is represented by that office. If a person  
22 elected to an office must be nominated from a district or similar  
23 division of the geographic area represented by the office, the name of  
24 a candidate for the office shall not appear on a primary ballot for  
25 that office unless the candidate is, at the time the candidate's  
26 declaration and affidavit of candidacy is filed, properly registered to  
27 vote in that district or division. The officer with whom declarations  
28 and affidavits of candidacy must be filed under this title shall review  
29 each such declaration filed regarding compliance with this subsection.

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

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

34       A filing fee of one dollar shall accompany each declaration of  
35 candidacy for precinct committee officer; a filing fee of ten dollars  
36 shall accompany the declaration of candidacy for any office with a  
37 fixed annual salary of one thousand dollars or less; a filing fee equal

1 to one percent of the annual salary of the office at the time of filing  
2 shall accompany the declaration of candidacy for any office with a  
3 fixed annual salary of more than one thousand dollars per annum. No  
4 filing fee need accompany a declaration of candidacy for any office for  
5 which compensation is on a per diem or per meeting attended basis((-,  
6 nor for the filing of any declaration of candidacy by a write-in  
7 candidate)).

8 A candidate who lacks sufficient assets or income at the time of  
9 filing to pay the filing fee required by this section shall submit with  
10 his or her declaration of candidacy a nominating petition. The  
11 petition shall contain not less than a number of signatures of  
12 registered voters equal to the number of dollars of the filing fee.  
13 The signatures shall be of voters registered to vote within the  
14 jurisdiction of the office for which the candidate is filing.

15 When the candidacy is for:

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

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

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

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

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

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

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

3       Any voter may apply, in writing, for status as an ongoing absentee  
4 voter. Each qualified applicant shall automatically receive an  
5 absentee ballot for each ensuing election for which he or she is  
6 entitled to vote and need not submit a separate request for each  
7 election. Ballots received from ongoing absentee voters shall be  
8 validated, processed, and tabulated in the same manner as other  
9 absentee ballots.

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

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

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

19       The intent of this chapter is to ((implement Public Law 98-435  
20 which)) require((s)) state and local election officials((, wherever  
21 possible,)) to designate and use polling places in ((federal)) all  
22 elections and permanent registration locations which are accessible to  
23 elderly and handicapped persons. County auditors ((are encouraged to))  
24 shall:

- 25       (1) Make modifications such as installation of temporary ramps or  
26 relocation of polling places within buildings, where appropriate;
- 27       (2) Designate new, accessible polling places to replace those that  
28 are inaccessible; and
- 29       (3) Continue to use polling places and voter registration locations  
30 which are accessible to elderly and handicapped persons.

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

33       No later than April 1st of each even-numbered year ((until and  
34 including 1994)), each county auditor shall ((report)) submit to the  
35 secretary of state((, on the form provided by the secretary of state,))  
36 a list showing the number of ((all)) polling places in the county((,))  
37 and specifying any that have been found inaccessible. The auditor

1 shall indicate the reasons for inaccessibility, and what efforts have  
2 been made pursuant to this chapter to locate alternative polling places  
3 or to make the existing facilities temporarily accessible. ((Each  
4 county auditor shall notify the secretary of state of any changes in  
5 polling place locations before the next state general election,  
6 including any changes required due to alteration of precinct  
7 boundaries.))

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

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

16       The secretary of state shall establish procedures to assure that,  
17 in any ((state)) primary or ((state general)) election ((in an even-  
18 numbered year)), any handicapped or elderly voter assigned to an  
19 inaccessible polling place will, upon advance request of that voter,  
20 either be permitted to vote at an alternative accessible polling place  
21 not overly inconvenient to that voter or be provided with an  
22 alternative means of casting a ballot on the day of the primary or  
23 election. The county auditor shall make any accommodations in voting  
24 procedures necessary to allow the use of alternative polling places by  
25 elderly or handicapped voters under this section.

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

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

30       (1) The ((secretary of state has reviewed that polling place,))  
31 county auditor has determined that it is inaccessible, that no  
32 alternative accessible polling place is available, that no temporary  
33 modification of that polling place or any alternative polling place is  
34 possible, and that the county auditor has complied with the procedures  
35 established under RCW 29.57.090; or

1       (2) The secretary of state determines that a state of emergency  
2 exists that would otherwise interfere with the efficient administration  
3 of ((that)) the primary or election.

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

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

9       (2) The ((secretary of state)) county auditor shall make  
10 information available for deaf persons throughout the state by  
11 telecommunications.

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

14       The ((secretary of state)) county auditor shall provide public  
15 notice of the availability of registration and voting aids, assistance  
16 to elderly and handicapped persons ((under RCW 29.51.200 and 42 U.S.C.  
17 Section 1973aa-6)), and procedures for voting by absentee ballot  
18 calculated to reach elderly and handicapped persons not later than  
19 public notice of the closing of registration for ((the state)) a  
20 primary ((and state general)) or election ((in each even-numbered  
21 year)).

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

24       Each county auditor shall include a notice of the accessibility of  
25 polling places in the notice of election published under RCW 29.27.030  
26 and 29.27.080 ((for the state primary and state general election in  
27 each even-numbered year)).

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

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

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

8       NEW SECTION.   **Sec. 21.**   The following acts or parts of acts are  
9 each repealed:

- 10       (1) RCW 29.57.030 and 1985 c 205 s 2 & 1979 ex.s. c 64 s 3;  
11       (2) RCW 29.57.080 and 1985 c 205 s 4;  
12       (3) RCW 29.57.110 and 1985 c 205 s 7; and  
13       (4) RCW 29.57.120 and 1985 c 205 s 8.

--- END ---